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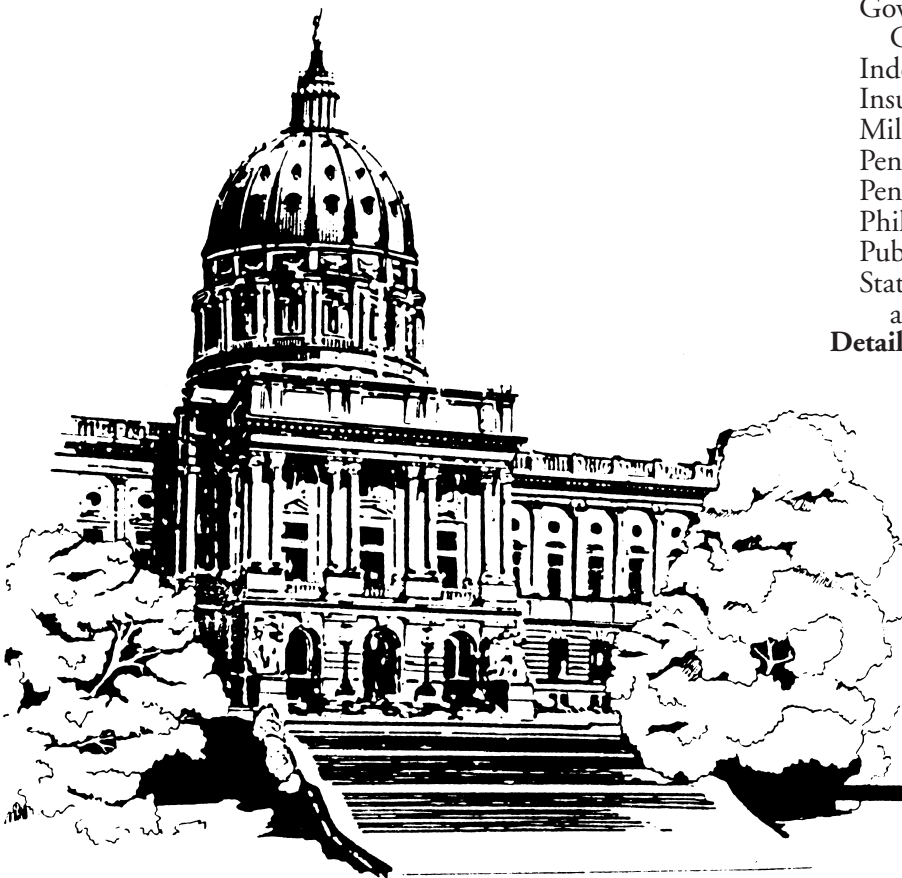
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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2013.

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THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 19]

Amendment of Rules 1921, 1926, 1931, 1951 and 1952 of the Rules of Appellate Procedure; No. 227 Appellate Procedural Rules Doc.

Order

Per Curiam

And Now, this 9th day of May, 2013, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been published for public comment at 40 Pa.B. 2741 (May 29, 2010) and revised and republished at 42 Pa.B. 1986 (April 14, 2012):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rules of Appellate Procedure 1921, 1926, 1931, 1951 and 1952 are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and the amendments herein shall be effective to appeals and petitions for review filed 30 days after adoption.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 19. PREPARATION AND TRANSMISSION OF RECORD AND RELATED MATTERS

RECORD ON APPEAL FROM LOWER COURT

Rule 1921. Composition of Record on Appeal.

The original papers and exhibits filed in the lower court, [**hard**] paper copies of legal papers filed with the prothonotary by means of electronic filing, the transcript of proceedings, if any, and a certified copy of the docket entries prepared by the clerk of the lower court shall constitute the record on appeal in all cases.

Official Note: [The rule is intended as a codification of present practice.] An appellate court may consider only the facts which have been duly certified in the record on appeal. *Commonwealth v. Young*, 456 Pa. 102, 115, 317 A.2d 258, 264 (1974). All involved in the appellate process have a duty to take steps necessary to assure that the appellate court has a complete record on appeal, so that the appellate court has the materials necessary to review the issues raised on appeal. Ultimate responsibility for a complete record rests with the party raising an issue that requires appellate court access to record materials. See, e.g., *Commonwealth v. Williams*, 552 Pa.

451, 460, 715 A.2d 1101, 1106 (1998) (addressing obligation of appellant to purchase transcript and ensure its transmission to the appellate court). Rule 1931 (c) and (f) afford a “safe harbor” from waiver of issues based on an incomplete record. Parties may rely on the list of documents transmitted to the appellate court and served on the parties. If the list shows that the record transmitted is incomplete, the parties have an obligation to supplement the record pursuant to Rule 1926 (correction or modification of the record) or other mechanisms in Chapter 19. If the list shows that the record transmitted is complete, but it is not, the omission shall not be a basis for the appellate court to find waiver. This principle is consistent with the Supreme Court’s determination in *Commonwealth v. Brown*, ___ Pa. ___, 52 A.3d 1139, 1145 n.4 (2012) that where the accuracy of a pertinent document is undisputed, the Court could consider that document if it was in the Reproduced Record, even though it was not in the record that had been transmitted to the Court. Further, if the appellate court determines that something in the original record or otherwise presented to the trial court is necessary to decide the case and is not included in the certified record, the appellate court may, upon notice to the parties, request it from the trial court *sua sponte* and supplement the certified record following receipt of the missing item. See Rule 1926 (correction or modification of the record).

[Explanatory Comment—2008

Pa.R.C.P. No. 205.4(a)(1) authorizes a court by local rule to permit or require electronic filing of legal papers with the prothonotary. Therefore, the amendment to Rule 1921 provides that where such electronic filing is utilized, hard copies of legal papers electronically filed shall become part of the record on appeal.]

Rule 1926. Correction or Modification of the Record.

[If any difference arises as to whether the record truly discloses what occurred in the lower court, the difference shall be submitted to and settled by that court after notice to the parties and opportunity for objection, and the record made to conform to the truth. If anything material to either party is omitted from the record by error or accident or is misstated therein, the parties by stipulation, or the lower court either before or after the record is transmitted to the appellate court, or the appellate court, on proper suggestion or of its own initiative, may direct that the omission or misstatement be corrected, and if necessary that a supplemental record be certified and transmitted. All other questions as to the form and content of the record shall be presented to the appellate court.

Official Note: Based on former Supreme Court Rule 63 and former Superior Court Rule 54. This rule is intended to close a gap in the prior practice whereby the lower court could not correct an error

discovered in writing an opinion under Rule 1925 (opinion in support of order). This rule does not enlarge the power of the lower court to rewrite the record but, together with Rule 1922(c) (certification and filing), merely postpones the reading and correction by the trial judge of an unobjected to transcript (except for the charge to the jury in criminal proceedings) from the transcription stage to the opinion writing stage, so as to conform to actual practice.]

(a) If any difference arises as to whether the record truly discloses what occurred in the trial court, the difference shall be submitted to and settled by that court after notice to the parties and opportunity for objection, and the record made to conform to the truth.

(b) If anything material to a party is omitted from the record by error, breakdown in processes of the court, or accident or is misstated therein, the omission or misstatement may be corrected by the following means:

(1) by the trial court or the appellate court upon application or on its own initiative at any time; in the event of correction or modification by the trial court, that court shall direct that a supplemental record be certified and transmitted if necessary; or

(2) by the parties by stipulation filed in the trial court, in which case, if the trial court clerk has already certified the record, the parties shall file in the appellate court a copy of any stipulation filed pursuant to this rule, and the trial court clerk shall certify and transmit as a supplemental record the materials described in the stipulation.

(c) The trial court clerk shall transmit any supplemental record required by this rule within 14 days of the order or stipulation that requires it.

(d) All other questions as to the form and content of the record shall be presented to the appellate court.

Official Note: The stipulation described in this rule need not be approved by the trial court or the appellate court, but both courts retain the authority to strike any stipulation that does not correct an omission or misstatement in the record.

Rule 1931. Transmission of the Record.

* * * * *

(c) *Duty of clerk to transmit the record.*—When the record is complete for purposes of the appeal, the clerk of the lower court shall transmit it to the prothonotary of the appellate court. The clerk of the lower court shall number the documents comprising the record and shall transmit with the record a list of the documents correspondingly numbered and identified with [reasonable definiteness] sufficient specificity to allow the parties on appeal to identify each document and to determine whether the record on appeal is complete. Documents of unusual bulk or weight and physical exhibits other than documents shall not be transmitted by the clerk unless he or she is directed to do so by a party or by the prothonotary of the appellate court. A party must make advance arrangements with the clerk for the transportation and receipt of exhibits of unusual

bulk or weight. Transmission of the record is effected when the clerk of the lower court mails or otherwise forwards the record to the prothonotary of the appellate court. The clerk of the lower court shall indicate, by endorsement on the face of the record or otherwise, the date upon which the record is transmitted to the appellate court.

(d) *Service of the list of record documents.*—The clerk of the lower court shall, at the time of the transmittal of the record to the appellate court, mail a copy of the list of record documents to all counsel of record, or if unrepresented by counsel, to the parties at the address they have provided to the clerk. The clerk shall note on the docket the giving of such notice.

(e) *Multiple appeals.*—Where more than one appeal is taken from the same order, it shall be sufficient to transmit a single record, without duplication.

(f) *Inconsistency between list of record documents and documents actually transmitted.*—If the clerk of the lower court fails to transmit to the appellate court all of the documents identified in the list of record documents, such failure shall be deemed a breakdown in processes of the court. Any omission shall be corrected promptly pursuant to Rule 1926 (correction or modification of the record) and shall not be the basis for any penalty against a party.

Official Note: [Former Supreme Court Rule 22 required the record to be returned forthwith. See also former Superior Court Rule 50 and former Commonwealth Court Rules 22 and 23.] Rule 1926 (correction or modification of the record) provides the means to resolve any disagreement between the parties as to what should be included in the record on appeal.

[Explanatory Comment—2007

The 2007 amendment expands the time period for the trial court to transmit the certified record, including any opinions drafted pursuant to Pa.R.A.P. 1925(a), from forty to sixty days. The appellate court retains the ability to establish a shorter (or longer) period of time for the transmittal of the record in any class or classes of cases.]

RECORD ON PETITION FOR REVIEW OF ORDERS OF GOVERNMENT UNITS OTHER THAN COURTS

Rule 1951. Record below in Proceedings on Petition for Review.

* * * * *

(b) *Omissions from or misstatements of the record below.*—If anything material to any party is omitted from the record or is misstated therein, the parties may at any time supply the omission or correct the misstatement by stipulation, or the court may at any time direct that the omission or misstatement be corrected and, if necessary, that a supplemental record be prepared and filed. **Failure of the agency to transmit part of the record of agency proceedings to the appellate court shall not be the basis for a finding of waiver.**

* * * * *

Rule 1952. Filing of Record in Response to Petition for Review.

(a) *Time and notice.*—Where under the applicable law the question raised by a petition for review may be determined in whole or in part upon the record before the government unit, the government unit shall file the

record with the prothonotary of the court named in the petition for review within 40 days after service upon it of the petition. The court may shorten or extend the time prescribed in this subdivision. The prothonotary shall give notice to all parties of the date on which the record is filed.

(b) *Certificate of record.*—The government unit shall certify the contents of the record **and a list of all documents, transcripts of testimony, exhibits and other material comprising the record.** The government unit shall (1) arrange the documents to be certified in chronological order, (2) number them, and (3) affix to the right or bottom edge of the first page of each document a tab showing the number of that document. These shall be bound and shall contain a table of contents identifying each document in the record. The certificate shall be made by the head, chairman, deputy or secretary of the government unit. The government unit may file the entire record or such parts thereof as the parties may designate by stipulation filed with the government unit. The original papers in the government unit or certified copies thereof may be filed. Instead of filing the record or designated parts thereof, the government unit may file a certified list of all documents, transcripts of testimony, exhibits and other material comprising the record, or a certified list of such parts thereof as the parties may designate, adequately describing each, and the filing of the certified list shall constitute filing of the record. The parties may stipulate that neither the record nor a certified list be filed with the court. The stipulation shall be filed with the prothonotary of the court, and the date of its filing shall be deemed the date on which the record is filed. If a certified list is filed, or if the parties designate only parts of the record for filing or stipulate that neither the record nor a certified list be filed, the government unit shall retain the record or parts thereof. Upon request of the court or the request of a party, the record or any part thereof thus retained shall be transmitted to the court notwithstanding any prior stipulation. All parts of the record retained by the government unit shall be a part of the record on review for all purposes.

(c) *Notice to counsel of contents of certified record.*—At the time of transmission of the record to the appellate court, the government unit shall send a copy of the list of the contents of the certified record to all counsel of record, or, if a party is unrepresented by counsel, to that party at the address provided to the government unit.

Official Note: [Based in part upon former Commonwealth Court Rules 22, 23 and 32A (second sentence). The time within which the record must be certified has been increased from 20 days to 40 days to conform to Rule 1931 (transmission of the record).] The addition of subdivision (c) in 2012 requires government units other than courts to notify counsel of the contents of the certified record. This is an extension of the requirement in Rule 1931 (transmission of the record) that trial courts give such notice.

[Pa.B. Doc. No. 13-946. Filed for public inspection May 24, 2013, 9:00 a.m.]

SUPREME COURT

Reestablishment of the Magisterial Districts within the 10th Judicial District; No. 356 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 9th day of May, 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 10th Judicial District (Westmoreland County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the elimination of Magisterial District 10-2-08, within Westmoreland County, to be effective January 1, 2018, is granted; and that the Petition, which provides for the realignment of Magisterial Districts 10-1-01, 10-2-01, 10-2-10, and 10-3-10 within Westmoreland County, to be effective September 1, 2013, is granted; and that the Petition, which also provides for the realignment of Magisterial Districts 10-1-03, 10-2-06, 10-3-08, 10-3-09, and 10-3-11 within Westmoreland County, to be effective January 1, 2018, is granted; and that the Petition, which also provides for the further realignment of Magisterial District 10-2-01, within Westmoreland County, to be effective January 1, 2018, is granted; and that the Petition, which also provides for the reestablishment of Magisterial Districts 10-1-04, 10-1-05, 10-2-03, 10-2-09, 10-3-02, and 10-3-05, within Westmoreland County, to be effective immediately, is granted.

Said Magisterial Districts shall be as follows:

Magisterial District 10-1-01 Magisterial District Judge Joseph R. DeMarchis	City of Jeannette Adamsburg Borough Penn Borough Hempfield Township (Voting Districts Alwine, East Adamsburg, Grapeville, High Park, Valley, Wegley, and West Hempfield)
Magisterial District 10-1-03 Magisterial District Judge Joseph A. Dalfonso	City of Monessen North Belle Vernon Borough Rostraver Township (Voting Districts Pricedale & Webster)
Magisterial District 10-1-04 Magisterial District Judge Cheryl J. Peck-Yakopec	City of Lower Burrell East Vandergrift Borough Hyde Park Borough Oklahoma Borough Vandergrift Borough West Leechburg Borough Allegheny Township Upper Burrell Township
Magisterial District 10-1-05 Magisterial District Judge Frank J. Pallone, Jr.	City of Arnold City of New Kensington

Magisterial District 10-2-01 Magisterial District Judge James N. Falcon	South Greensburg Borough Southwest Greensburg Borough Hempfield Township (Voting Districts Bovard, Eastview, Foxhill, Hannastown, Luxor, Maplewood, Todd, University, Weaver's Old Stand, West Point) Unity Township (Voting Districts Crabtree, Dennison, Kuhns, Marguerite, and Mutual) Youngwood Borough	Magisterial District 10-3-09 Magisterial District Judge Denise Snyder Thiel	Bolivar Borough Laurel Mountain Borough Ligonier Borough New Florence Borough Seward Borough Youngstown Borough Cook Township Fairfield Township Ligonier Township St. Clair Township Unity Township (Voting Districts Baggaley, Beatty, Dorothy, Gravel Hill, Lloydsville, Pleasant Unity, Roble, and Whitney)
Magisterial District 10-2-03 Magisterial District Judge Helen M. Kistler	Manor Borough Trafford Borough Penn Township	Magisterial District 10-3-10 Magisterial District Judge Charles D. Moore	Hunker Borough New Stanton Borough Scottdale Borough East Huntingdon Township Hempfield Township (Voting District New Stanton) South Huntingdon Township (Voting Districts Hixon, Jacobs Creek, Mineral, Port Royal, South Huntingdon, Wyano, and Yukon)
Magisterial District 10-2-06 Magisterial District Judge Charles M. Christner, Jr.	Madison Borough Smithton Borough Sutersville Borough West Newton Borough Rostraver Township (Voting Districts Collinsburg, Concord, Crossroads, Fellsburg, Lynnwood, and Van Meter) Sewickley Township South Huntingdon Township (Voting District Wayne)	Magisterial District 10-3-11 Magisterial District Judge Roger F. Eckels	Donegal Borough Mt. Pleasant Borough Donegal Township Mt. Pleasant Township
Magisterial District 10-2-09 Magisterial District Judge Douglas R. Weimer, Jr.	Irwin Borough North Irwin Borough North Huntingdon Township	[Pa.B. Doc. No. 13-947. Filed for public inspection May 24, 2013, 9:00 a.m.]	
Magisterial District 10-2-10 Magisterial District Judge James E. Albert	City of Greensburg		
Magisterial District 10-3-01 Magisterial District Judge Mark S. Mansour	Arona Borough Hempfield Township (Voting Districts Carbon, Fort Allen, Gayville, Haydenville, Lincoln Heights East, Lincoln Heights West, Middletown, North Carbon, Sibel, and Wendel-Herminie)		
Magisterial District 10-3-02 Magisterial District Judge Charles R. Conway	Delmont Borough Export Borough Municipality of Murrysville Salem Township (Voting District New Salem)		
Magisterial District 10-3-05 Magisterial District Judge Jason Buczak	Avonmore Borough Bell Township Loyalhanna Township Salem Township (Voting Districts Five Points, Hugus, Mechlings, Slickville, Steeles, and Trees Mills) Washington Township		
Magisterial District 10-3-08 Magisterial District Judge Mark J. Bilik	Derry Borough Latrobe Borough New Alexandria Borough Derry Township		

**Reestablishment of the Magisterial Districts within
the 12th Judicial District; No. 354 Magisterial
Rules Doc.**

Order

Per Curiam

And Now, this 9th day of May, 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 12th Judicial District (Dauphin County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of 12-1-01, 12-1-02, 12-1-04, 12-1-05, 12-1-06, 12-2-01, 12-2-02, 12-2-03, 12-2-04, 12-2-05, 12-3-01, 12-3-02, 12-3-03, 12-3-04 and 12-3-05, within Dauphin County, to be effective immediately, is granted.

Said Magisterial Districts shall be reestablished as follows:

Magisterial District 12-1-01 Magisterial District Judge James A. Lenker	Penbrook Borough Susquehanna Township
Magisterial District 12-1-02 Magisterial District Judge Barbara Pianka	City of Harrisburg (Wards 5, 6, 10-1, 10-3, 11, 12, and 14)
Magisterial District 12-1-04 Magisterial District Judge Marsha C. Stewart	City of Harrisburg (Wards 3, 4, 8, and 9-1)

Magisterial District 12-1-05 City of Harrisburg (Wards
Magisterial District Judge 9-2, 9-3, 9-4, 9-5, and 13)
George A. Zozos

Magisterial District 12-1-06 Lower Paxton Township
Magisterial District Judge (Precincts 1, 3, 5, 6, 8, 10,
Joseph S. Lindsey 13, 14, 15, 17, 18, 22, 23,
26, and 27)

Magisterial District 12-2-01 Paxtang Borough
Magisterial District Judge Lower Swatara Township
Michael John Smith Swatara Township (Wards
2, 4, 5, 6, 7, 8, and 9)

Magisterial District 12-2-02 Highspire Borough
Magisterial District Judge Steelton Borough
Kenneth A. Lenker Swatara Township (Wards 1
& 3)

Magisterial District 12-2-03 Middletown Borough
Magisterial District Judge Royalton Borough
David H. Judy Conewago Township
Londonderry Township

Magisterial District 12-2-04 City of Harrisburg (Wards
Magisterial District Judge 7, 10-2, 10-4, and 15)
Robert Jennings, III

Magisterial District 12-2-05 City of Harrisburg (Wards
Magisterial District Judge 1, 2-1, and 2-2)
LaVon A. Postelle

Magisterial District 12-3-01 Berrysburg Borough
Magisterial District Judge Elizabethville Borough
Rebecca Jo Margerum Gratz Borough
Lykens Borough
Millersburg Borough
Pillow Borough
Williamstown Borough
Lykens Township
Mifflin Township
Upper Paxton Township
Washington Township
Wiconisco Township
Williams Township

Magisterial District 12-3-02 Dauphin Borough
Magisterial District Judge Halifax Borough
Gregory D. Johnson Halifax Township
Jackson Township
Jefferson Township
Middle Paxton Township
Reed Township
Rush Township
Wayne Township

Magisterial District 12-3-03 Lower Paxton Township
Magisterial District Judge (Precincts 2, 4, 7, 9, 11,
William C. Wenner 12, 16, 19, 20, 21, 24, and
25)

Magisterial District 12-3-04 Hummelstown Borough
Magisterial District Judge Derry Township
Dominic A. Pelino

Magisterial District 12-3-05 East Hanover Township
Magisterial District Judge South Hanover Township
Lowell A. Witmer West Hanover Township

[Pa.B. Doc. No. 13-948. Filed for public inspection May 24, 2013, 9:00 a.m.]

Reestablishment of the Magisterial Districts within the 38th Judicial District; No. 355 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 9th day of May 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 38th Judicial District (Montgomery County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the elimination of Magisterial District 38-1-17, within Montgomery County, to be effective January 1, 2015, is granted; and that the Petition, which provides for the creation of a new magisterial district effective January 4, 2016, is granted; and that the Petition, which provides for the realignment of Magisterial Districts 38-1-06, 38-1-07, 38-1-11, 38-1-12, 38-1-14, 38-1-22, 38-2-03, and 38-2-04 within Montgomery County, to be effective September 1, 2013, is granted; and that the Petition, which provides for the realignment of Magisterial Districts 38-1-24 and 38-1-28, effective January 1, 2015, is granted; and that the Petition, which also provides for the realignment of Magisterial Districts 38-1-15 and 38-1-16, effective January 4, 2016, is granted; and that the Petition, which also provides for the reestablishment of Magisterial Districts 38-1-01, 38-1-02, 38-1-03, 38-1-04, 38-1-05, 38-1-08, 38-1-09, 38-1-10, 38-1-13, 38-1-18, 38-1-19, 38-1-20, 38-1-21, 38-1-23, 38-1-25, 38-2-02, and 38-2-08 within Montgomery County, to be effective immediately, is granted.

Said Magisterial Districts shall be as follows:

Magisterial District 38-1-01	East Norriton Township
Magisterial District Judge	West Norriton Township
	Ester J. Casillo
Magisterial District 38-1-02	Jenkintown Borough
Magisterial District Judge	Cheltenham Township
	(Voting Districts 5-1, 5-2, 5-3, 5-4, 6-1, 6-2, 6-3, 7-1, 7-2, and 7-3)
Magisterial District 38-1-03	Cheltenham Township
Magisterial District Judge	(Voting Districts 1-1, 1-2, 1-3, 1-4, 2-1, 2-2, 2-3, 2-4, 3-1, 3-2, 3-3, 3-4, 4-1, 4-2, 4-3, and 4-4)
	Christopher J. Cerski
Magisterial District 38-1-04	Rockledge Borough
Magisterial District Judge	Abington Township (Voting Districts 1-1, 1-2, 1-3, 2-1, 2-2, 5-1, 5-2, 8-1, 8-2, 10-1, 10-2, 10-3, 11-2, 14-1, 14-2, 15-1, and 15-2)
	John D. Kessler
Magisterial District 38-1-05	Abington Township (Voting Districts 2-3, 3-1, 3-2, 3-3, 4-1, 4-2, 6-1, 6-2, 7-1, 7-2, 7-3, 9-1, 9-2, 11-1, 11-3, 12-1, 12-2, 12-3, 13-1, 13-2, and 13-3)
Magisterial District Judge	Juanita A. Price
Magisterial District 38-1-06	Lower Merion Township
Magisterial District Judge	(Voting Districts 1-1, 1-2, 1-3, 2-1, 2-2, 2-3, 3-2, 3-3, 6-1, 6-2, 6-3, 10-3, 11-2, 11-2B, and 11-3)
	Henry J. Schireson

Magisterial District 38-1-07 Magisterial District Judge Kathleen M. Valentine	Narberth Borough Lower Merion Township (Voting Districts 4-1, 4-2, 4-3, 5-1, 5-2, 5-3, 8-2, 8-4, 10-1, 10-2, and 11-1)	Magisterial District 38-1-21 Magisterial District Judge Robert M. Sobeck	North Wales Borough Lower Gwynedd Township Upper Gwynedd Township Whitpain Township
Magisterial District 38-1-08 Magisterial District Judge Katherine E. McGill Magid	Springfield Township	Magisterial District 38-1-22 Magisterial District Judge Harry J. Nesbitt, III	Horsham Township (Voting Districts 1-1, 1-2, 1-3, 1-4, 1-5, 2-1, 2-2, 2-3, 2-4, 3-1, 3-2, 3-5, 4-1, 4-2, 4-3, and 4-4)
Magisterial District 38-1-09 Magisterial District Judge William I. Maruszczak	West Conshohocken Borough Upper Merion Township (Voting Districts Gulph 1 & 2, King 1 & 2, Roberts, Swedeland, and Swedesburg)	Magisterial District 38-1-23 Magisterial District Judge Deborah A. Lukens	Conshohocken Borough (Voting Districts 2, 3, 5, and 7) Whitemarsh Township
Magisterial District 38-1-10 Magisterial District Judge Patricia A. Zaffarano	Ambler Borough Upper Dublin Township	Magisterial District 38-1-24 Magisterial District Judge Albert J. Augustine	Schwenksville Borough Souderton Borough Telford Borough Franconia Township Lower Salford Township Perkiomen Township Skippack Township Worcester Township
Magisterial District 38-1-11 Magisterial District Judge Scott T. Palladino	Pottstown Borough (Voting Districts 2-1, 2-2, 3, 4, and 5) West Pottsgrove Township	Magisterial District 38-1-25 Magisterial District Judge James P. Gallagher	Bridgeport Borough Upper Merion Township (Voting Districts Belmont 1-5, and Candlebrook 1 & 2)
Magisterial District 38-1-12 Magisterial District Judge Edward C. Kropp, Sr.	Pottstown Borough (Voting Districts 1-1, 1-2, 6, 7-1 and 7-2) Lower Pottsgrove Township	Magisterial District 38-1-28 Magisterial District Judge Harold D. Borek	Hatfield Borough Lansdale Borough Hatfield Township (Voting Districts 2-1, 2-1, 3-1, 3-2, 4-1, and 4-4) Towamencin Township
Magisterial District 38-1-13 Magisterial District Judge Francis J. Bernhardt, III	Conshohocken Borough (Voting Districts 1, 4, and 6) Plymouth Township	Magisterial District 38-2-02 Magisterial District Judge Catherine M. Hummel Fried	East Greenville Borough Green Lane Borough Pennsburg Borough Red Hill Borough Marlborough Township Salford Township Upper Hanover Township Upper Salford Township
Magisterial District 38-1-14 Magisterial District Judge Paul N. Leo	Hatboro Borough Horsham Township (Voting Districts 3-3 and 3-4) Upper Moreland Township (Voting Districts 2-1, 2-2, 3-2, 5-1, 5-2, 7-1, and 7-2)	Magisterial District 38-2-03 Magisterial District Judge Maurice H. Saylor	Douglass Township Lower Frederick Township New Hanover Township Upper Frederick Township Upper Pottsgrove Township
Magisterial District 38-1-15 Magisterial District Judge Francis J. Lawrence, Jr.	Norristown Borough (Voting Districts 1-1, 1-2, 1-3 and 2-1)	Magisterial District 38-2-04 Magisterial District Judge Karen Eisner Zucker	Lower Merion Township (Voting Districts 3-1, 7-1, 7-2, 7-3, 8-1, 8-3, 9-1, 9-2, 9-3, 12-1, 12-2, 12-3, 13-1, 13-2, 13-3, 14-1, 14-2, and 14-3)
Magisterial District 38-1-16 Magisterial District Judge Margaret A. Hunsicker- Fleischer	Norristown Borough (Voting Districts 2-3, 4-1, 4-2 and 4-3)	Magisterial District 38-2-08 Magisterial District Judge Jay S. Friedenberg	Bryn Athyn Borough Lower Moreland Township Upper Moreland Township (Voting Districts 1-1, 1-2, 3-1, 4-1, 4-2, 6-1, and 6-2)
Magisterial District 38-1-18 Magisterial District Judge Andrea D. Duffy	Hatfield Township (Voting Districts 1-1, 1-2, 5-1, and 5-2) Montgomery Township	Magisterial District (number to be determined) vacant	Norristown Borough (Voting Districts 2-2, 3-1, 3-2, and 3-3)
Magisterial District 38-1-19 Magisterial District Judge Walter F. Gadzicki, Jr.	Royersford Borough Limerick Township Upper Providence Township (Voting Districts Mingo 1 & 2, Mont Clare, and Trappe)		
Magisterial District 38-1-20 Magisterial District Judge Cathleen Kelly Rebar	Collegeville Borough Trappe Borough Lower Providence Township Upper Providence Township (Voting District Oaks)		

[Pa.B. Doc. No. 13-949. Filed for public inspection May 24, 2013, 9:00 a.m.]

RULES AND REGULATIONS

Title 31—INSURANCE

INSURANCE DEPARTMENT

[31 PA. CODE CH. 161]

Requirements for Qualified and Certified Reinsurers

The Insurance Department (Department) amends Chapter 161 (relating to requirements for qualified and certified reinsurers) under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412), regarding the general rulemaking authority of the Department, and section 319.1 of The Insurance Company Law of 1921 (act) (40 P. S. § 442.1), regarding credits for reinsurance.

Purpose

The purpose of this final-form rulemaking is to update Chapter 161 in accordance with amendments to section 319.1 of the act by the act of July 5, 2012 (P. L. 1111, No. 136) (Act 136), which grants the Insurance Commissioner (Commissioner) the authority to “certify” reinsurers so that ceding insurers may receive credit for reinsurance ceded to duly certified reinsurers. Chapter 161 sets forth requirements for a licensed ceding insurer to receive credit for reinsurance in its financial statements. These amendments were proposed in conjunction with amendments to Chapter 163 (relating to requirements for funds held as security for the payment of obligations of unlicensed, unqualified reinsurers).

The amendments to Chapter 161 are based upon recent amendments to model law and regulation developed by the National Association of Insurance Commissioners (NAIC) entitled “Credit for Reinsurance Model Law” (No. 785) and “Credit for Reinsurance Model Regulation” (No. 786). This final-form rulemaking is part of the financial regulation standards the Department must meet to maintain its accreditation by the NAIC. Thus, if a jurisdiction opts to certify reinsurers, as the Commonwealth has done with the enactment of Act 136, the standards by which it does so must be substantially similar to NAIC requirements for the jurisdiction to maintain NAIC accreditation.

Comments and Response

Notice of proposed rulemaking was published at 42 Pa.B. 5629 (September 1, 2012) with a 30-day comment period. Comments were received from the Insurance Federation of Pennsylvania, Ace Group and Lloyds, London expressing support for the proposed rulemaking. The Ace Group and Lloyds, London emphasized the necessity that the Department’s regulation be substantially similar to the NAIC model law and regulation.

A comment from American International Group (AIG) raised three concerns. AIG noted that the amendments to section 319.1 of the act by Act 136 did not address the frequency by which a Commissioner would certify a reinsurer and requested that the Commissioner implement a uniform annual date for certifications to be effective to minimize administrative burden for calculating collateral requirements for the year. The Department declined to make this change. The variance of effective

dates of contracts is a contractual issue between a ceding insurer and reinsurer and is not related to the timing of the Commissioner’s certification of a reinsurer. Further, taking a credit for reinsurance is entirely voluntary; if a ceding insurer would find that the benefit of a credit is outweighed by the administrative burden of calculating the credit, it may decline to do so until the reinsurers with whom it contracts are certified.

AIG suggested that “catastrophic event” be defined as an event determined by an organization such as the Property Claims Service or equivalent organization recognized by the Commissioner. The Department amended § 161.3b(b)(4) (relating to calculation of credit for reinsurance regarding obligations secured with certified reinsurers) as explained as follows.

AIG expressed its belief that the 1-year deferral in posting security should not apply to certified reinsurers that have been assigned a “Secure 4,” “Secure 5” or “Vulnerable 6” rating. The Department declined to make this change because it would be a significant deviation from the NAIC model. Additionally, the Department believes that policyholders are better protected if the solvency of reinsurers is not jeopardized by treating them disparately. It should be noted that it is the ceding insurer’s prerogative to contract with a particular reinsurer and a ceding insurer is under no obligation to contract with an insurer who has been assigned a rating.

On October 31, 2012, the Independent Regulatory Review Commission (IRRC) submitted a comment with regard to the rulemaking that: (1) requested that the Department either define “catastrophic occurrence” or provide an explanation as to its rationale for not doing so; and (2) noted several cross referencing errors.

In response to IRRC’s comment and the comment from AIG, the Department added clarifying language to § 161.3b(b)(4) to note that when deciding whether to recognize an event as a catastrophic occurrence, the Commissioner would do so in consultation with the NAIC and would consider both natural and human events as possible catastrophes.

However, the Department declined to provide a specific definition of “catastrophic occurrence” to maintain consistency with the NAIC model, which intentionally leaves the term undefined so that the Commissioner can make a case-by-case determination. “Catastrophe” and “catastrophic occurrence” are not capable of objective definition. Specifically, it is not possible to prospectively create a definition that would encompass all cases and would appropriately consider the totality of the circumstances.

With regard to the cross referencing errors referenced by IRRC, the Department corrected the cross referencing error in § 161.3b(e).

IRRC also noted that the references in § 161.3a(c)(3) and (4) (relating to requirements for certified reinsurers) do not match the corresponding provisions of the NAIC model regulation. Although the Department does acknowledge that the references do not match the corresponding NAIC model provisions, the Department determined that the NAIC model references are in error and that the references are correct.

Specifically, the Department determined that § 161.3a(c)(3) properly cross references subsection (a)(3)(ii), regarding the assigning of a new rating to a reinsurer that is certified in another jurisdiction. Con-

versely, section B(7)(a) of the NAIC model and § 161.3a(a)(5)(i) relate to notification requirements for regulatory actions. The NAIC model regulation should have cross referenced section 8B(8)(a). The equivalent of section 8B(8)(a) is § 161.3a(a)(3)(iii)(A). Because this subsection refers back to subsection (a)(3)(ii), the Department believes the direct reference to subsection (a)(3)(ii) is more clear.

Likewise, the Department determined that § 161.3a(c)(4) properly cross references § 161.6 (relating to revocation of reinsurer qualification or certification), which deals with revocation of reinsurer qualification or certification. Again, the NAIC model should have cross referenced section 8B(8)(a) instead of section 8B(7)(a). The equivalent of section 8B(8)(a) is § 161.3a(a)(3)(iii)(B). Because this subsection refers back to § 161.6, the Department believes the direct reference to § 161.6 is more clear.

Affected Parties

This final-form rulemaking applies to insurance companies domesticated in this Commonwealth and the reinsurers with whom they do business.

Fiscal Impact

State government

The final-form rulemaking will strengthen and clarify existing regulatory requirements. There will not be material increase in cost to the Department as a result of this final-form rulemaking.

General public

While Chapter 161 does not have immediate fiscal impact on the general public, the general public will benefit to the extent that allowing reduced collateral for reinsurers that are financially solvent and licensed in well-regulated jurisdictions will reduce the cost of reinsurance to ceding insurers in this Commonwealth and reduce trade barriers allowing for more competition in the reinsurance marketplace.

Political subdivisions

This final-form rulemaking will not impose additional costs on political subdivisions.

Private sector

This final-form rulemaking will not impose significant costs on the transaction of business in this Commonwealth.

Effectiveness/Sunset Date

This final-form rulemaking will become effective on June 24, 2013. The Department continues to monitor the effectiveness of regulations on a triennial basis; therefore, a sunset date has not been assigned.

Contact Person

Questions regarding this final-form rulemaking may be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, fax (717) 705-3873, psalvatore@state.pa.us.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 22, 2012, the Department submitted a copy of the notice of proposed rulemaking,

published at 42 Pa.B. 5629, to IRRC and the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on April 17, 2013, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 18, 2013, and approved the final-form rulemaking.

Findings

The Commissioner finds that:

(1) Public notice of intention to adopt this final-form rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of this final-form rulemaking in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

The Commissioner, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 31 Pa. Code Chapter 161, are amended by adding §§ 161.3a, 161.3c and 161.8a, deleting § 161.8 and amending §§ 161.1—161.3, 161.6, 161.7 and 161.9 to read as set forth at 42 Pa.B. 5629 and by adding § 161.3b to read as set forth in Annex A.

(b) The Department shall submit this order, 42 Pa.B. 5629 and Annex A to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

(c) The Department shall certify this order, 42 Pa.B. 5629 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) The final-form regulations adopted by this order shall take effect on June 24, 2013.

MICHAEL F. CONSEDINE,
Insurance Commissioner

(Editor's Note: See 43 Pa.B. 2819 (May 25, 2013) for a final-form rulemaking by the Department relating to this final-form rulemaking.)

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 2530 (May 4, 2013).)

Fiscal Note: Fiscal Note 11-249 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 31. INSURANCE

PART VIII. MISCELLANEOUS PROVISIONS

CHAPTER 161. REQUIREMENTS FOR QUALIFIED AND CERTIFIED REINSURERS

§ 161.3b. Calculation of credit for reinsurance regarding obligations secured with certified reinsurers.

(a) For a domestic ceding insurer to qualify for full financial statement credit for reinsurance ceded to a certified reinsurer, the certified reinsurer shall maintain security in a form acceptable to the Commissioner and consistent with section 319.1(b) of the act (40 P.S. § 442.1(b)) or in a multibeneficiary trust in accordance with § 161.3(3)(vii)(B) (relating to credit for reinsurance) except that:

(1) If a certified reinsurer maintains a trust to fully secure its obligations subject to § 161.3(3)(vii) and chooses to secure its obligations incurred as a certified reinsurer in the form of a multibeneficiary trust, the certified reinsurer shall maintain separate trust accounts for its obligations incurred under reinsurance agreements issued or renewed as a certified reinsurer with reduced security as permitted by this paragraph or comparable laws of other United States jurisdictions and for its obligations subject to § 161.3(3)(vii)(B). It shall be a condition to the grant of certification under this subsection that the certified reinsurer shall have bound itself, by the language of the trust and agreement with the chief regulatory official with principal regulatory oversight of each trust account, to fund, upon termination of a trust account, out of the remaining surplus of the trust any deficiency of another trust account.

(2) The minimum trustee surplus requirements provided in § 161.3(3)(vii) are not applicable with respect to a multibeneficiary trust maintained by a certified reinsurer for the purpose of securing obligations incurred under this paragraph, except that the trust must maintain a minimum trustee surplus of \$10 million.

(b) The allowable credit allowed a ceding insurer must be based upon the security held by or on behalf of the ceding insurer and shall be calculated in accordance with the following requirements:

(1) For full credit to be allowed, the amount of security must correspond with the rating assigned by the Commissioner to the certified reinsurer under § 161.3a(a)(3) (relating to requirements for certified reinsurers) as follows:

<i>Rating</i>	<i>Security required</i>
Secure—1	0%
Secure—2	10%
Secure—3	20%
Secure—4	50%
Secure—5	75%
Vulnerable—6	100%

(2) Affiliated reinsurance transactions will receive the same opportunity for reduced security requirements as other reinsurance transactions.

(3) The Commissioner will require the certified reinsurer to post 100% for the benefit of the ceding insurer or its estate, security upon the entry of an order of rehabilitation, liquidation or conservation against the ceding insurer.

(4) To facilitate the prompt payment of claims, a certified reinsurer will not be required to post security for catastrophe recoverables for 1 year from the date of the first instance of a liability reserve entry by the ceding company as a result of a loss from a catastrophic occurrence as recognized by the Commissioner. When determining what constitutes a catastrophic occurrence, the Commissioner will consult with the NAIC and consider both natural and human events. The 1-year deferral period is contingent upon the certified reinsurer continuing to pay claims in a timely manner in compliance with its contractual obligations in the reinsurance agreement under which the claims are ceded. Reinsurance recoverables for only the following lines of business as reported on the NAIC annual financial statement related specifically to the catastrophic occurrence will be included in the deferral:

- Line 1:* Fire
- Line 2:* Allied Lines
- Line 3:* Farmowners multiple peril
- Line 4:* Homeowners multiple peril
- Line 5:* Commercial multiple peril
- Line 9:* Inland Marine
- Line 12:* Earthquake
- Line 21:* Auto physical damage

(c) With respect to obligations incurred by a certified reinsurer, if the security is insufficient, the Commissioner will reduce the allowable credit by an amount proportionate to the deficiency and has the discretion to impose further reductions in allowable credit upon finding that there is a material risk that the certified reinsurer's obligations will not be paid in full when due.

(d) For purposes of calculating the allowable credit under this section, a certified reinsurer whose certification has been terminated for any reason shall be treated as a certified reinsurer required to secure 100% of its obligations.

(1) As used in this subsection, "terminated" refers to revocation, suspension, voluntary surrender and inactive status.

(2) If the Commissioner continues to assign a higher rating as permitted by this section, this requirement does not apply to a certified reinsurer in inactive status or to a reinsurer whose certification has been suspended.

(e) Based on the analysis conducted under § 161.3a(a)(3)(ii)(B)(V) of a certified reinsurer's reputation for prompt payment of claims, the Commissioner may make appropriate adjustments in the security the certified reinsurer is required to post to protect its liabilities to United States ceding insurers, provided that the Commissioner will, at a minimum, increase the security the certified reinsurer is required to post by one rating level under § 161.3a(a)(3)(ii)(B)(I) if the Commissioner finds either of the following:

(1) More than 15% of the certified reinsurer's ceding insurance clients have overdue reinsurance recoverables on paid losses of 90 days or more which are not in dispute and which exceed \$100,000 for each cedent.

(2) The aggregate amount of reinsurance recoverables on paid losses not in dispute that are overdue by 90 days or more exceeds \$50 million.

(f) This section does not prohibit the parties to a reinsurance agreement from agreeing to provisions establishing security requirements that exceed the minimum security requirements under this section or under § 161.8a (relating to reinsurance contracts).

[Pa.B. Doc. No. 13-950. Filed for public inspection May 24, 2013, 9:00 a.m.]

INSURANCE DEPARTMENT

[31 PA. CODE CH. 163]

Requirements for Funds Held as Security for the Payment of Obligations of Unlicensed, Unqualified Reinsurers

The Insurance Department (Department) amends Chapter 163 (relating to requirements for funds held as security for the payment of obligations of unlicensed, unqualified reinsurers) under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412), regarding the general rulemaking authority of the Department, and sections 319—319.2 of The Insurance Company Law of 1921 (act) (40 P. S. §§ 442—442.2).

Purpose

The purpose of this final-form rulemaking is to update Chapter 163 in accordance with amendments made to section 319.1 of the act by the act of July 5, 2012 (P. L. 1111, No. 136) (Act 136), which grants the Insurance Commissioner (Commissioner) the authority to “certify” reinsurers so that ceding insurers may receive credit for reinsurance ceded to duly certified reinsurers. This amendment was proposed in conjunction with amendments to Chapter 161 (relating to requirements for qualified and certified reinsurers). Specifically, Chapter 163 is amended to clarify that the requirements of Chapter 163 do not apply to assuming reinsurers that have been duly certified by the Commissioner as permitted by Act 136.

Comments and Response

Notice of proposed rulemaking was published at 42 Pa.B. 5628 (September 1, 2012) with a 30-day comment period. Comments were received from the Insurance Federation of Pennsylvania and Ace Group expressing support for the amendment. On October 31, 2012, the Independent Regulatory Review Commission (IRRC) indicated that it did not have comments objections, comments or recommendations regarding the amendment.

Affected Parties

This final-form rulemaking applies to insurance companies domesticated in this Commonwealth and the reinsurers with whom they do business.

Fiscal Impact

State government

The final-form rulemaking will strengthen and clarify existing regulatory requirements. There will not be material increase in cost to the Department as a result of this final-form rulemaking.

General public

While Chapter 163 does not have immediate fiscal impact on the general public, the general public will benefit to the extent that allowing reduced collateral for

reinsurers that are financially solvent and licensed in well-regulated jurisdictions will reduce the cost of reinsurance to ceding insurers in this Commonwealth and reduce trade barriers allowing for more competition in the reinsurance marketplace.

Political subdivisions

This final-form rulemaking will not impose additional costs on political subdivisions.

Private sector

This final-form rulemaking will not impose significant costs on the transaction of business in this Commonwealth.

Effectiveness/Sunset Date

This final-form rulemaking will become effective on June 24, 2013. The Department continues to monitor the effectiveness of regulations on a triennial basis. Therefore, a sunset date has not been assigned.

Contact Person

Questions regarding this final-form rulemaking may be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, fax (717) 705-3873, psalvatore@pa.gov.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 22, 2012, the Department submitted a copy of the notice of proposed rulemaking, published at 42 Pa.B. 5628, to IRRC and the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee for review and comment.

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

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

Findings

The Commissioner finds that:

(1) Public notice of intention to adopt this final-form rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of this final-form rulemaking in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

The Commissioner, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 31 Pa. Code Chapter 163, are amended by amending § 163.1 to read as set forth at 42 Pa.B. 5628.

(b) The Department shall submit this order and 42 Pa.B. 5628 to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

(c) The Department shall certify this order and 42 Pa.B. 5628 and deposit them with the Legislative Reference Bureau as required by law.

(d) The final-form regulation adopted by this order shall take effect June 24, 2013.

MICHAEL F. CONSEDINE,
Insurance Commissioner

(Editor's Note: See 43 Pa.B. 2816 (May 25, 2013) for a final-form rulemaking by the Department relating to this final-form rulemaking.)

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 2530 (May 4, 2013).)

Fiscal Note: Fiscal Note 11-250 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 13-951. Filed for public inspection May 24, 2013, 9:00 a.m.]

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 33]

[L-2011-2233841]

Railroad Transportation

The Pennsylvania Public Utility Commission (Commission), on January 24, 2013, adopted a final rulemaking order which amends the Commission's existing regulations in Chapter 33 (relating to railroad transportation) to reflect the technological and operational changes in the railroad industry and to reflect current Federal standards.

Executive Summary

The Pennsylvania Public Utility Commission is vested with jurisdiction over railroad common carriers operating within Pennsylvania. In furtherance of this statutory charge, the Commission has promulgated regulations governing railroad common carriers. 52 Pa. Code Chapter 33. Due to operational and technological changes in the industry and federal preemption and standards, the Commission has modified its current regulations.

Changes to regulations governing railroad transportation include updated references and terminology, deletion of outdated references and regulations, proper reflection of federal law impacting regulation, and deletion of vestigial or preempted regulations.

Public Meeting held
January 24, 2013

Commissioners Present: Robert F. Powelson, Chairperson; John F. Coleman, Jr., Vice Chairperson; Wayne E. Gardner; James H. Cawley; Pamela A. Witmer

*Final Rulemaking Amending 52 Pa. Code Chapter 33;
Doc. No. L-2011-2233841*

Final Rulemaking Order

By the Commission:

On November 6, 2009, we issued a Notice that the Commission sought to review the existing Railroad Transportation Regulations found at 52 Pa. Code Chapter 33, in order to seek more efficient and effective means to regulate the rail industry. Review of Existing Railroad Transportation Regulations; 52 Pa. Code Chapter 33, Docket No. M-2009-2140262. The Notice indicated that the Commission's regulations pertaining to railroads should reflect the technological and operational changes of the railroad industry that have occurred over the last 30 years and reflect current Federal standards. The Notice further indicated that the review is intended to "ensure that the regulations address a compelling public interest; ensure that the costs of regulation do not outweigh the benefits; are written in a clear and concise manner; and, where Federal regulations exist, the Commission's regulations should not exceed Federal standards unless justified by a compelling Commonwealth interest or required by State law." The Notice was published in the *Pennsylvania Bulletin* on November 28, 2009 at 39 Pa.B. 6851. Comments and reply comments to the Notice were filed by various railroads, associations and unions. After reviewing the comments and replies, we initiated a Proposed Rulemaking by Order entered April 1, 2011, which proposed various changes to the Commission's regulations at 52 Pa. Code Chapter 33. Proposed Rulemaking Amending 52 Pa. Code Chapter 33, Docket No. L-2011-2233841. We noted that the proposal was not an exhaustive compilation of our regulations that may be in need of revision. Rather, we addressed only those provisions which clearly required revision, based on observation and comments.

The Proposed Rulemaking Order was published in the *Pennsylvania Bulletin* on October 22, 2011. 41 Pa.B. 5634. Joint comments to the Proposed Rulemaking were filed by the Pennsylvania State Legislative Board of the United Transportation Union, the Brotherhood of Maintenance of Way Employees Division of the Rail Conference of the International Brotherhood of Teamsters, and the Brotherhood of Railroad Signalmen. (collectively, Unions). Joint comments were also filed by Consolidated Rail Corporation, CSX Transportation, Inc., and Norfolk Southern Railway Company. (collectively, Railroads). Finally, the Independent Regulatory Review Commission (IRRC) filed comments.

I. *Summary of Comments*

A. *Unions' Comments*

The Unions commented that they generally supported the proposed Rulemaking. However, the Unions noted that they did not believe the Proposed Rulemaking was sufficiently exhaustive, failing to supplement existing regulations with new regulations suggested by the Union in their comments to the November 6, 2009 Notice. Additionally, the Unions comment that 52 Pa. Code § 33.65, concerning camp cars and trailers, is not preempted by recently enacted Federal rules, 76 FR 67073 (October 31, 2011), and needs to be modified to address standing water, drainage hazards or tripping hazards, and the discharge of gray water.

I. *Summary of Comments*

A. *Unions' Comments*

The Unions also commented that 52 Pa. Code § 33.61, concerning track cars and four-wheel self-propelled maintenance-of-way cars, is not preempted by 49 CFR Part 214, since the Federal regulations do not cover equipment manufactured prior to 1991. The Unions request, therefore, that we retain this provision.¹

¹ We had proposed deleting this provision due to Federal Railroad Administration (FRA) regulations governing the subject matter.

B. *Railroads' Comments*

The Railroads filed comments generally supporting the Commission's Proposed Rulemaking. The Railroads did suggest that the Commission should address additional regulations that have been allegedly preempted by Federal regulation. Of note, the Railroads suggest that the Commission's regulations concerning camp cars and trailers at 52 Pa. Code §§ 33.1 and 33.65, are preempted by 49 CFR Part 228 as of October 31, 2011. 76 FR 67073-01. Similarly, the Railroads allege that the Commission's regulation at § 33.56, concerning safe operation of trains, is preempted due to recently enacted federal regulations published on November 9, 2011. 76 FR 69802-01. Finally, the Railroads allege that various other regulations should be deleted due to preemption or obsolescence. The gist of the Railroad's comments is that the Commission's Order was not sufficiently exhaustive of all possible regulatory modifications that may be warranted.

C. *IRRC Comments*

IRRC first commented that it is uncertain if the Proposed Rulemaking is in the public interest. IRRC opines that the Proposed Rulemaking does not make sufficiently specific references to federal law and, therefore, it is unable to discern whether the proposal is in the public interest. IRRC recommends that the Final Order should be more detailed in this regard.

IRRC also comments that the statutory authority of the Commission to issue regulations should be more clearly stated. IRRC comments that the definitions of "Bureau" and "camp car or trailer" at § 33.1 should be clarified and consistent with federal law. IRRC comments that the Proposed Regulation § 33.12 is too broad in its citation to federal regulations and more specificity is required. Finally, IRRC comments that the proposed deletion of § 33.61 requires further explanation, due to confusion created by the Union's comments.

II. *Analysis*

In our Proposed Rulemaking Order, we were clear that it was not our intent to conduct an exhaustive compilation of every regulation that may be in need of revision. Rather, our intent was to address only those regulations which clearly required revision to be consistent with technology and operations and with federal standards. In light of the stated limited scope of this proceeding, we decline to significantly expand the rulemaking as suggested by the Unions and the Railroads. We do advise both commentators that we will take up their suggestions at a later time. However, we want this rulemaking to proceed as originally envisioned.

To the extent any commentator believes that there is an immediate need to address any particular suggestion contained in the comments or otherwise, we remind them that they can petition the Commission for relief. In the scheme of administrative law, the petition for relief is a responsive tool to address issues that demand immediate attention. See 52 Pa. Code §§ 3.1—3.5. Regarding IRRC's comments, we will include a detailed analysis of the specific provisions to be modified as well as ensure that the same citations are consistently used throughout the regulatory package.

We will now address the specific proposals set forth in the Proposed Rulemaking Order.

§ 33.1. *Definitions.*

We proposed changing three definitions, "bureau," "camp car or trailer," and "carrier." We note that since we issued the Proposed Rulemaking Order, the Commission underwent a reorganization. The referenced "bureau" is

now the "Bureau of Technical Utility Services." The regulation will reflect this change. We note that this updated reference will appear throughout the Final Rulemaking, even though we will not specifically address it each time it presents.

As for "camp car or trailer," we proposed modifying this definition consistent with 49 CFR Part 228, App. C. Subsequent to issuance of our Proposed Rulemaking Order, the FRA issued a Final Rule covering a number of areas of camp car safety. 76 FR 67073-01 (October 31, 2011). The Railroads comment that this Final Rule preempts state regulation in this area, while the Unions comment that the Final Rule is not completely exhaustive and therefore does not preempt state regulation. IRRC comments that the Commission should address these comments. We note that this issue affects 52 Pa. Code § 33.65, which provides substantive rules for regulation of camp cars and trailers. While we did not include § 33.65 in our Proposed Rulemaking, we believe that it is appropriate to address this provision at this point, since all commentators as well as recently enacted federal regulations, have effectively put it in play.

The FRA Final Rule on camp cars establishes safety and health requirements related to camp cars. The federal rules address all aspects of regulation currently found in our regulation. Based on our review of the newly promulgated FRA regulations juxtaposed with our regulation, we are of the opinion that the FRA regulation preempts our regulation pursuant to 49 U.S.C.A. § 20106.

The Federal Railroad Safety Act (FRSA), 49 U.S.C.A. § 20101 et seq., was enacted in 1970 "to promote safety in every area of railroad operations and to reduce railroad-related accidents and incidents" 49 U.S.C.A. § 20101. The Secretary of Transportation is given broad powers to "prescribe regulations and issue orders for every area of railroad safety. . . ." 49 U.S.C.A. § 20103(a). The FRSA and regulations promulgated thereunder are to be nationally uniform to the extent practicable, and generally preempt state laws covering the subject matter. 49 U.S.C.A. § 20106. The pre-emptive effect of these regulations is governed by § 20106, which contains express saving and pre-emption clauses. That provision provides:

§ 20106. **Preemption**

(a) *National uniformity of regulation.*

(1) Laws, regulations, and orders related to railroad safety and laws, regulations, and orders related to railroad security shall be nationally uniform to the extent practicable.

(2) A State may adopt or continue in force a law, regulation, or order related to railroad safety or security until the Secretary of Transportation (with respect to railroad safety matters), or the Secretary of Homeland Security (with respect to railroad security matters), prescribes a regulation or issues an order covering the subject matter of the State requirement. A State may adopt or continue in force an additional or more stringent law, regulation, or order related to railroad safety or security when the law, regulation, or order—

(A) is necessary to eliminate or reduce an essentially local safety or security hazard;

(B) is not incompatible with a law, regulation, or order of the United States Government; and

(C) does not unreasonably burden interstate commerce.

49 U.S.C.A. § 20106. Thus, the States are permitted to “adopt or continue in force a law, rule, regulation, or order related to railroad safety . . . until the Secretary . . . prescribes a regulation or issues an order covering the subject matter of the State requirement.” Even after federal standards have been promulgated, a State may adopt more stringent safety requirements when “necessary to eliminate or reduce an essentially local safety . . . hazard,” if those standards are “not incompatible with” federal laws or regulations and not an undue burden on interstate commerce.

Pursuant to 49 U.S.C.A. § 20106, the initial inquiry is whether a federal regulation ‘covers’ the subject matter of the 1975 Order. To prevail on the claim that a federal regulation has pre-emptive effect, it must be established that it more than “touches upon” or “relates to” that subject matter. *CSX Transportation, Inc. v. Easterwood*, 507 U.S. 658 (1993). “Covering” indicates that pre-emption will lie only if the federal regulations substantially subsume the subject matter of the relevant state law. *Id.* Cover means to comprise, include, or embrace that concern in an effective scope of treatment or operation. The term “covering” is in turn employed within a provision that displays considerable solicitude for state law in that its express pre-emption clause is both prefaced and succeeded by express saving clauses. *Id.* What is important is that the Federal Railroad Administration (FRA) has considered the “subject matter” and has addressed it “in an effective scope of treatment or operation.” *BNSF Railway Co. v. Swanson*, 533 F.3d 618, 621 (8th Cir. 2008) (internal citations omitted).

Pursuant to 49 U.S.C.A. § 20106, even if a federal regulation or order covers the subject matter of a state law, regulation, or order relating to railroad safety, pre-emption of that state law may still be avoided if the state law, regulation, or order: (1) is necessary to eliminate an essentially local safety hazard; (2) is not incompatible with federal laws, regulations, or orders; and (3) does not unreasonably burden interstate commerce. 49 U.S.C.A. § 20106(a)(2)(A)—(C). This is a three part conjunctive test and all three prongs must be met for a state law, regulation or order to survive preemption. An essentially local safety hazard only applies to local situations which are not statewide in character and not capable of being encompassed in uniform national standards. *National Association of Regulatory Commissioners, et al. v. Coleman*, 542 F. 2d 11 (3d Cir. 1976).

Review of the new federal regulation reveals that it covers the subject matter of 52 Pa. Code § 33.65. Further, we do not find applicable the exceptions to the general rule of preemption established by § 20106. Our regulation at § 33.65 is not designed to eliminate an essentially local safety hazard. Finally, regarding the Unions’ comments on camp cars, we note that these issues are not included in our current regulation and we decline to expand that regulation to address geologic conditions surrounding camp cars. Suffice it to say, as our regulations currently read, they are covered by the recent FRA Rule. Under these circumstances, we will delete the definition of “camp car or trailer” at 52 Pa. Code § 33.1, as well as delete 52 Pa. Code § 33.65.

In addition, we will also delete the definitions of “non-train accident,” “train accident,” and “train service accident.” These deletions are consistent with changes to §§ 33.11-13, *infra*, which all parties support. Given the changes to the substantive regulations attached to these definitions and the reference to applicable federal regulations, state regulations prescribing definitions are not required and can lead to possible confusion.

§ 33.11. General.

The Commission proposed changing this provision to include updated references to the appropriate Commission Bureau for reporting accidents and incidents, and to delete those provisions that are inconsistent with current law. IRRC commented that it is unsure of the exact provisions that are inconsistent with Federal law. In response, 49 CFR 225.23 encompasses accident reporting for joint operations and we will modify this provision accordingly.

§ 33.12. Reportable accidents.

The Commission proposed modifying this provision to be consistent with FRA regulations for reportable accidents. 49 CFR Part 225. The Commission proposed deleting specific definitions of reportable accidents contained in the current regulation and adopting definitions provided by Federal law at 49 CFR Part 225.

IRRC comments that our citation to 49 CFR, as referenced in the Proposed Rulemaking, should be more specific. We agree with IRRC’s concerns and will include a general reference to 49 CFR Part 225.

§ 33.13. Telegraph and telephone reports.

The Commission proposed modifying this provision to provide notification consistent with FRA regulations for telephone reports. 49 CFR Part 225. The Commission proposed deleting specific circumstances requiring telephonic notification of accidents contained in the current regulation and adopting Federal telephonic reporting standards. Beyond IRRC’s request for a specific reference to applicable federal regulations, no comments were filed to this proposal. Therefore, we will adopt it as proposed, with the applicable citation to federal regulations. We do note that we have deleted the specific bureau phone number as suggested in our Proposed Rulemaking Order. This deletion is premised on the knowledge that phone numbers can change, creating unnecessary confusion. We have replaced the telephone number with a reference to the Commission’s web site, where we will post the proper phone number.

§ 33.14. Accident report forms.

The Commission proposed modifying this provision consistent with FRA regulations for accident report forms. 49 CFR 225.21. The Commission proposed deleting report forms delineated in the current regulation and adopting report forms required by Federal law. Beyond IRRC’s request for a specific reference to applicable federal regulations, no comments were filed to this proposal. Therefore, we will adopt it as proposed, with the applicable citation to federal regulations. 49 CFR Part 225.

§ 33.21. General

The Railroads comment that § 33.21(a) of our regulations should be deleted since it is preempted by 49 CFR 229.125. Further, the Railroads comment that § 33.21(b) should be modified to delete the term “watchmen” as antiquated. The Unions challenge the Railroads’ position in their comments to the November 6, 2009 Notice.

The Unions and the Railroads disagree over the viability of this particular provision, which addresses significant safety issues. Given the limited scope of this proceeding, we decline to expand this rulemaking as requested by the Railroads.

§ 33.31. Regulations and procedure.

The Commission proposed modifying this provision to reflect proper statutory references. The Railroads commented that the Commission should delete the term “of

service” in this regulation, since the Commission no longer has jurisdiction over the services of railroads. 49 U.S.C.A. § 10501(b)(1-2). At this juncture, given the limited scope of this proceeding, we decline to adopt the Railroads’ comment, given the technical use of the phrase “of service” in this particular provision.

§ 33.41. *Bridge or tunnel warnings.*

The Commission proposed modifying this provision to reflect proper references to the American Railway Engineering and Maintenance of Way Association. No comments were filed to this proposal. Therefore, we will adopt it as proposed.

§ 33.42. *Switches marked by lamps.*

We did not propose any changes to this section. The Railroads commented that this Section should be deleted due to federal preemption. The Unions, in their comments to the November 6, 2009 Notice, challenged whether preemption applies. Given the limited scope of this proceeding, we decline to expand the rulemaking as requested by the Railroads.

§ 33.43. *Walkways and railings.*

We did not propose any changes to this section. The Railroads commented that they believe this provision has, most likely, been preempted. The Unions, in their comments to the November 6, 2009 Notice, challenged whether preemption applies. Given the limited scope of this proceeding, we decline to expand the rulemaking as requested by the Railroads.

§ 33.52. *Blind cars.*

We did not propose any changes to this section. The Railroads commented that this Section should be deleted since it is obsolete. The Unions did not comment. Given the limited scope of this proceeding, we decline to expand the rulemaking as requested by the Railroads.

§ 33.53. *Pusher engines.*

We did not propose any changes to this section. The Railroads commented that this Section should be deleted due to preemption. The Unions did not comment. Given the limited scope of this proceeding, we decline to expand the rulemaking as requested by the Railroads.

§ 33.54. *Federal safety regulations*

The Commission proposed amending this provision to delete outdated references to Federal law and to accurately reflect the relationship of state and federal law in the area of safety regulation. IRRC comments that it is unclear as to the relationship between Federal and State Safety regulations. By way of further clarification, the regulation as modified is to reflect the preemption provisions of 49 U.S.C.A. § 20106, as discussed previously. The purpose of this regulation is to recognize that potential preemption issues may arise and may need to be addressed outside the confines of a formal rulemaking.

§ 33.55. *Interchange of traffic and loading of commodities on open top cars.*

We did not propose any changes to this section. The Railroads commented that this provision is preempted pursuant to 49 U.S.C.A. § 10501(b)(1). The Unions, in their comments to the November 6, 2009 Notice, indicated that the word “supplement” in the regulation was in need of further clarity. Given the limited scope of this proceeding, we decline to expand the rulemaking as requested by the Railroads.

§ 33.56. *Safety of operation of railroad trains.*

We did not propose any changes to this provision. The Railroads commented that the FRA has recently issued a regulation governing this subject matter and therefore our regulation is preempted. 76 FR 69802-01. The Unions, did not file comments, but in their comments to the November 6, 2009 Notice, indicated that this provision should include additional safeguards. Given the limited scope of this proceeding, we decline to expand the rulemaking as requested by the Railroads.

§ 33.61. *Track, cars and four-wheel self-propelled maintenance-of-way cars.*

The Commission proposed deleting this provision due to federal regulations covering this area. 49 CFR Part 214. In response, the Unions commented that the federal regulations do not cover equipment manufactured prior to 1991 and therefore request that the provision be retained. IRRC comments that it wants further explanation of the proposal, citing the Unions’ comment.

It is uncontested that 49 CFR Part 214 covers the subject matter of 52 Pa. Code § 33.61. The only issue is, does Part 214 cover equipment older than 1991. The Commission notes that the Railroads filed comments on this issue, alleging that the federal regulation at 49 CFR 214.513 provides general requirements for retrofitting of all existing on-track roadway maintenance machines.

As noted earlier, 49 U.S.C.A. § 20106 provides that state regulations related to railroad safety are preempted where the FRA has issued a regulation or order covering the subject matter. An exception to the general rule of preemption allows a state to adopt a more stringent regulation than the federal counterpart, where (1) it is necessary to eliminate an essentially local safety hazard; (2) it is not incompatible with the federal regulation; and (3) it does not unreasonably burden interstate commerce. This preemption rule is reiterated in the federal regulation. 49 CFR 214.4.

Regulations “cover” the subject matter of a safety concern where they “comprise, include, or embrace [that concern] in an effective scope of treatment or operation.” The [federal regulation] must “substantially subsume the subject matter of the relevant state law,” not merely “touch upon” or “relate to” that subject matter. What is important is that the FRA has considered the “subject matter” and has addressed it “in an effective scope of treatment or operation.” *BNSF Railway Co. v. Swanson*, 533 F.3d 618, 621 (8th Cir. 2008) (internal citations omitted).

Applying the foregoing to the regulation under consideration, the Commission’s regulation provides minimum safety requirements for track cars and four-wheel self-propelled maintenance-of-way cars. Those safety requirements include: a windshield of safety glass and adequate size; a canopy to protect the occupants from the elements; an electric headlight; an electric taillight; and a windshield wiper. 52 Pa. Code § 33.61.

The relevant federal regulations concern workplace safety generally. Those regulations require all on-track roadway maintenance machines, including those manufactured before 1991, to be equipped with: handholds or a seat or bench for each worker, protection from moving parts of the machine; a horn or warning device; an illumination device that is not hand held and capable of illuminating obstructions on the track from a distance of 300 feet; suitable overhead covers, if feasible; safe floors, decks, stairs, and ladders; and a flagging kit. 49 CFR 214.513, .515, .519, and .521.

Comparing the federal regulations to our regulation, it is obvious they are not identical. However, both regulations do cover the subject matter of on-track roadway maintenance machine safety. While the federal regulations do not specifically mention windshield safety glass and wiper or taillight, we do not believe this omission means the federal regulations do not cover the subject matter. Preemption under 49 U.S.C.A. § 20106 does not require a line-item match between the federal and state regulation.

Additionally, we do not believe that § 33.61 falls within the exception to preemption established by 49 U.S.C.A. § 20106. Specifically, § 33.61 is a state-wide requirement. It does not address a local safety hazard. Therefore, we believe that § 33.61 is preempted by the federal regulations previously cited. As such, we will delete this provision from our regulations.

§ 33.62. *Locomotives.*

We did not propose any changes to this provision. The Railroads commented that our regulation is preempted by 49 CFR 229.137 and 139. The Unions did not comment, but did address this provision in their comments to the November 6, 2009 Notice. Therein, the Union challenged whether this regulation was preempted. Given the limited scope of this proceeding, we decline to expand the rulemaking as requested by the Railroads.

§ 33.63. *Cabin Cars.*

We did not propose any changes to this section. The Railroads commented that our regulation is preempted. The Unions commented in response to our November 6, 2009 Notice, that the regulation should be retained. Given the limited scope of this proceeding, we decline to expand the rulemaking as requested by the Railroads.

§ 33.64. *Protection cars.*

We did not propose any changes to this provision. The Railroads commented that the regulation is obsolete and should be deleted. The Unions did not comment. Given the limited scope of this proceeding, we decline to expand the rulemaking as requested by the Railroads.

§ 33.65. *Camp cars and trailers.*

We did not propose any changes to this provision. As previously discussed, however, we find that recently enacted federal regulations at 76 FR 67073-01 preempt existing regulations and therefore we will delete this section in our final rulemaking.

§ 33.66. *Safety glazing in railroad equipment.*

The Commission proposed deleting this provision due to FRA regulations governing the subject matter. 49 CFR Part 223. No comments were filed to this proposal. Therefore, we will adopt it as proposed.

§ 33.67. *Use of back up hose in rail operations.*

We did not propose any changes to this provision. The Railroads commented that this regulation is obsolete and most likely preempted and therefore should be deleted. The Unions did not comment on this provision. Given the limited scope of this proceeding, we decline to expand the rulemaking as requested by the Railroads.

§§ 33.71—33.77. *Regulations governing passenger train service.*

The Commission proposed deleting these provisions since they are obsolete and no longer applicable to passenger train service provided in Pennsylvania. No comments were filed to this proposal. Therefore, we will adopt it as proposed.

§§ 33.81—33.84. *Regulations governing track.*

The Commission proposed deleting these provisions due to FRA regulations governing the subject matter. 49 CFR Part 213. No comments were filed to this proposal. Therefore, we will adopt it as proposed.

§ 33.91. *General regulations (Motor Vehicles).*

§ 33.92. *Transportation of employees.*

We did not propose any changes to these provisions. The Railroads commented that these regulations should be deleted. The Unions did not comment. Given the limited scope of this proceeding, we decline to expand the rulemaking as requested by the Railroads.

§ 33.101. *Accounts.*

The Commission proposed amending this provision to provide updated references to the appropriate Federal agency, the Surface Transportation Board. No comments were filed to this proposal. Therefore, we will adopt it as proposed.

§ 33.102. *Records.*

The Commission proposed amending this provision to provide updated references to the appropriate Federal agency, the Surface Transportation Board. No comments were filed to this proposal. Therefore, we will adopt it as proposed.

§ 33.103. *Reports.*

The Commission proposed amending this provision to delete the annual report requirement and to provide updated references regarding the Commission's assessment report. No comments were filed to this proposal. Therefore, we will adopt it as proposed.

§ 33.113. *Training of equipment inspectors.*

The Commission proposed deleting this provision due to FRA regulations governing the subject matter. 49 CFR Parts 172, 215, and 232. No comments were filed to this proposal. Therefore, we will adopt it as proposed.

§ 33.128. *Application of regulations.*

We did not propose any changes to this provision. The Railroad commented that this regulation be amended to include a grandfathering exemption provision for standard clearances. The Unions commented that the regulation should be expanded. Given the limited scope of this proceeding, we decline to expand the rulemaking as requested.

§ 33.129. *Enforcement.*

We did not propose any changes to this provision. The Railroads commented that this regulation should be deleted and Commission enforcement efforts should be coordinated with federal regulation. Given the limited scope of this proceeding, we decline to expand the rulemaking as requested by the Railroads. We note that enforcement issues may entail uniquely state requirements.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 11, 2011, the Commission submitted a copy of the notice of proposed rulemaking,

published at 41 Pa.B. 5634, to IRRC and the Chairpersons of the House Consumer Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on April 3, 2013, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 4, 2013, and approved the final-form rulemaking.

Conclusion

Annex A, the final regulations, is permitted by sections 501, 1501 and chapter 27 of the Public Utility Code. Accordingly, under section 501 of the Public Utility Code, 66 Pa.C.S. § 501, and the Commonwealth Documents Law, 45 P. S. §§ 1201 et seq., and regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2 and 7.5, we amend the regulations at Chapter 33 as set forth in Annex A; *Therefore*,

It Is Ordered That:

1. The regulations of the Commission, 52 Pa. Code Chapter 33, are amended by amending §§ 33.1, 33.11—33.14, 33.31, 33.41, 33.54 and 33.101—33.103 and by deleting §§ 33.61, 33.65, 33.66, 33.71—33.77, 33.81—33.84 and 33.113 to read as set forth in Annex A.

(*Editor’s Note:* Rescinded § 33.65 was not included in the proposed rulemaking published at 41 Pa.B. 5634.)

2. The Secretary shall submit this order and Annex A to the Office of Attorney General for review as to form and legality.

3. The Secretary shall submit a copy of this order and Annex A to the Governor’s Budget Office for review of fiscal impact.

4. The Secretary shall submit this order and Annex A for review and approval by the designated standing committees of both Houses of the General Assembly, and for review and approval by IRRC.

5. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

6. A copy of this order shall be served on commentators to the proposed rulemaking order.

7. This final-form rulemaking shall become effective upon final publication in the *Pennsylvania Bulletin*.

8. The contact person is John Herzog, Assistant Counsel, Law Bureau, (717) 783-3714.

ROSEMARY CHIAVETTA,
Secretary

(*Editor’s Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 2242 (April 20, 2013).)

Fiscal Note: Fiscal Note 57-286 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart B. CARRIERS OF PASSENGERS OR PROPERTY

CHAPTER 33. RAILROAD TRANSPORTATION

Subchapter A. GENERAL PROVISIONS

§ 33.1. Definitions.

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

Blind car—A railroad car attached behind the caboose of a freight train or at the rear end of a passenger train upon which a member of the crew cannot ride in order to properly protect the rear of the train in the event of an emergency.

Bureau—The Bureau of Technical Utility Services of the Pennsylvania Public Utility Commission.

Cabin cars—Caboose provided for the use of railroad employees, excluding protection cars.

Carrier—Any railroad, railway company or corporation subject to Commission jurisdiction, which operates in this Commonwealth.

* * * * *

Main track—A designated track upon which trains are operated by timetable, train order, or both, or the use of which is governed by block signals.

Overhead clearance—The vertical distance from the top of the highest rail to any structure or obstruction there above.

* * * * *

Street railway—Every railroad and railway, or extension, and all the facilities thereof, by whatever power operated, for public use in the conveyance of passengers or property, located mainly or in part upon, above, below, through, or along any highway in any city, borough, or town, and not constituting or used as part of a trunk line railroad system.

Wash basin or bowl—A basin or bowl used for the purpose of obtaining personal cleanliness.

* * * * *

Subchapter B. SERVICE AND FACILITIES

ACCIDENTS

§ 33.11. General.

Each carrier shall submit a report of each reportable accident or incident involving its facilities or operation in this Commonwealth. Reports shall be addressed to the Bureau of Technical Utility Services, Pennsylvania Public Utility Commission, Post Office Box 3265, Harrisburg, Pennsylvania 17105-3265.

§ 33.12. Reportable accidents or incidents.

A reportable accident or incident is one as defined in 49 CFR (relating to transportation) and when a carrier is required to report to the Federal Railroad Administration under 49 CFR Part 225 (relating to railroad accidents/incidents: reports classification, and investigations).

§ 33.13. Telephone reports.

A carrier shall immediately report by telephone to the Bureau an accident or incident which requires the carrier

to telephonically notify the Federal Railroad Administration under 49 CFR Part 225 (relating to railroad accidents/incidents: reports classification, and investigations). The proper telephone number is provided on the Commission's web site at www.puc.pa.gov.

§ 33.14. Accident or incident report forms.

Carriers shall make reports to the Bureau on forms which the carrier shall file with the Federal Railroad Administration as prescribed by 49 CFR Part 225 (relating to railroad accidents/incidents: reports classification, and investigations). Reports shall be submitted to the Commission within the same time period as the reports are required to be submitted to the Federal Railroad Administration under 49 CFR Part 225.

CONSTRUCTION, ALTERATION OR RELOCATION OF CROSSINGS

§ 33.31. Regulations and procedure.

Each carrier shall comply with 66 Pa.C.S. § 2702 (relating to construction, relocation, suspension and abolition of crossings) and obtain Commission approval of the construction, alteration or relocation of every public highway and railroad crossing at grade, above grade or below grade, unless the Commission has given its prior unconditional consent to an abandonment of service or facilities of the line of railroad upon which such crossing or crossings are located.

SAFETY—BRIDGES, TUNNELS, TRESTLES AND SWITCHES

§ 33.41. Bridge or tunnel warnings.

(a) Common carriers shall install and maintain warnings of the telltale or tapper type at a reasonable distance on each side of bridges, tunnels, or other obstructions over main tracks, main track sidings, yard and switching tracks in accordance with the specifications of the American Railway Engineering and Maintenance of Way Association or existing standard plans of individual railroads.

(b) The provisions of subsection (a) do not apply to locations in territory where, by railroad order or rule, employees are prohibited from climbing on top of moving cars, engines, or other high equipment, or at locations over industrial tracks where points of limited vertical clearances are marked by appropriate warning signs.

(c) As used in this section, the term "points of limited vertical clearance" shall mean points less than 22 feet above the top of the rail.

OPERATION OF TRAINS

§ 33.54. Federal safety regulations.

The safety regulations of the United States Department of Transportation supplement the provisions of this chapter and control when State regulations are pre-empted. However, a violation of the Federal regulations which is not otherwise a violation of this chapter may not be subject to additional penalty for the same violation if penalized by a Federal tribunal.

SANITATION AND SAFETY FACILITIES AND EQUIPMENT

§ 33.61. (Reserved).

§ 33.65. (Reserved).

§ 33.66. (Reserved).

§§ 33.71—33.77. (Reserved).

§§ 33.81—33.84. (Reserved).

ACCOUNTS, RECORDS AND REPORTS

§ 33.101. Accounts.

Each carrier authorized to operate in this Commonwealth shall keep and record its accounts and records in conformity with the systems of accounts for railroad companies, with text, definitions and instructions as embodied in the currently effective classifications prescribed for railroad companies by the Surface Transportation Board.

§ 33.102. Records.

Each carrier shall preserve its records in conformity with the effective regulations of the Surface Transportation Board.

§ 33.103. Reports.

A carrier shall file with the Commission each year an assessment report on a form provided by the Commission showing gross Commonwealth intrastate revenues for assessment purposes. The assessment report shall be filed by March 31 covering the preceding calendar year.

MISCELLANEOUS PROVISIONS

§ 33.113. (Reserved).

[Pa.B. Doc. No. 13-952. Filed for public inspection May 24, 2013, 9:00 a.m.]

PROPOSED RULEMAKINGS

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 465a, 639a, 641a, 643a, 645a, 647a, 649a, 653a, 655a AND 657a]

Table Games Rules of Play

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 13A02(1) and (2) (relating to regulatory authority), proposes to amend Chapters 465a, 639a, 641a, 643a, 645a, 647a, 649a, 653a, 655a and 657a to read as set forth in Annex A.

Purpose of the Proposed Rulemaking

This rulemaking proposes to add: an alternative to the daily counting of table inventory containers that were not open for gaming; the Five Card Hand Bonus Wager, as a linked progressive, to Caribbean Stud Poker, Four Card Poker, Let It Ride Poker and Texas Hold 'Em Bonus Poker, Three Card Poker, Ultimate Texas Hold 'Em Poker, Mississippi Stud and Crazy 4 Poker; the Five-Card Progressive Payout Wager to Three Card Poker; and a variation of Pai Gow Poker, EZ Pai Gow Poker and four additional side wagers when EZ Pai Gow Poker is being offered including the Queen's Dragon Wager, Dynasty Wager, Protection Wager and the Red/Black Wager.

Explanation

Table inventories

The regulations currently require that operators open and count table inventory containers on a daily basis. This rulemaking proposes to allow operators to utilize an alternative procedure, provided that they update their internal controls, whereby a floorperson or above completes a Closed Table form instead of counting the table inventory container on a daily basis. This Closed Table form is necessary for revenue audit purposes to ensure that all table game drop boxes were, in fact, collected and counted daily.

Five Card Hand Bonus Wager

The Five Card Hand Bonus Wager is an optional side wager that the player's five-card hand will contain a flush or better. This side wager may be offered on a single table (such as one Four Card Poker table), on multiple tables of the same type (a bank of Four Card Poker tables) or across multiple games within the same licensed facility (Four Card Poker, Crazy 4 Poker and Let It Ride Poker tables, for example). The purpose of linking multiple tables and games together is to increase the number of individuals contributing to and playing for the progressive jackpot amount.

With this proposed rulemaking, the Five Card Hand Bonus Wager may be played on any of the following games: Caribbean Stud Poker; Four Card Poker; Let It Ride Poker; Texas Hold 'Em Bonus Poker; Three Card Poker; Ultimate Texas Hold 'Em Poker; Mississippi Stud; and Crazy 4 Poker. For these games, definitions of "Magic Card Bonus" and "Lucky Bonus" are proposed to be added. Language is proposed to be added specifying that if a facility were to offer a linked progressive, the table game system must have an electronic wagering system and must comply with proposed § 605a.8 (relating to

linked progressive table games). See 43 Pa.B. 2312 (April 27, 2013). For those games that did not previously include a payout based on a five-card Poker hand, hand rankings are proposed to be added. A description of the Five Card Hand Bonus Wager is proposed to be added to the regulations regarding wagers. The procedure for dealing the cards is proposed to be updated in the regulations concerning procedures and detail how the wager is to be settled and when it is to be settled. The payout odds and amounts are proposed to be added to the regulations regarding payout odds.

Proposed amendments to §§ 647a.11 and 653a.11 (relating to procedure for completion of each round of play; and procedures for completion of each round of play) ensure that only the player's two cards and the first three community cards (the Flop) may be used to form the best five-card Poker hand for purposes of the Five Card Hand Bonus Wager. This clarifying language is included because allowing players to create the best five-card Poker hand from the seven cards dealt (the player's two cards and all five community cards) would create an advantage to players at Ultimate Texas Hold 'Em Poker and Texas Hold 'Em Poker if those players were vying for the linked progressive jackpot against players at tables in which only the player's first five cards were used to create the best possible hand.

Proposed amendments to §§ 649a.8—649a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) specify that if a player places a Five Card Hand Bonus Wager the dealer shall deal an additional two community cards face down on the table. The cards are not taken into account for any other wager placed on the table and are revealed only after all other wagers have been settled. This additional procedure is also applicable if the operator is offering the Five-Card Progressive Payout Wager.

EZ Pai Gow Poker

In Chapter 645a (relating to Pai Gow Poker), a variation of Pai Gow in which vigorish is not collected is proposed to be added. If the certificate holder is offering EZ Pai Gow Poker, the layout must indicate that if the dealer's hand is a Queen's Dragon (all different ranks but does not contain a pair, straight, flush, straight flush or royal flush), the player's wager pushes and is returned. The definition of "Queen's Dragon" is proposed to be added in § 645a.1 (relating to definitions). Layout requirements are proposed to be added to § 645a.2 (relating to Pai Gow Poker table; Pai Gow Poker shaker; physical characteristics). A description of all wagers applicable to the play of EZ Pai Gow Poker is proposed to be added to § 645a.7 (relating to wagers). Dealing procedures are proposed to be updated in §§ 645a.8—645a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). How the wager is to be settled and when it is to be settled is proposed to be added to § 645a.11 (relating to procedures for completion of each round of play). The payout odds and amounts are proposed to be added in § 645a.13 (relating to payout odds; Envy Bonus; rate of progression; payout limitation).

Five-Card Progressive Payout Wager

The Five-Card Progressive Payout Wager is proposed to be added to Chapter 649a (relating to Three Card Poker). This progressive side wager may be linked to Caribbean Stud Poker, Four Card Poker, Let It Ride Poker, Texas Hold 'Em Bonus Poker, Ultimate Texas Hold 'Em Poker, Mississippi Stud and Crazy 4 Poker.

Definitions of "Envy Bonus" and "Envy Bonus Qualifying Hand" are proposed to be added to § 649a.1 (relating to definitions). In § 649a.2 (relating to Three Card Poker table physical characteristics), language is proposed to be added specifying that if a facility were to offer a linked progressive, the table game system must comply with § 605a.8. A description of the Progressive Payout Wager is proposed to be added in § 649a.7 (relating to wagers), how the wager is to be settled and when it is to be settled is proposed to be added in § 649a.11 (relating to procedures for completion of each round of play) and the payout odds and amounts are proposed to be added in § 649a.12 (relating to payout odds; Envy Bonus; rate of progression).

Fiscal Impact

Commonwealth. The Board does not expect that this proposed rulemaking will have fiscal impact on the Board or any other Commonwealth agency. Testing of local area progressive controllers and progressives and updates to Rules Submissions and internal control procedures will be reviewed by existing Board staff.

Political subdivisions. This proposed rulemaking will not have fiscal impact on political subdivisions of this Commonwealth.

Private sector. This proposed rulemaking will provide certificate holders with additional operational options. If a certificate holder decides to offer the Five-Card Progressive Payout Wager, the Five Card Hand Bonus Wager, EZ Pai Gow Poker or linked progressive jackpots within the licensed facility, the certificate holder will be required to train their dealers on the rules of play and may need to purchase new equipment which will allow for the placement of progressive wagers. Costs incurred to train employees or purchase/lease equipment should be offset by the proceeds of gaming.

Operators that elect to utilize the alternative procedure for counting table inventory containers that were not open for gaming should see some cost savings in that only one floorperson will be required to complete a Closed Table form instead of opening the inventory container and counting the contents.

General public. This proposed rulemaking will not have fiscal impact on the general public.

Paperwork Requirements

If a certificate holder selects different options for the play of table games, the certificate holder will be required to submit an updated rules submission reflecting the changes. These forms are available and submitted to agency staff electronically.

Effective Date

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

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin*. Public comments should be

addressed to Susan A. Yocum, Assistant Chief Counsel, Attention: Regulation # 125-170 Public Comment, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060.

Contact Person

The contact person for questions about this proposed rulemaking is Susan Yocum, Assistant Chief Counsel, (717) 346-8300.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 15, 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 to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request and is available on the Board's web site at www.gamingcontrolboard.pa.gov.

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

WILLIAM H. RYAN, Jr.,
Chairperson

(Editor's Note: See the proposed rulemaking published at 43 Pa.B. 2312 (Fiscal Note 125-169) for proposed additions to §§ 641a.2, 641a.7, 641a.11, 641a.12, 643a.7, 643a.11, 643a.12, 647a.2, 647a.7, 647a.11, 647a.12, 657a.7, 657a.11 and 657a.12. In Annex A, proposed subsections and paragraphs to these sections are numbered in accordance with proposed rulemaking published at 43 Pa.B. 2312.)

(Editor's Note: See 43 Pa.B. 2312 for proposed § 605a.8. This section will be adopted on or before the date of final adoption of this proposed rulemaking.)

(Editor's Note: See the proposed rulemaking published at 43 Pa.B. 834 (February 9, 2013) (Fiscal Note 125-166) for proposed additions to § 649a.12. In Annex A, a proposed subsection is numbered in accordance with proposed rulemaking published at 43 Pa.B. 834.)

Fiscal Note: 125-170. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart E. SLOT MACHINES AND ASSOCIATED EQUIPMENT

CHAPTER 465a. ACCOUNTING AND INTERNAL CONTROLS

§ 465a.36. Table inventories.

* * * * *

(e) Table Inventory Slips must be two-part forms upon which the following is recorded:

* * * * *

(5) The signatures of the dealer or boxperson and floorperson assigned to the gaming table who conducted the count of the table inventory when the gaming table was closed and when the gaming table was opened.

(f) Notwithstanding the requirements in subsection (c), a certificate holder may utilize the following alternative procedure for table games that are not open for gaming activity during the gaming day:

(1) A floorperson or above shall complete a Closed Table form for every table that was not open for gaming during the gaming day.

(2) The table inventory must remain locked during completion of the Closed Table form.

(3) The Closed Table form must contain:

(i) The date and identification of the shift ended.

(ii) The game and table number.

(iii) The date the table was last opened for gaming (the date on the Table Inventory Slip that is locked in the table inventory container).

(iv) The signature and Board-issued credential number of the floorperson or above who completed the Closed Table form.

(4) After completion, the Closed Table form shall be deposited into the drop box and forwarded to revenue audit at the conclusion of the count in accordance with § 465a.25 (relating to counting and recording of slot cash storage boxes and table game drop boxes).

(5) A Table Inventory Slip shall be completed on all tables, in accordance with §§ 465a.37 and 465a.42, every Saturday prior to the commencement of the table game drop for gaming day ending Sunday at 5:59:59 a.m.

Subpart K. TABLE GAMES

CHAPTER 639a. CARIBBEAN STUD POKER

§ 639a.1. Definitions.

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

* * * * *

Hole card—Any of the four cards dealt face down to the dealer.

Lucky Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player’s hand if the player is seated in the position that is randomly selected by the table game system.

(ii) The dealer’s hand if the dealer position is randomly selected by the table game system.

Magic Card Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player’s hand if one of the player’s cards matches the card randomly selected by the table game system.

(ii) The dealer’s hand if one of the dealer’s cards matches the card randomly selected by the table game system.

Progressive Payout Hand—The term means either of the following:

(i) A player’s five-card Poker hand with a rank of three-of-a-kind or better.

(ii) If included in the paytable selected by the certificate holder, a two pair or better as defined in § 639a.6(b) (relating to Caribbean Stud Poker rankings).

§ 639a.2. Caribbean Stud Poker table physical characteristics.

* * * * *

(b) The layout for a Caribbean Stud Poker table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

* * * * *

(5) If a certificate holder offers the Five Card Hand Bonus Wager authorized under § 639a.7(d)(4), each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager.

(6) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Caribbean Stud Poker table.

[(6)] (7) An inscription indicating that the Bet Wager will be returned if the dealer has less than an ace/king. If the information is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Caribbean Stud Poker table.

* * * * *

(d) If the certificate holder offers the Five Card Hand Bonus Wager authorized under § 639a.7(d)(4), the Caribbean Stud Poker table must have a table game system, in accordance with § 605a.7 and an electronic wagering system in accordance with §§ 605a.2 and 605a.3 (relating to electronic wagering systems; and procedures for buying in to and cashing out of a table game using an electronic wagering system). Each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager. The system must include a mechanism, such as a lock-out button, that prevents the placement of any Five Card Hand Bonus Wagers that a player attempts to place after the dealer has begun dealing the cards. If the certificate holder is offering a Five Card Hand Bonus Wager on multiple linked tables or games in the same licensed facility, the progressive table game must comply with § 605a.8 (relating to linked progressive table games).

(e) Each Caribbean Stud Poker table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

[(e)] (f) Each Caribbean Stud Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 639a.7. Wagers.

* * * * *

(d) The following wagers may be placed in the game of Caribbean Stud Poker:

* * * * *

(3) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player at a Caribbean Stud Poker table the option to make an additional Caribbean Stud Bonus Wager that the player's cards will form a five-card Poker hand with a rank of a pair of 10s or better. After placing an Ante Wager, a player may make the additional Caribbean Stud Bonus Wager by placing a value chip on the designated betting area prior to the dealer announcing "no more bets."

(4) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a Caribbean Stud Poker table the option to make an additional Five Card Hand Bonus Wager that the player's five-card Poker hand or the dealer's five-card Poker hand, or both, will contain a flush or better as defined in § 639a.6(b) (relating to Caribbean Stud Poker rankings). After placing an Ante Wager, a player may make the additional Five Card Hand Bonus Wager on the player's hand or the dealer's hand, or both, by using the electronic wagering device designated for that player. Each player shall be responsible for verifying that the player's Five Card Hand Bonus Wager has been accepted.

(e) A player may not wager on more than one player position at a Caribbean Stud Poker table.

§ 639a.8. Procedure for dealing the cards from a manual dealing shoe.

* * * * *

(b) Prior to dealing the cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

* * * * *

§ 639a.9. Procedures for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

* * * * *

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers

have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

* * * * *

§ 639a.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

* * * * *

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

* * * * *

§ 639a.11. Procedure for completion of each round of play.

* * * * *

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to make a Bet Wager in an amount equal to two times the amount of the player's Ante Wager or forfeit the Ante Wager and end his participation in the round of play. If a player has placed an Ante Wager and a Caribbean Stud Bonus Wager [or] , a Progressive Payout Wager or a Five Card Hand Bonus Wager but does not make a Bet Wager, the player shall forfeit all wagers except the Five Card Hand Bonus Wager.

(c) After each player who has placed an Ante Wager has either placed a Bet Wager on the designated area of the layout or forfeited his wager and hand, the dealer shall collect all forfeited wagers and associated cards and place the cards in the discard rack. The dealer shall then reveal the dealer's four hole cards and place the cards so as to form the highest possible ranking five-card Poker hand. After the dealer's cards are turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

* * * * *

(6) After settling a player's Ante, Bet and Caribbean Stud Bonus Wagers, the dealer shall settle the Five Card Hand Bonus Wager, if offered by the certificate holder, and any Magic Card or Lucky Bonus payouts. A winning Five Card Hand Bonus Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a Five Card Hand Bonus or any Magic Card or Lucky Bonus payout, the dealer shall:

(i) Verify that the hand is a winning hand.

(ii) Have a floorperson or above verify any Five Card Hand Bonus payout with odds of 500 for 1 or a payout that is a percentage of the jackpot amount on the progressive meter in accordance with approved internal control procedures submitted under § 465a.2 (relating to internal control systems and audit protocols).

(iii) Credit the player's game account for the winning Five Card Hand Bonus Wager or the Magic Card or Lucky Bonus payout in accordance with § 639a.12(e). If a player has won a Five Card Hand Bonus payout that is a percentage of the jackpot amount on the progressive meter, the payout may not be paid to the player's game account. If a player has won a payout that is not being paid to the player's game account, the winning hand must remain on the table until the necessary documentation has been completed.

(d) After all wagers of the player have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

§ 639a.12. Payout odds; rate of progression.

* * * * *

(e) If a certificate holder offers the Five Card Hand Bonus Wager:

(1) The certificate holder shall pay out winning Five Card Hand Bonus Wagers at the odds in the following paytable:

<i>Hand</i>	<i>Payout</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	500 for 1
Full house	100 for 1
Flush	50 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed. If a player placed a Five Card Bonus Wager on both the dealer's hand and the player's hand, the player shall receive a payout in accordance with paragraph (1) for both the highest ranking five-card Poker hand of the dealer and the highest ranking five-card Poker hand of the player. If the dealer's hand qualifies for a payout that is a percentage of the jackpot amount on the progressive meter and if more than one player wagered on the dealer's hand, the jackpot will be divided equally among the number of players who wagered on the dealer's hand.

(3) The certificate holder may pay a Magic Card or Lucky Bonus in accordance with the odds in the following paytable:

<i>Hand</i>	<i>Payout</i>
Magic Card	20 for 1
Lucky Bonus	5 for 1

(4) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in

the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$10,000.

CHAPTER 641a. FOUR CARD POKER

§ 641a.1. Definitions.

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

* * * * *

Hand—The Four Card Poker hand that is held by each player and the dealer after the cards are dealt.

Lucky Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player's hand if the player is seated in the position that is randomly selected by the table game system.

(ii) The dealer's hand if the dealer position is randomly selected by the table game system.

Magic Card Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player's hand if one of the player's cards matches the card randomly selected by the table game system.

(ii) The dealer's hand if one of the dealer's first five cards matches the card randomly selected by the table game system.

Play Wager—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.

* * * * *

§ 641a.2. Four Card Poker table physical characteristics.

* * * * *

(b) The layout for a Four Card Poker table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

* * * * *

(5) If a certificate holder offers the Five Card Hand Bonus Wager authorized under § 641a.7(d)(7), each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager.

[(4)] (6) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Four Card Poker table.

* * * * *

(d) If the certificate holder offers the Five Card Hand Bonus Wager authorized under § 641a.7(d)(7), the Four Card Poker table must have a table game system, in accordance with § 605a.7 and an electronic wagering system in accordance with §§ 605a.2 and 605a.3 (relating to electronic wagering systems; and procedures for buying in to and

cashing out of a table game using an electronic wagering system). The system must include a mechanism, such as a lockout button, that prevents the placement of any Five Card Hand Bonus Wagers that a player attempts to place after the dealer has begun dealing the cards. If the certificate holder is offering a Five Card Hand Bonus Wager on multiple linked tables or games in the same licensed facility, the progressive table game must comply with § 605a.8 (relating to linked progressive table games).

(e) Each Four Card Poker table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

[(e)] (f) Each Four Card Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 641a.7. Wagers.

* * * * *

(d) The following wagers may be placed in the game of Four Card Poker:

* * * * *

(7) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a Four Card Poker table the option to make an additional Five Card Hand Bonus Wager that the player's five-card Poker hand or the dealer's five-card Poker hand, or both, will contain a flush or better as defined in § 641a.6(d) (relating to Four Card Poker rankings). After placing an Ante Wager, a player may make the additional Five Card Hand Bonus Wager on the player's hand or the dealer's hand, or both, by using the electronic wagering device designated for that player. Each player shall be responsible for verifying that the player's Five Card Hand Bonus Wager has been accepted.

(e) A certificate holder shall specify in its Rules Submission under § 601a.2 the number of adjacent boxes on which a player may place a wager in one round of play.

§ 641a.8. Procedures for dealing the cards from a manual dealing shoe.

* * * * *

(b) Prior to dealing any cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container,

verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

* * * * *

§ 641a.9. Procedures for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

* * * * *

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

* * * * *

§ 641a.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

* * * * *

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

* * * * *

§ 641a.11. Procedures for completion of each round of play.

* * * * *

(c) After each player who has placed an Ante Wager has either placed a Play Wager on the designated area of the layout or forfeited his Ante Wager and hand, the dealer shall collect all forfeited wagers and associated cards and place the cards in the discard rack. The dealer shall then reveal the dealer's cards and select the four cards that form the highest possible ranking Four Card Poker hand. After the dealer's cards are turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

* * * * *

(7) After settling a player's Aces Up Wagers, the dealer shall settle the Five Card Hand Bonus Wager, if offered by the certificate holder, and any

Magic Card or Lucky Bonus payouts. The dealer shall form the highest ranking five-card Pokerhand of the player and the dealer. For the dealer's hand, the dealer shall form the highest ranking five-card Poker hand from the first five cards dealt to the dealer. A winning Five Card Hand Bonus Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a Five Card Hand Bonus or any Magic Card or Lucky Bonus payout, the dealer shall:

- (i) Verify that the hand is a winning hand.
(ii) Have a floorperson or above verify any Five Card Hand Bonus payout with odds of 500 for 1 or a payout that is a percentage of the jackpot amount on the progressive meter in accordance with approved internal control procedures submitted under § 465a.2 (relating to internal control systems and audit protocols).

(iii) Credit the player's game account for the winning Five Card Hand Bonus Wager or the Magic Card or Lucky Bonus payout in accordance with § 641a.12(g). If a player has won a Five Card Hand Bonus payout that is a percentage of the jackpot amount on the progressive meter, the payout may not be paid to the player's game account. If a player has won a payout that is not being paid to the player's game account, the winning hand must remain on the table until the necessary documentation has been completed.

(d) After all wagers of the player have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

§ 641a.12. Payout odds; Envy Bonus; rate of progression.

* * * * *

(g) If a certificate holder offers the Five Card Hand Bonus Wager:

(1) The certificate holder shall pay out winning Five Card Hand Bonus Wagers at the odds in the following payable:

Table with 2 columns: Hand, Payout. Rows include Royal flush (100% of meter), Straight flush (10% of meter), Four-of-a-kind (500 for 1), Full house (100 for 1), Flush (50 for 1).

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed. If a player placed a Five Card Bonus Wager on both the dealer's hand and the player's hand, the player shall receive a payout in accordance with paragraph (1) for both the highest ranking five-card Poker hand of the dealer and the highest ranking five-card Poker hand of the player. If the dealer's hand qualifies for a payout that is a percentage of the jackpot amount on the progressive meter and if more than one player wagered on the dealer's hand, the jackpot will be divided equally among the number of players who wagered on the dealer's hand.

(3) The certificate holder may pay a Magic Card or Lucky Bonus in accordance with the odds in the following payable:

Table with 2 columns: Hand, Payout. Rows include Magic Card (20 for 1), Lucky Bonus (5 for 1).

(4) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$10,000.

CHAPTER 643a. LET IT RIDE POKER

§ 643a.1. Definitions.

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

* * * * *

Let It Ride—When a player does not withdraw a wager as permitted under § 643a.11(b) and (d) (relating to procedures for completion of each round of play).

Lucky Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager if the player is seated in the position that is randomly selected by the table game system.

Magic Card Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager if one of the player's three cards or the two community cards match the card randomly selected by the table game system.

* * * * *

§ 643a.2. Let It Ride Poker table physical characteristics.

* * * * *

(b) The layout for a Let It Ride Poker table shall be submitted to the Bureau of Gaming Operations in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

* * * * *

(8) If a certificate holder offers the Five Card Hand Bonus Wager authorized under § 643a.7(i), each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager.

(9) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Let It Ride Poker table.

[(9)] (10) An inscription indicating the payout limit per hand established by the certificate holder under § 643a.12(e) (relating to payout odds; payout limitation) or a generic inscription indicating the game is subject to the posted payout limit. If the payout limit is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Let It Ride Poker table.

* * * * *

(e) If the certificate holder offers the Five Card Hand Bonus Wager authorized under § 643a.7(i), the Let It Ride Poker table must have a table game system, in accordance with § 605a.7 and an electronic wagering system in accordance with §§ 605a.2 and 605a.3 (relating to electronic wagering systems; and procedures for buying in to and cashing out of a table game using an electronic wagering system). Each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager. The system must include a mechanism, such as a lock-out button, that prevents the placement of any Five Card Hand Bonus Wagers that a player attempts to place after the dealer has begun dealing the cards. If the certificate holder is offering a Five Card Hand Bonus Wager on multiple linked tables or games in the same licensed facility, the progressive table game must comply with § 605a.8 (relating to linked progressive table games).

(f) Each Let It Ride Poker table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

[(f)] (g) Each Let It Ride Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 643a.7. Wagers.

* * * * *

(i) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a Let It Ride Poker table the option to make an additional Five Card Hand Bonus Wager that the player's five-card Poker hand will contain a flush or better as defined in § 643a.6(b) (relating to Let It Ride Poker rankings). After placing an Ante Wager, a player may make the additional Five Card Hand Bonus Wager by using the electronic wagering device designated for that player. Each player shall be responsible for verifying that the player's Five Card Hand Bonus Wager has been accepted.

[(h)] (j) A Five Card Bonus Wager, Three Card Bonus Wager, a Five Card Hand Bonus Wager and Progressive Payout Wager do not have a bearing on any other wagers made by the player.

[(i)] (k) A certificate holder shall specify in its Rules Submission under § 601a.2 the number of adjacent boxes on which a player may place a wager in one round of play.

§ 643a.8. Procedure for dealing the cards from a manual dealing shoe.

* * * * *

(b) Prior to dealing any cards, the dealer shall announce "no more bets" and:

* * * * *

(2) If the Progressive Payout Wager is being offered, use the progressive table game system to prevent the

placement of any additional Progressive Payout Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(3) If the Five Card Hand Bonus Wager is being offered, use the electronic wagering system to prevent the placement of additional Five Card Hand Bonus Wagers.

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

* * * * *

§ 643a.9. Procedure for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

* * * * *

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and:

* * * * *

(ii) If the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(iii) If the Five Card Hand Bonus Wager is being offered, use the electronic wagering system to prevent the placement of additional Five Card Hand Bonus Wagers.

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal the cards as follows:

* * * * *

§ 643a.10. Procedure for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

* * * * *

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and:

* * * * *

(ii) If the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory

container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(iii) If the Five Card Hand Bonus Wager is being offered, use the electronic wagering system to prevent the placement of any additional Five Card Hand Bonus Wagers.

(b) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d) (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed the three required wagers in accordance with § 643a.7(d). The dealer shall then deliver a stack of three cards face down to the area designated for the placement of the community cards and spread the stack within the designated area so that the top card is to the dealer's right and the bottom card is to the dealer's left. The dealer shall then remove the community card that is to his left and place that card in the discard rack without exposing the card.

* * * * *

§ 643a.11. Procedures for completion of each round of play.

* * * * *

(f) After the second community card is turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

* * * * *

(3) The dealer shall first settle all Let It Ride Poker Wagers of that player by collecting losing wagers and paying winning wagers in accordance with § 643a.12(a) (relating to payout odds; payout limitation). After settling the player's Let It Ride Poker Wagers, the dealer shall settle any Five Card Bonus Wagers, Three Card Bonus Wagers [or], Progressive Payout Wagers or Five Card Hand Bonus Wagers as follows:

* * * * *

(v) If a player placed a Five Card Hand Bonus Wager, the dealer shall settle any Magic Card or Lucky Bonus payouts and any winning Five Card Hand Bonus wagers as follows:

(A) Verify that the hand is a winning hand.

(B) Have a floorperson or above verify any Five Card Hand Bonus payout with odds of 500 for 1 or a payout that is a percentage of the jackpot amount on the progressive meter in accordance with approved internal control procedures submitted under § 465a.2 (relating to internal control systems and audit protocols).

(C) Credit the player's game account for the winning Five Card Hand Bonus Wager or the Magic Card or Lucky Bonus payout in accordance with

§ 643a.12(f). If a player has won a Five Card Hand Bonus payout that is a percentage of the jackpot amount on the progressive meter, the payout may not be paid to the player's game account. If a player has won a payout that is not being paid to the player's game account, the winning hand must remain on the table until the necessary documentation has been completed.

(g) After all wagers of the player have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

§ 643a.12. Payout odds; payout limitation.

(a) Subject to the payout limitation in subsection [(d)] (g), a certificate holder shall pay out winning Let It Ride Poker Wagers at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

* * * * *

(f) If a certificate holder offers the Five Card Hand Bonus Wager:

(1) The certificate holder shall pay out winning Five Card Hand Bonus Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	500 for 1
Full house	100 for 1
Flush	50 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed.

(3) The certificate holder may pay a Magic Card or Lucky Bonus in accordance with the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Magic Card	20 for 1
Lucky Bonus	5 for 1

(4) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$10,000.

[(e)] (g) Notwithstanding the payout odds in subsection (a), a certificate holder may establish in its Rules Submission under § 601a.2 a maximum amount that is payable to a player on a single hand. The maximum amount shall be at least \$50,000 or the maximum amount that one patron could win per round when betting the minimum permissible wager, whichever is greater. Any maximum payout limit established by a certificate holder shall apply only to payouts of Let It Ride Poker Wagers placed under § 643a.7(d) (relating to wagers) but may not apply to payouts of Five Card Bonus Wagers placed under § 643a.7(e), Three Card Bonus Wagers placed under § 643a.7(f) [or], Progressive Payout Wagers placed under § 643a.7(g) or Five Card Hand Bonus Wagers under § 643a.7(i).

CHAPTER 645a. PAI GOW POKER

§ 645a.1. Definitions.

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

* * * * *

Co-banking—When the bank and the dealer each cover 50% of all winning Pai Gow Poker Wagers.

EZ Pai Gow Poker—A variation of Pai Gow Poker in which vigorish is not collected.

Envy Bonus—An additional fixed sum payout made to a player who placed a Qualifying Wager when another player at the Pai Gow Poker table is the holder of an Envy Bonus Qualifying Hand.

* * * * *

Qualifying Wager—An Emperor’s Treasure Wager [or a], Fortune Bonus Wager or a Dynasty Bonus Wager of at least \$5 which may entitle a player to an Envy Bonus.

Queen’s Dragon—The dealer’s seven cards of different ranks which do not form a straight, a flush, a straight flush or a royal flush but contain a queen high card.

Setting the hands—The process of forming a high hand and low hand from the seven cards dealt.

§ 645a.2. Pai Gow Poker table; Pai Gow Poker shaker; physical characteristics.

* * * * *

(b) The layout for a Pai Gow Poker table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

* * * * *

(9) If a certificate holder offers EZ Pai Gow Poker:

(i) Separate areas designated for the following optional wagers, if offered by the certificate holder:

(A) Queen’s Dragon Wager authorized under § 645a.7(e)(5)(i).

(B) Dynasty Bonus Wager authorized under § 645a.7(e)(5)(ii).

(C) Protection Wager authorized under § 645a.7(e)(5)(iii).

(D) Red/Black Wager authorized under § 645a.7(e)(5)(iv).

(ii) Inscriptions that advise patrons that if the dealer’s hand is a Queen’s Dragon, the player’s wager shall push and be returned to the player.

(10) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Pai Gow Poker table.

[(10)] (11) An inscription indicating the payout limit per hand established by the certificate holder under [§ 645a.13(f)] § 645a.13(j) (relating to payout odds; Envy Bonus; rate of progression; payout limitation) or a

generic inscription indicating the game is subject to the posted payout limit. If the payout limit is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Pai Gow Poker table.

* * * * *

§ 645a.6. Pai Gow Poker rankings.

* * * * *

(f) If a certificate holder offers the optional Progressive Payout Wager under § 645a.7(e)(4), the following seven-card hands shall be used to determine the amount of the progressive payout to a winning player:

* * * * *

(6) A full house, which is a hand consisting of a three-of-a-kind and a pair.

(g) If the certificate holder offers the optional Dynasty Bonus Wager under § 645a.7(e)(5)(ii), in addition to the hands described in subsection (b), the following hands shall also be used to determine the amount of the Dynasty Bonus or Envy Bonus payout to a winning player:

(1) An ace/five natural straight flush and a natural ace/queen suited, which is a hand consisting of an ace, 2, 3, 4 and 5, without a joker, and an additional ace and queen of the same suit without a joker.

(2) A seven-card natural straight flush, which is a hand consisting of seven cards of the same suit in consecutive ranking, without a joker used to complete the straight flush.

(3) A natural royal flush and a natural ace/king suited, which is a hand consisting of an ace, king, queen, jack and a 10 of the same suit, without a joker, and an additional ace and queen of the same suit without a joker.

(4) A seven-card straight flush, which is a hand consisting of seven cards of the same suit in consecutive ranking, with a joker used to complete the straight flush.

(5) An ace/five natural straight flush, which is a hand consisting of an ace, 2, 3, 4 and 5, without a joker.

§ 645a.7. Wagers.

* * * * *

(e) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who placed a Pai Gow Poker Wager, in accordance with subsection (d), the option of placing the following additional wagers:

* * * * *

(4) A Progressive Payout Wager that the seven cards dealt to the player will form a seven-card Poker hand with a rank of a full house or better as described in § 645a.6(f).

(5) If EZ Pai Gow Poker is being played, a certificate holder may offer the following additional wagers:

(i) The Queen’s Dragon Wager that the dealer’s hand will create a Queen’s Dragon.

(ii) The Dynasty Bonus Wager that the seven cards dealt to the player will form a hand with a rank of a three-of-a-kind or better as described in § 645a.6(b) and (g).

(iii) **The Protection Wager that the seven cards dealt to the player will form a hand that does not contain a pair or better, as described in § 645a.6(b), but contain a high card of a 9, 10, jack, queen, king or ace.**

(iv) **The Red/Black Wager that four or more of the cards in the player’s hand will be of the player’s chosen color.**

(f) Except as provided in § 645a.12(f) (relating to player bank; co-banking; selection of bank; procedures for dealing), a certificate holder may, if specified in its Rules Submission under § 601a.2, permit a player to wager on two adjacent betting areas at a Pai Gow Poker table. If a certificate holder permits a player to wager on adjacent betting areas, the cards dealt to each betting area shall be played separately. If the two wagers are not equal, the player shall rank and set the hand with the larger wager before ranking and setting the other hand. If the amounts wagered are equal, each hand shall be played separately in a counterclockwise rotation with the first hand being ranked and set before the player proceeds to rank and set the second hand. Once a hand has been ranked, set and placed face down on the layout, the hands may not be changed.

§ 645a.8. Procedures for dealing the cards from a manual dealing shoe.

* * * * *

(b) Prior to dealing any cards, the dealer shall announce “no more bets” and:

(1) If the Fortune Bonus Wager [or] , Emperor’s Treasure Wager **or Dynasty Bonus Wager** is being offered and a player makes a Qualifying Wager, the dealer shall place an Envy lammer next to that player’s wager.

* * * * *

§ 645a.9. Procedures for dealing the cards from the hand.

(a) If the cards are dealt from the dealer’s hand, the following requirements shall be observed:

* * * * *

(3) Prior to dealing any cards, the dealer shall announce “no more bets” and:

(i) If the Fortune Bonus Wager [or] , Emperor’s Treasure Wager **or Dynasty Bonus Wager** is being offered and a player makes a Qualifying Wager, the dealer shall place an Envy lammer next to that player’s wager.

* * * * *

§ 645a.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

* * * * *

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce “no more bets” and:

(i) If the Fortune Bonus Wager [or] , Emperor’s Treasure Wager **or Dynasty Bonus Wager** is being offered and a player makes a Qualifying Wager, the dealer shall place an Envy lammer next to that player’s wager.

* * * * *

§ 645a.11. Procedures for completion of each round of play.

* * * * *

(d) Unless a player has placed an optional wager authorized under § 645a.7(e)(1)—[(4)] (5) (relating to wagers), a player may surrender his wager after the hands of the dealer or the bank have been set. The player shall announce his intention to surrender prior to the dealer exposing either of the two hands of that player as provided in subsection (e). Once the player has announced his intention to surrender, the dealer shall immediately collect the Pai Gow Poker Wager from that player and collect the seven cards dealt to that player without exposing the cards to anyone at the table. If any Qualifying Wagers have been placed, the cards of the player shall remain on the table until collected in accordance with subsection (h). The dealer shall verify that seven cards were collected by counting them face down on the layout prior to placing them in the discard rack.

* * * * *

(f) A Pai Gow Poker Wager will:

(1) Lose and will immediately be collected if:

* * * * *

(iv) The two hands of the player were not otherwise set correctly in accordance with this chapter.

(v) Notwithstanding subparagraphs (i)—(iv), if the table is designated for play as an EZ Pai Gow Poker table in which vigorish is not collected and if the dealer has a Queen’s Dragon, the player’s Pai Gow Poker Wager shall push and be returned to the player.

(2) Tie and will be returned to the player if:

(i) The high hand of the player is higher in rank than the high hand of the dealer, but the low hand of the player is identical in rank to the low hand of the dealer or lower in rank than the low hand of the dealer.

(ii) The high hand of the player is identical in rank to the high hand of the dealer or lower in rank than the high hand of the dealer, but the low hand of the player is higher in rank than the low hand of the dealer.

(iii) The dealer has a Queen’s Dragon and the table is designated for play as an EZ Pai Gow Poker table in which vigorish is not collected.

(3) Win if the high hand of the player is higher in rank than the high hand of the dealer and the low hand of the player is higher in rank than the low hand of the dealer **provided that if the table is designated for play as an EZ Pai Gow Poker table and the dealer has a Queen’s Dragon, the player’s Pai Gow Poker Wager shall push and be returned to the player.** The dealer shall pay the winning Pai Gow Poker Wager in accordance with the payout odds in § 645a.13(a) (relating to payout odds; Envy Bonus; rate of progression; payout limitation).

* * * * *

(h) After settling the player’s Pai Gow Poker Wager, the dealer shall rearrange the seven cards of any player who placed an optional wager, in accordance with § 645a.7(e)(1)—[(4)] (5), to form the highest ranking hand and be responsible for creating the hand for purposes of all optional wagers offered by the certificate holder. If any player at the table has placed a Qualifying Wager, the dealer shall rearrange the cards of all players

regardless of whether the player placed a Fortune Bonus [**Wager or an**] , Emperor's Treasure or **Dynasty Bonus** Wager. After rearranging the player's seven cards, the dealer shall:

* * * * *

(4) Settle the player's Progressive Payout Wager. If a player:

(i) Does not have a full house or better, as described in § 645a.6(f), the dealer shall collect the Progressive Payout Wager and place the cards of the player in the discard rack.

(ii) Has a full house or better, the dealer shall:

* * * * *

(D) Pay the winning Progressive Payout Wager in accordance with the payout odds in § 645a.13(e). If a player has won a progressive payout that is a percentage of the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory, the cards of that player shall remain on the table until the necessary documentation has been completed.

(5) **Settle the player's Queen's Dragon Wager. If the dealer does not have Queen's Dragon, the dealer shall collect the Queen's Dragon Wager and place the cards of the player in the discard rack. If the dealer has a Queen's Dragon, the dealer shall pay the winning wager in accordance with § 645a.13(f).**

(6) **Settle the player's Dynasty Bonus Wager as follows:**

(i) **If a player:**

(A) **Does not have a three-of-a-kind or better as described in § 645a.6(b) and (g), the dealer shall collect the Dynasty Wager and place the cards of the player in the discard rack.**

(B) **Has a three-of-a-kind or better, the dealer shall pay the winning Dynasty Wager in accordance with § 645a.13(g). If the player has an Envy Bonus Qualifying Hand and any player at the table placed a Qualifying Wager, the dealer shall verbally acknowledge the Envy Bonus Qualifying Hand and leave the cards of the player face up on the table.**

(C) **Did not place a Dynasty Wager but has an Envy Bonus Qualifying Hand and another player at the table placed a Qualifying Wager, the dealer shall verbally acknowledge the Envy Bonus Qualifying Hand and leave the cards of the player face up on the table.**

(ii) **After all Dynasty Bonus Wagers have been settled, if any player is the holder of an Envy Bonus Qualifying Hand, the dealer shall pay an Envy Bonus in accordance with § 645a.13(g) to each player who has an Envy lammer at the player's betting position. Players are entitled to multiple Envy Bonuses when another player at the same Pai Gow Poker table is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.**

(7) **Settle the player's Protection Wager. If the player's hand does not contain a high card of a 9, 10, jack, queen, king or ace, or the hand contains a pair or better, as described in § 645a.6(b), the dealer shall collect the Protection Wager and place the cards of the player in the discard rack. If the**

player's hand does not contain a pair or better but contains a high card of a 9, 10, jack, queen, king or ace, the dealer shall pay the winning wager in accordance with § 645a.13(h).

(8) **Settle the player's Red/Black Wager. If the player wagered on red and the player's hand does not contain four or more red cards, or if the player wagered on black and the player's hand does not contain four or more black cards, the dealer shall collect the Red/Black Wager and place the cards of the player in the discard rack. If a player's hand does contain four or more of the cards of the player's chosen color, the dealer shall pay the winning Red/Black Wager in accordance with § 645a.13(i).**

(i) Notwithstanding the requirements in subsection (h), if the certificate holder offers more than one optional wager, the dealer shall settle all of the player's optional wagers before placing the player's cards in the discard rack.

* * * * *

§ 645a.13. Payout odds; Envy Bonus; rate of progression; payout limitation.

(a) A certificate holder shall pay each winning Pai Gow Poker Wager at odds of 1 to 1, except that the certificate holder shall extract a vigorish from the winning players in an amount equal to 5% of the amount won, **provided that if EZ Pai Gow Poker is being plated, vigorish may not be collected.** When collecting the vigorish, the certificate holder may round off the vigorish to 25¢ or the next highest multiple of 25¢. A certificate holder shall collect the vigorish from a player at the time the winning payout is made.

* * * * *

(f) **The certificate holder shall pay out winning Queen's Dragon Wagers at odds of 50 to 1.**

(g) **The certificate holder shall pay out winning Dynasty Bonus Wagers and Envy Bonus payouts at the odds and amounts in the following payable:**

<i>Hand</i>	<i>Payout</i>	<i>Envy Bonus</i>
Ace/five natural straight flush and a natural ace/queen suited	2,000 to 1	\$500
Seven-card natural straight flush	2,000 to 1	\$400
Natural royal flush and natural ace/queen suited	1,000 to 1	\$300
Seven-card straight flush	1,000 to 1	\$200
Five aces	500 to 1	\$100
Ace/five natural straight flush	120 to 1	\$75
Royal flush	120 to 1	\$50
Straight flush	50 to 1	\$20
Four-of-a-kind	25 to 1	\$5
Full house	5 to 1	
Flush	4 to 1	
Three-of-a-kind	3 to 1	
Straight	2 to 1	

(h) The certificate holder shall pay out winning Protection Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Ace/five natural straight flush	120 to 1
Nine-high	100 to 1
Ten-high	25 to 1
Jack-high	15 to 1
Queen-high	7 to 1
King-high	5 to 1
Ace-high	3 to 1

(i) The certificate holder shall pay out winning Red/Black Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Seven cards of the chosen color	5 to 1
Six cards of the chosen color	1 to 1
Five cards of the chosen color	1 to 1
Four cards of the chosen color	1 to 1

(j) Notwithstanding the payout odds in subsections (b)—[(e)] (i), a certificate holder may, in its Rules Submission under § 601a.2, establish a maximum amount that is payable to a player on a single hand. The maximum payout amount shall be at least \$50,000 or the maximum amount that one player could win per round when betting the minimum permissible wager, whichever is greater. Any maximum payout limit established by a certificate holder may not apply to Envy Bonus payouts.

CHAPTER 647a. TEXAS HOLD 'EM BONUS POKER

§ 647a.1. Definitions.

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

* * * * *

Hand—The five-card Poker hand formed from the two cards of the player or the dealer and any of the five community cards.

Lucky Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player's hand if the player is seated in the position that is randomly selected by the table game system.

(ii) The dealer's hand if the dealer position is randomly selected by the table game system.

Magic Card Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player's hand if one of the cards in the player's hand or the three-card Flop matches the card randomly selected by the table game system.

(ii) The dealer's hand if one of the cards in the dealer's hand or the three-card Flop matches the card randomly selected by the table game system.

* * * * *

§ 647a.2. Texas Hold 'Em Bonus Poker table physical characteristics.

* * * * *

(b) The layout for a Texas Hold 'Em Bonus Poker table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

* * * * *

(7) If a certificate holder offers the optional Five Card Hand Bonus Wager authorized under § 647a.7(d)(4), each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager.

[(6)] (8) Inscriptions that advise patrons of the payout odds for all permissible wagers offered by the certificate holder. If the payout odds are not inscribed on the layout, a sign identifying the payout odds for all permissible wagers shall be posted at each Texas Hold 'Em Bonus Poker table.

[(7)] (9) Inscriptions indicating the following:

* * * * *

[(8)] (10) If the information required under paragraph [(7)] (9) is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Texas Hold 'Em Bonus Poker table.

* * * * *

(d) If the certificate holder offers the Five Card Hand Bonus Wager authorized under § 647a.7(d)(4), the Texas Hold 'Em Bonus Poker table must have a table game system, in accordance with § 605a.7 (relating to progressive table game systems) and an electronic wagering system in accordance with §§ 605a.2 and 605a.3 (relating to electronic wagering systems; and procedures for buying in to and cashing out of a table game using an electronic wagering system). Each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager. The system must include a mechanism, such as a lock-out button, that prevents the placement of any Five Card Hand Bonus Wagers that a player attempts to place after the dealer has begun dealing the cards. If the certificate holder is offering a Five Card Hand Bonus Wager on multiple linked tables or games in the same licensed facility, the progressive table game must comply with § 605a.8 (relating to linked progressive table games).

[(c)] (e) Each Texas Hold 'Em Bonus Poker table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

[(d)] (f) Each Texas Hold 'Em Bonus Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 647a.7. Wagers.

* * * * *

(c) All Ante [and] , Texas Hold 'Em Bonus and Five Card Hand Bonus Wagers shall be placed prior to the dealer announcing "no more bets" in accordance with the

dealing procedure in § 647a.8, § 647a.9 or § 647a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe). Except as provided in § 647a.11(b), (d) and (f) (relating to procedure for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of Texas Hold 'Em Bonus Poker:

* * * * *

(4) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player at a Texas Hold 'Em Bonus Poker table the option to make an additional Five Card Hand Bonus Wager that the player's five-card Poker hand formed from the player's two cards and the three-card Flop, the dealer's five-card Poker hand formed from the dealer's two cards and the three-card Flop, or both, will contain a flush or better as defined in § 647a.6(b) (relating to Texas Hold 'Em Bonus Poker rankings). After placing an Ante Wager, a player may make the additional Five Card Hand Bonus Wager on the player's hand or the dealer's hand, or both, by using the electronic wagering device designated for that player. Each player shall be responsible for verifying that the player's Five Card Hand Bonus Wager has been accepted.

(e) A player may not wager on more than one player position at a Texas Hold 'Em Bonus Poker table.

§ 647a.8. Procedure for dealing the cards from a manual dealing shoe.

* * * * *

(b) Prior to dealing the cards and after all Ante and Texas Hold 'Em Bonus Wagers have been placed, the dealer shall announce "no more bets[.]" and, if the Five Card Hand Bonus Wager is being offered, use the electronic wagering system to prevent the placement of additional Five Card Hand Bonus Wagers.

* * * * *

§ 647a.9. Procedure for dealing the cards from the hand.

* * * * *

(b) The dealer shall announce "no more bets" and, if the Five Card Hand Bonus Wager is being offered, use the electronic wagering system to prevent the placement of any additional Five Card Hand Bonus Wagers. The dealer shall then deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed an Ante Wager in accordance with § 647a.7(d)(1) (relating to wagers) and to the dealer, under a cover card, until each player who placed an Ante Wager and the dealer have two cards.

* * * * *

§ 647a.10. Procedure for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

* * * * *

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets[.]" and if the Five Card Hand Bonus Wager is being offered, use the electronic wagering system to prevent the placement of additional Five Card Hand Bonus Wagers.

* * * * *

§ 647a.11. Procedure for completion of each round of play.

* * * * *

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to place a Flop Wager prior to the dealing of the Flop. The player may either fold or place a Flop Wager equal to twice the amount of the player's Ante Wager. If a player:

* * * * *

(2) Folds, the player's Ante Wager shall be collected by the dealer and placed in the table inventory container. If the player:

* * * * *

(i) Has also placed [a]:

(A) A Texas Hold 'Em Bonus Wager, the dealer shall place the cards of the player face down underneath the Texas Hold 'Em Bonus Wager pending its resolution at the conclusion of the round of play.

* * * * *

(C) A Five Card Hand Bonus Wager, the dealer shall place the cards of the player face down on the table pending resolution of the Five Card Hand Bonus Wager in accordance with subsection (j).

(ii) Has not placed a Texas Hold 'Em Bonus Wager or a Five Card Hand Bonus Wager, the dealer shall immediately collect the player's cards and place them in the discard rack.

* * * * *

(j) The dealer shall settle the Five Card Hand Bonus Wager, if offered by the certificate holder, and any Magic Card or Lucky Bonus payouts. A winning Five Card Hand Bonus shall be paid irrespective of whether the player's hand outranks the dealer's hand and based on the rank of the player's or the dealer's two cards and the three-card Flop. If a player has won a Five Card Hand Bonus or any Magic Card or Lucky Bonus payout, the dealer shall:

(1) Verify that the hand is a winning hand.

(2) Have a floorperson or above verify any Five Card Hand Bonus payout with odds of 500 for 1 or a payout that is a percentage of the jackpot amount on the progressive meter in accordance with approved internal control procedures submitted under § 465a.2 (relating to internal control systems and audit protocols).

(3) Credit the player's game account for the winning Five Card Hand Bonus Wager or the Magic Card or Lucky Bonus payout in accordance with § 647a.12(e). If a player has won a Five Card Hand Bonus payout that is a percentage of the jackpot amount on the progressive meter, the payout may not be paid to the player's game account. If a player has won a payout that is not being paid to the player's game account, the winning hand must remain on the table until the necessary documentation has been completed.

[(i)] (k) After all wagers of the player have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

§ 647a.12. Payout odds; payout limitation.

* * * * *

(e) If a certificate holder offers the Five Card Hand Bonus Wager:

(1) The certificate holder shall pay out winning Five Card Hand Bonus Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	500 for 1
Full house	100 for 1
Flush	50 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed. If a player placed a Five Card Bonus Wager on both the dealer's hand and the player's hand, the player shall receive a payout in accordance with paragraph (1) for both the highest ranking five-card Poker hand of the dealer and the highest ranking five-card Poker hand of the player. If the dealer's hand qualifies for a payout that is a percentage of the jackpot amount on the progressive meter and if more than one player wagered on the dealer's hand, the jackpot will be divided equally amongst the number of players who wagered on the dealer's hand.

(3) The certificate holder may pay a Magic Card or Lucky Bonus in accordance with the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Magic Card	20 for 1
Lucky Bonus	5 for 1

(4) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$10,000.

CHAPTER 649a. THREE CARD POKER

§ 649a.1. Definitions.

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

[*Envy Bonus*—An additional fixed sum payout made to a player who placed a Progressive Payout Wager when another player at the Three Card Poker table is the holder of an Envy Bonus Qualifying Hand.

Envy Bonus Qualifying Hand—A player's Three Card Poker hand of an ace, king and queen of the same suit.]

Five-Card Envy Bonus—An additional fixed sum payout made to a player who placed a Five-Card Progressive Payout Wager when another player at the Three Card Poker table is the holder of a Five-Card Envy Bonus Qualifying Hand.

Five-Card Envy Bonus Qualifying Hand—A player's five-card Poker hand with a rank of a straight flush or better, as defined in accordance with § 649a.6(d) (relating to Three Card Poker rankings).

Five-Card Progressive Payout Hand—A player's five-card Poker hand with a rank of a three-of-a-kind or better as defined in § 649a.6(d).

Hand—The Three Card Poker hand that is held by each player and the dealer after the cards are dealt.

Lucky Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player's hand if the player is seated in the position that is randomly selected by the table game system.

(ii) The dealer's hand if the dealer position is randomly selected by the table game system.

Magic Card Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player's hand if one of the cards in the player's hand or the two additional community cards matches the card randomly selected by the table game system.

(ii) The dealer's hand if one of the cards in the dealer's hand or the two additional community cards matches the card randomly selected by the table game system.

Pair Plus Wager—The wager that a player is required to make prior to any cards being dealt to compete against a posted payable, regardless of the outcome of the player's hand against the dealer's hand.

Play Wager—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.

[*Progressive Payout Hand*—A player's Three Card Poker hand with a rank of a three-of-a-kind or better, as defined in § 649a.6 (relating to Three Card Poker rankings), or a straight or better depending on the payable selected by the certificate holder.]

Three-Card Envy Bonus—An additional fixed sum payout made to a player who placed a Three-Card Progressive Payout Wager when another player at the Three Card Poker table is the holder of a Three-Card Envy Bonus Qualifying Hand.

Three-Card Envy Bonus Qualifying Hand—A player's Three Card Poker hand of an ace, king and queen of the same suit.

Three-Card Progressive Payout Hand—A player's Three Card Poker hand with a rank of a three-of-a-kind or better, as defined in § 649a.6 or a straight or better depending on the payable selected by the certificate holder.

§ 649a.2. Three Card Poker table physical characteristics.

* * * * *

(b) The layout for a Three Card Poker table shall be submitted to the Bureau of Gaming Operations in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

* * * * *

(3) If the certificate holder offers the optional **Three-Card Progressive Payout Wager** authorized under § 649a.7(d)(4) (relating to wagers) or the **Five-Card Progressive Payout Wager** authorized under § 649a.7(d)(6), a separate area designated for the placement of the Progressive Payout Wager for each player.

(4) If the certificate holder offers the optional Six Card Bonus Wager authorized under § 649a.7(d)(5), a separate area designated for the placement of the Six Card Bonus Wager for each player.

(5) **If a certificate holder offers the Five Card Hand Bonus Wager authorized under § 649a.7(d)(7), each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager.**

(6) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder and the phrase "Dealer Plays with Queen High or Better." If payout odds or amounts are not inscribed on the layout, a sign indicating the payout odds or amounts for all permissible wagers shall be posted at each Three Card Poker table.

(c) If a certificate holder offers a Progressive Payout Wager in accordance with § 649a.7(d)(4) or (6), the Three Card Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table game systems), for the placement of Progressive Payout Wagers. **If the certificate holder is offering a Progressive Payout Wager on multiple linked tables or games in the same licensed facility, the progressive table game system must comply with § 605a.8 (relating to linked progressive table games).** The progressive table game system must include:

* * * * *

(d) If the certificate holder offers the Five Card Hand Bonus Wager authorized under § 649a.7(d)(7), the Three Card Poker table must have a table game system, in accordance with § 605a.7 and an electronic wagering system in accordance with §§ 605a.2 and 605a.3 (relating to electronic wagering systems; and procedures for buying in to and cashing out of a table game using an electronic wagering system). Each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager. The system must include a mechanism, such as a lock-out button, that prevents the placement of any Five Card Hand Bonus Wagers that a player attempts to place after the dealer has begun dealing the cards. If the certificate holder is offering a Five Card

Hand Bonus Wager on multiple linked tables or games in the same licensed facility, the progressive table game must comply with § 605a.8.

(e) Each Three Card Poker table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

[(e)] (f) Each Three Card Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 649a.6. Three Card Poker rankings.

* * * * *

(d) If a certificate holder offers [the optional Six Card Bonus Wager under § 649a.7(d)(5) (relating to wagers), the five-card Poker hands eligible for a payout are] a payout based on the rank of a five-card Poker hand, the rank of the hands shall be:

* * * * *

§ 649a.7. Wagers.

* * * * *

(d) The following wagers may be placed in the game of Three Card Poker:

* * * * *

(5) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player at a Three Card Poker table the option to make an additional Six Card Bonus Wager that the three cards dealt to the dealer and the three cards dealt to the player will form a five-card Poker hand with a rank of a three-of-a-kind or better. If the certificate holder has selected payable E in § 649a.12(f) (relating to payout odds; Envy Bonus; rate of progression), the three cards dealt to the dealer and the three cards dealt to the player shall be used to form a six-card Poker hand for purposes of the Super Royal payout. After placing an Ante Wager or a Pair Plus Wager, or both, a player may make the additional Six Card Bonus Wager by placing a value chip on the designated betting area prior to the dealer announcing "no more bets."

(6) **If specified in its Rules Submission under § 601a.2, certificate holder may offer to each player at a Three Card Poker table the option to make an additional Five-Card Progressive Payout Wager that the player will receive a Five-Card Progressive Payout Hand. After placing an Ante Wager or a Pair Plus Wager, or both, a player may make the additional Five-Card Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Five-Card Progressive Payout Wager has been accepted.**

(7) **If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a Three Card Poker table the option to make an additional Five Card Hand Bonus Wager that the player's five-card Poker hand or the deal-**

er's five-card Poker hand, or both, will contain a flush or better as defined in § 649a.6(d) (relating to Three Card Poker rankings). After placing an Ante Wager or a Pair Plus Wager, or both, a player may make the additional Five Card Hand Bonus Wager on the player's hand or the dealer's hand, or both, by using the electronic wagering device designated for that player. Each player shall be responsible for verifying that the player's Five Card Hand Bonus Wager has been accepted.

(e) Notwithstanding subsection (d)(1)—(3), a certificate holder may offer a version of Three Card Poker requiring:

* * * * *

§ 649a.8. Procedures for dealing the cards from a manual dealing shoe.

* * * * *

(b) Prior to dealing any cards, the dealer shall announce "no more bets" and, if [the] a Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

* * * * *

(d) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who has placed a wager in accordance with § 649a.7 (relating to wagers) and to the dealer until each player who placed a wager and the dealer have three cards. All cards shall be dealt face down. If a player has placed a Five Card Hand Bonus Wager or a Five-Card Progressive Payout Wager, the dealer shall deal an additional two cards face down on the table to a dedicated area to the right of the dealer.

* * * * *

§ 649a.9. Procedures for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

* * * * *

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and, if [the] a Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall,

starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who has placed a wager in accordance with § 649a.7 (relating to wagers) and to the dealer until each player who placed a wager and the dealer have three cards. All cards shall be dealt face down. If a player has placed a Five Card Hand Bonus Wager or a Five-Card Progressive Payout Wager, the dealer shall deal an additional two community cards face down on the table to a dedicated area to the right of the dealer.

* * * * *

§ 649a.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

* * * * *

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and, if [the] a Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

* * * * *

(c) After each stack of three cards has been dispensed and delivered in accordance with subsection (b), the dealer shall remove the stub from the automated dealing shoe and, except as provided in subsection (d), place the cards in the discard rack without exposing the cards. If a player has placed a Five Card Hand Bonus Wager or a Five-Card Progressive Payout Wager, after removing the stub from the automated dealing shoe, the dealer shall deal an additional two community cards face down on the table to a dedicated area to the right of the dealer. Except as provided in subsection (d), the dealer shall then place the cards in the discard rack without exposing the cards.

* * * * *

§ 649a.11. Procedures for completion of each round of play.

* * * * *

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player who placed an Ante Wager if he wishes to make a Play Wager in an amount equal to the player's Ante Wager or forfeit the Ante Wager and end his participation in the round of play. If a player:

* * * * *

(2) Has placed an Ante Wager and a Three or Five-Card Progressive Payout Wager but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Progressive Payout Wager but may not forfeit the eligibility to receive an Envy Bonus under § 649a.12(e) or (h) (relating to payout odds; Envy Bonus; rate of progression).

(3) Has placed an Ante Wager, a Pair Plus Wager and a Six Card Bonus or Five Card Hand Bonus Wager, but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Pair Plus Wager but does not forfeit the Six Card Bonus or Five Card Hand Bonus Wager.

(c) After each player who has placed an Ante Wager has either placed a Play Wager on the designated area of the layout or forfeited his Ante Wager and hand, the dealer shall collect all forfeited wagers and associated cards, except for the cards of those players who placed a Six Card Bonus or Five Card Hand Bonus Wager, and place the cards in the discard rack. The dealer shall then reveal the dealer's cards and place the cards so as to form the highest possible ranking Three Card Poker hand. After the dealer's cards are turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

* * * * *

(6) The dealer shall then settle the Six Card Bonus Wager, if offered by the certificate holder. A winning Six Card Bonus Wager shall be paid irrespective of the outcome of the player's Ante Wager or Pair Plus Wager. The dealer shall arrange the dealer's three cards and the player's three cards to form the highest ranking five-card Poker hand for each player. If a player has a three-of-a-kind or better, as described in § 649a.6(d) (relating to Three Card Poker rankings), the dealer shall pay the winning Six Card Bonus Wager in accordance with the payout odds in § 649a.12(f). If the certificate holder has selected payable E in § 649a.12(f), the three cards dealt to the dealer and the three cards dealt to the player shall be used to form a six-card Poker hand for purposes of the Super Royal payout.

(7) If the certificate holder offers the Five-Card Progressive Payout Wager, after settling all other wagers, the dealer shall expose the two additional community cards dealt in accordance with §§ 649a.8(d), 649a.9(b) and 649a.10(c) and form the highest ranking five-card Poker hand of the player from the player's three cards and the two community cards. If a player has won a progressive payout, the dealer shall:

- (i) Verify that the hand is a winning hand.
- (ii) Verify that the appropriate light on the progressive table game system has been illuminated.
- (iii) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.
- (iv) Pay the winning Five-Card Progressive Payout Wager in accordance with the payout odds in § 649a.12(h)(1). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(v) Pay any Five-Card Envy Bonus won in accordance with § 643a.12(h)(5). Players making a Progressive Payout Wager shall receive a Five-Card Envy Bonus when another player at the same Three Card Poker table is the holder of a Five-Card Envy

Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one player is the holder of a Five-Card Envy Bonus Qualifying Hand. A player is not entitled to a Five-Card Envy Bonus for his own hand.

(8) If the certificate holder offers the Five Card Hand Bonus Wager, after settling all other wagers, the dealer shall then settle the Five Card Hand Bonus Wager and any Magic Card or Lucky Bonus payouts. The dealer shall expose the two additional community cards dealt in accordance with §§ 649a.8(d), 649a.9(b) and 649a.10(c) and form the highest ranking five-card Poker hand of the player and the dealer from the player's or dealer's three cards and the two community cards. A winning Five Card Hand Bonus Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a Five Card Hand Bonus or any Magic Card or Lucky Bonus payout, the dealer shall:

- (i) Verify that the hand is a winning hand.
- (ii) Have a floorperson or above verify any Five Card Hand Bonus payout with odds of 500 for 1 or a payout that is a percentage of the jackpot amount on the progressive meter in accordance with approved internal control procedures submitted under § 465a.2 (relating to internal control systems and audit protocols).
- (iii) Credit the player's game account for the winning Five Card Hand Bonus Wager or the Magic Card or Lucky Bonus payout in accordance with § 649a.12(i). If a player has won a Five Card Hand Bonus payout that is a percentage of the jackpot amount on the progressive meter, the payout may not be paid to the player's game account. If a player has won a payout that is not being paid to the player's game account, the winning hand must remain on the table until the necessary documentation has been completed.

(d) After all wagers of the player have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

§ 649a.12. Payout odds; Envy Bonus; rate of progression.

* * * * *

(h) If a certificate holder offers the Five-Card Progressive Payout Wager:

(1) A player placing a Five-Card Progressive Payout Wager shall be paid at the following odds:

<i>Hand</i>	<i>Paytable</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	300 for 1
Full house	50 for 1
Flush	40 for 1
Straight	30 for 1
Three-of-a-kind	9 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed.

(3) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$10,000.

(4) Winning Five-Card Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 649a.11(c)(7).

(5) Five-Card Envy Bonus payouts shall be made according to the following payouts for Five-Card Envy Bonus Qualifying Hands based upon the amount of the Five-Card Progressive Payout Wager placed by the player receiving the Envy Bonus:

\$1 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$1,000
Straight flush	\$300

\$5 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$5,000
Straight flush	\$1,500

(i) If a certificate holder offers the Five Card Hand Bonus Wager:

(1) The certificate holder shall pay out winning Five Card Hand Bonus Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	500 for 1
Full house	100 for 1
Flush	50 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed. If a player placed a Five Card Bonus Wager on both the dealer's hand and the player's hand, the player shall receive a payout in accordance with paragraph (1) for both the highest ranking five-card Poker hand of the dealer and the highest ranking five-card Poker hand of the player. If the dealer's hand qualifies for a payout that is a percentage of the jackpot amount on the progressive meter and if more than one player wagered on the dealer's hand, the jackpot will be divided equally amongst the number of players who wagered on the dealer's hand.

(3) The certificate holder may pay a Magic Card or Lucky Bonus in accordance with the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Magic Card	20 for 1
Lucky Bonus	5 for 1

(4) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$10,000.

CHAPTER 653a. ULTIMATE TEXAS HOLD 'EM POKER

§ 653a.1. Definitions.

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

* * * * *

Hand—The five-card Poker hand formed from the two cards of the player or the dealer and any of the five community cards.

Lucky Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player's hand if the player is seated in the position that is randomly selected by the table game system.

(ii) The dealer's hand if the dealer position is randomly selected by the table game system.

Magic Card Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player's hand if one of the cards in the player's hand or the three-card Flop matches the card randomly selected by the table game system.

(ii) The dealer's hand if one of the cards in the dealer's hand or the three-card Flop matches the card randomly selected by the table game system.

Play Wager—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.

* * * * *

§ 653a.2. Ultimate Texas Hold 'Em Poker table physical characteristics.

* * * * *

(b) The layout for an Ultimate Texas Hold 'Em Poker table shall be submitted to the Bureau of Gaming Operations in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

* * * * *

(6) If a certificate holder offers the optional Five Card Hand Bonus Wager authorized under § 653a.7(d)(4), each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager.

(7) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Ultimate Texas Hold 'Em Poker table.

[(7)] (8) Inscriptions indicating the following:

* * * * *

[(8)] (9) If the information required under paragraph [(7)] (8) is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Ultimate Texas Hold 'Em Poker table.

* * * * *

(d) If the certificate holder offers the Five Card Hand Bonus Wager authorized under § 653a.7(d)(4), the Ultimate Texas Hold 'Em Poker table must have a table game system, in accordance with § 605a.7

and an electronic wagering system in accordance with §§ 605a.2 and 605a.3 (relating to electronic wagering systems; and procedures for buying in to and cashing out of a table game using an electronic wagering system). Each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager. The system must include a mechanism, such as a lock-out button, that prevents the placement of any Five Card Hand Bonus Wagers that a player attempts to place after the dealer has begun dealing the cards. If the certificate holder is offering a Five Card Hand Bonus Wager on multiple linked tables or games in the same licensed facility, the progressive table game must comply with § 605a.8 (relating to linked progressive table games).

(e) Each Ultimate Texas Hold 'Em Poker table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

[(e)] (f) Each Ultimate Texas Hold 'Em Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 653a.7. Wagers.

* * * * *

(d) The following wagers may be placed in the game of Ultimate Texas Hold 'Em Poker:

* * * * *

(3) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at an Ultimate Texas Hold 'Em Poker table the option to make an additional Progressive Payout Wager that the player will receive a Progressive Payout Hand. After placing the Ante and Blind Wagers, a player may make the additional Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(4) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player at an Ultimate Texas Hold 'Em Poker table the option to make an additional Five Card Hand Bonus Wager that the player's five-card Poker hand formed from the player's two cards and the three-card Flop or the dealer's five-card Poker hand formed from the dealer's two cards and the three-card Flop, or both, will contain a flush or better as defined in § 653a.6(b) (relating to Ultimate Texas Hold 'Em Poker rankings). After placing an Ante and a Blind Wager, a player may make the additional Five Card Hand Bonus Wager on the player's hand or the dealer's hand, or both, by using the electronic wagering device designated for that player. Each player shall be responsible for verifying that the player's Five Card Hand Bonus Wager has been accepted.

(e) A player may not wager on more than one player position at an Ultimate Texas Hold 'Em Poker table.

§ 653a.8. Procedure for dealing the cards from a manual dealing shoe.

* * * * *

(b) Prior to dealing the cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

* * * * *

§ 653a.9. Procedure for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

* * * * *

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

* * * * *

§ 653a.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

* * * * *

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

* * * * *

§ 653a.11. Procedures for completion of each round of play.

* * * * *

(k) The dealer shall settle the Five Card Hand Bonus Wager, if offered by the certificate holder, and any Magic Card or Lucky Bonus payouts. A winning Five Card Hand Bonus shall be paid irrespective of whether the player's hand outranks the

dealer's hand and based on the rank of the player's or the dealer's two cards and the three-card Flop. If a player has won a Five Card Hand Bonus or any Magic Card or Lucky Bonus payout, the dealer shall:

- (1) Verify that the hand is a winning hand.
- (2) Have a floorperson or above verify any Five Card Hand Bonus payout with odds of 500 for 1 or a payout that is a percentage of the jackpot amount on the progressive meter in accordance with approved internal control procedures submitted under § 465a.2 (relating to internal control systems and audit protocols).
- (3) Credit the player's game account for the winning Five Card Hand Bonus Wager or the Magic Card or Lucky Bonus payout in accordance with § 653a.12(e). If a player has won a Five Card Hand Bonus payout that is a percentage of the jackpot amount on the progressive meter, the payout may not be paid to the player's game account. If a player has won a payout that is not being paid to the player's game account, the winning hand must remain on the table until the necessary documentation has been completed.

(1) After all wagers of the player have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

§ 653a.12. Payout odds; Envy Bonus; rate of progression; payout limitation.

* * * * *

(e) If a certificate holder offers the Five Card Hand Bonus Wager:

(1) The certificate holder shall pay out winning Five Card Hand Bonus Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	500 for 1
Full house	100 for 1
Flush	50 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed. If a player placed a Five Card Bonus Wager on both the dealer's hand and the player's hand, the player shall receive a payout in accordance with paragraph (1) for both the highest ranking five-card Poker hand of the dealer and the highest ranking five-card Poker hand of the player. If the dealer's hand qualifies for a payout that is a percentage of the jackpot amount on the progressive meter and if more than one player wagered on the dealer's hand, the jackpot will be divided equally among the number of players who wagered on the dealer's hand.

(3) The certificate holder may pay a Magic Card or Lucky Bonus in accordance with the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Magic Card	20 for 1
Lucky Bonus	5 for 1

(4) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$10,000.

(f) Notwithstanding the payout odds in subsections (a)–(c), a certificate holder may, in its Rules Submission under § 601a.2, establish a maximum amount that is payable to a player on a single hand. The maximum amount shall be at least \$50,000 or the maximum amount that one patron could win per round when betting the minimum wager, whichever is greater. Any maximum payout limit established by the certificate holder shall apply only to payouts of Ultimate Texas Hold 'Em Poker Wagers placed under § 653a.7(d)(1) and (2) (relating to wagers) but does not apply to payouts for Progressive Payout Wagers placed under § 653a.7(d)(3) or the Five Card Hand Bonus Wager under § 653a.7(d)(4).

* * * * *

CHAPTER 655a. MISSISSIPPI STUD

§ 655a.1. Definitions.

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

* * * * *

4th Street Wager—An additional wager made by a player, in an amount equal to one, two or three times the player's Ante Wager, after the first community card is revealed by the dealer.

Lucky Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager if the player is seated in the position that is randomly selected by the table game system.

Magic Card Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager if one of the player's two cards or the three community cards matches the card randomly selected by the table game system.

Progressive Payout Hand—A Mississippi Stud hand formed using the two player cards and three community cards with a rank of a three-of-a-kind or better as defined in § 655a.6(b).

* * * * *

§ 655a.2. Mississippi Stud table physical characteristics.

* * * * *

(b) The layout for a Mississippi Stud table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

* * * * *

(6) If a certificate holder offers the Five Card Hand Bonus Wager authorized under § 655a.7(d)(5), each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager.

(7) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers and the rules governing the required amount of the 3rd Street, 4th Street or 5th Street Wager as a multiple of the player's Ante Wager. If the information is not inscribed on the

layout, a sign that sets forth the required information must be posted at each Mississippi Stud table.

* * * * *

(d) If the certificate holder offers the Five Card Hand Bonus Wager authorized under § 655a.7(d)(5), the Mississippi Stud table must have a table game system, in accordance with § 605a.7 and an electronic wagering system in accordance with §§ 605a.2 and 605a.3 (relating to electronic wagering systems; and procedures for buying in to and cashing out of a table game using an electronic wagering system). Each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager. The system must include a mechanism, such as a lock-out button, that prevents the placement of any Five Card Hand Bonus Wagers that a player attempts to place after the dealer has begun dealing the cards. If the certificate holder is offering a Five Card Hand Bonus Wager on multiple linked tables or games in the same licensed facility, the progressive table game must comply with § 605a.8 (relating to linked progressive table games).

(e) Each Mississippi Stud table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite side of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

[(e)] (f) Each Mississippi Stud table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 655a.7. Wagers.

* * * * *

(c) All Ante, Progressive Payout [and] , Three Card Bonus and Five Card Hand Bonus Wagers shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedure in § 655a.8, § 655a.9 or § 655a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 655a.11(b), (d) and (f) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer announces "no more bets" and begins dealing the cards.

(d) The following wagers may be placed in the game of Mississippi Stud:

* * * * *

(4) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player at a Mississippi Stud table the option to make an additional Three Card Bonus Wager that the three community cards will form a three-card Poker hand of a pair or better as defined in § 655a.6(c) (relating to Mississippi Stud hand rankings).

(5) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a Mississippi Stud table the option to make an additional Five Card Hand Bonus Wager that the player's five-card Poker hand will contain

a flush or better as defined in § 655a.6(b). After placing an Ante Wager, a player may make the additional Five Card Hand Bonus Wager by using the electronic wagering device designated for that player. Each player shall be responsible for verifying that the player's Five Card Hand Bonus Wager has been accepted.

(e) A player may not wager on more than one player position at a Mississippi Stud table.

§ 655a.8. Procedure for dealing the cards from a manual dealing shoe.

* * * * *

(b) Prior to dealing the cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

* * * * *

§ 655a.9. Procedure for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

* * * * *

(3) Prior to dealing the cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall then collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

* * * * *

§ 655a.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

* * * * *

(2) Prior to the dealing shoe dispensing any stacks, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive

table game system. The dealer shall then place the value chips into the table inventory container.

* * * * *

§ 655a.11. Procedures for completion of each round of play.

* * * * *

(b) After each player has examined his cards and replaced them face down on the layout, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player who placed an Ante Wager if he wishes to place a 3rd Street Wager in an amount equal to one, two or three times the amount of the player's Ante Wager or fold. If a player folds, the Ante Wager shall be immediately collected and placed in the table inventory container and the folded hand shall be collected and placed in the discard rack unless the player made a Progressive Payout [or] , Three Card Bonus or Five Card Hand Bonus Wager in which case the cards shall be left on the table until all wagers are resolved in accordance with subsection (i).

* * * * *

(d) Each player shall then either place a 4th Street Wager in an amount equal to one, two or three times the amount of the player's Ante Wager in the designed 4th Street betting area or fold. If a player folds, the Ante Wager and 3rd Street Wager shall be immediately collected and placed in the table inventory container and the folded hand shall be collected and placed in the discard rack unless the player made a Progressive Payout [or] , Three Card Bonus or Five Card Hand Bonus Wager in which case the cards shall be left on the table until all wagers are resolved in accordance with subsection (i).

* * * * *

(f) Each player shall then either place a 5th Street Wager in an amount equal to one, two or three times the amount of the player's Ante Wager in the designed 5th Street betting area or fold. If a player folds, the Ante Wager and the 3rd Street and 4th Street Wagers shall be immediately collected and placed in the table inventory container and the folded hand shall be collected and placed in the discard rack unless the player made a Progressive Payout [or] , Three Card Bonus or Five Card Hand Bonus Wager in which case the cards shall be left on the table until all wagers are resolved in accordance with subsection (i).

* * * * *

(h) If a player has placed an Ante Wager and a Progressive Payout or Three Card Bonus Wager but does not make a 3rd Street, 4th Street or 5th Street Wager, the player shall forfeit the Ante Wager, the Progressive Payout Wager and, if applicable, the 3rd Street and 4th Street Wagers but shall not forfeit the eligibility to receive an Envy Bonus under § 655a.12(c)(5) (relating to payout odds; Envy Bonus; rate of progression) [or] , a Three Card Bonus payout under § 655a.12(d) or a Five Card Hand Bonus payout under § 655a.12(e).

(i) Beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, the dealer shall turn over and reveal the player's cards. The dealer shall then evaluate and announce the best possible five-card Poker hand that can be formed using the player's two cards and the three community cards. The wagers of each remaining player shall be resolved one player at a time regardless of outcome. All wagers shall be settled as follows:

* * * * *

(4) After settling the player's Mississippi Stud Wager, the dealer shall settle the Progressive Payout [or] , Three Card Bonus or Five Card Hand Bonus Wager, if offered by the certificate holder, as follows:

* * * * *

(ii) If a player has won the Three Card Bonus, the dealer shall pay the winning Three Card Bonus Wager in accordance with § 655a.12(d).

(iii) If a player placed a Five Card Hand Bonus Wager, the dealer shall settle any Magic Card or Lucky Bonus payouts and any winning Five Card Hand Bonus wagers as follows:

(A) Verify that the hand is a winning hand.

(B) Have a floorperson or above verify any Five Card Hand Bonus payout with odds of 500 for 1 or a payout that is a percentage of the jackpot amount on the progressive meter in accordance with approved internal control procedures submitted under § 465a.2 (relating to internal control systems and audit protocols).

(C) Credit the player's game account for the winning Five Card Hand Bonus Wager or the Magic Card or Lucky Bonus payout in accordance with § 655a.12(e). If a player has won a Five Card Hand Bonus payout that is a percentage of the jackpot amount on the progressive meter, the payout may not be paid to the player's game account. If a player has won a payout that is not being paid to the player's game account, the winning hand must remain on the table until the necessary documentation has been completed.

(j) After all wagers have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

§ 655a.12. Payout odds; Envy Bonus; rate of progression.

* * * * *

(e) If a certificate holder offers the Five Card Hand Bonus Wager:

(1) The certificate holder shall pay out winning Five Card Hand Bonus Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	500 for 1
Full house	100 for 1
Flush	50 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed.

(3) The certificate holder may pay a Magic Card or Lucky Bonus in accordance with the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Magic Card	20 for 1
Lucky Bonus	5 for 1

(4) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in

accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$10,000.

CHAPTER 657a. CRAZY 4 POKER

§ 657a.1. Definitions.

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

* * * * *

Hand—The four-card Poker hand that is held by each player and the dealer after the cards are dealt.

Lucky Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player's hand if the player is seated in the position that is randomly selected by the table game system.

(ii) The dealer's hand if the dealer position is randomly selected by the table game system.

Magic Card Bonus—An additional payout to a player who placed a Five Card Hand Bonus Wager on:

(i) The player's hand if one of the player's cards matches the card randomly selected by the table game system.

(ii) The dealer's hand if one of the dealer's cards matches the card randomly selected by the table game system.

Play Wager—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.

* * * * *

§ 657a.2. Crazy 4 Poker table physical characteristics.

* * * * *

(b) The layout for a Crazy 4 Poker table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

* * * * *

(4) If a certificate holder offers the Five Card Hand Bonus Wager authorized under § 657a.7(d)(5), each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager.

(5) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Crazy 4 Poker table.

[(5)] (6) Inscriptions that advise patrons of the following:

* * * * *

[(6)] (7) If the information in paragraph [(5)] (6) is not on the layout, a sign which sets forth the required information must be posted at each Crazy 4 Poker table.

* * * * *

(d) If the certificate holder offers the Five Card Hand Bonus Wager authorized under § 657a.7(d)(5), the Crazy 4 Poker table must have a table game

system, in accordance with § 605a.7 and an electronic wagering system in accordance with §§ 605a.2 and 605a.3 (relating to electronic wagering systems; and procedures for buying in to and cashing out of a table game using an electronic wagering system). Each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager. The system must include a mechanism, such as a lock-out button, that prevents the placement of any Five Card Hand Bonus Wagers that a player attempts to place after the dealer has begun dealing the cards. If the certificate holder is offering a Five Card Hand Bonus Wager on multiple linked tables or games in the same licensed facility, the progressive table game must comply with § 605a.8 (relating to linked progressive table games).

(e) Each Crazy 4 Poker table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

[(e)] (f) Each Crazy 4 Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 657a.7. Wagers.

* * * * *

(d) The following wagers may be placed in the game of Crazy 4 Poker:

* * * * *

(5) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a Crazy 4 Poker table the option to make an additional Five Card Hand Bonus Wager that the player's five-card Poker hand or the dealer's five-card Poker hand, or both, will contain a flush or better as defined in § 657a.6(d) (relating to Crazy 4 Poker rankings). After placing Ante and Super Bonus Wagers, a player may make the additional Five Card Hand Bonus Wager on the player's hand or the dealer's hand, or both, by using the electronic wagering device designated for that player. Each player shall be responsible for verifying that the player's Five Card Hand Bonus Wager has been accepted.

(e) A player may not wager on more than one player position at a Crazy 4 Poker table.

§ 657a.8. Procedure for dealing the cards from a manual dealing shoe.

* * * * *

(b) Prior to dealing the cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the

progressive table game system. The dealer shall then place the value chips into the table inventory container.

* * * * *

§ 657a.9. Procedure for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

* * * * *

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

* * * * *

§ 657a.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

* * * * *

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager or the Five Card Hand Bonus Wager is being offered, use the progressive table game system or the electronic wagering system to prevent the placement of any additional Progressive Payout or Five Card Hand Bonus Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

* * * * *

§ 657a.11. Procedures for completion of each round of play.

* * * * *

(f) After settling a player's Ante, Play, Super Bonus and Queens Up Wagers, the dealer shall then settle the Five Card Hand Bonus Wager, if offered by the certificate holder, and any Magic Card or Lucky Bonus payouts. A winning Five Card Hand Bonus Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a Five Card Hand Bonus or any Magic Card or Lucky Bonus payout, the dealer shall:

(1) Verify that the hand is a winning hand.

(2) Have a floorperson or above verify any Five Card Hand Bonus payout with odds of 500 for 1 or a payout that is a percentage of the jackpot amount on the progressive meter in accordance with ap-

proved internal control procedures submitted under § 465a.2 (relating to internal control systems and audit protocols).

(3) Credit the player's game account for the winning Five Card Hand Bonus Wager or the Magic Card or Lucky Bonus payout in accordance with § 657.12(f). If a player has won a Five Card Hand Bonus payout that is a percentage of the jackpot amount on the progressive meter, the payout may not be paid to the player's game account. If a player has won a payout that is not being paid to the player's game account, the winning hand must remain on the table until the necessary documentation has been completed.

(g) After all wagers have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

§ 657a.12. Payout odds; Envy Bonus; rate of progression.

* * * * *

(f) If a certificate holder offers the Five Card Hand Bonus Wager:

(1) The certificate holder shall pay out winning Five Card Hand Bonus Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	500 for 1
Full house	100 for 1
Flush	50 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed. If a player placed a Five Card Bonus Wager on both the dealer's hand and the player's hand, the player shall receive a payout in accordance with paragraph (1) for both the highest ranking five-card Poker hand of the dealer and the highest ranking five-card Poker hand of the player. If the dealer's hand qualifies for a payout that is a percentage of the jackpot amount on the progressive meter and if more than one player wagered on the dealer's hand, the jackpot will be divided equally among the number of players who wagered on the dealer's hand.

(3) The certificate holder may pay a Magic Card or Lucky Bonus in accordance with the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Magic Card	20 for 1
Lucky Bonus	5 for 1

(4) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$10,000.

[Pa.B. Doc. No. 13-953. Filed for public inspection May 24, 2013, 9:00 a.m.]

STATEMENTS OF POLICY

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 41]

[M-2011-2188361]

Scope of Commission Jurisdiction Over Passenger Transportation Services Provided or Administered by Municipal Corporations and Instrumentalities of the State

The Pennsylvania Public Utility Commission (Commission), on March 14, 2013, adopted a final policy statement which clarifies the exceptions to Commission jurisdiction for municipal corporations and instrumentalities of the State.

Public Meeting held
March 14, 2013

Commissioners Present: Robert F. Powelson, Chairperson; John F. Coleman, Jr., Vice Chairperson; Wayne E. Gardner; James H. Cawley; Pamela A. Witmer

Statement of Policy Regarding the Scope of Commission Jurisdiction Over Passenger Transportation Services Provided or Administered by Municipal Corporations, Municipal Authorities and Instrumentalities of the State;
Doc. No. M-2011-2188361

Final Policy Statement Order

By the Commission:

I. Background

By order entered March 18, 2011, at the above-captioned docket, the Pennsylvania Public Utility Commission (Commission or PUC) issued a proposed policy statement (Proposed Policy Statement) addressing the scope of the Commission's jurisdiction over passenger transportation services provided by municipal corporations and instrumentalities of the state. The Proposed Policy Statement and accompanying notice requesting comments from interested parties were published July 16, 2011, at 41 Pa.B. 3863. The Commission received comments from the Pennsylvania Department of Transportation (PennDOT), York Adams Transportation Authority (YATA), Barker Brothers t/d/b/a Pittsburgh North Aire Ride (Barker Brothers), and Mid Mon Valley Transit Authority (MMVTA). This Order addresses the comments received and sets forth a final policy statement (Final Policy Statement) addressing the scope of the Commission's jurisdiction over passenger transportation services provided by municipal corporations, municipal authorities and instrumentalities of the state.

II. Comments

A. PennDOT

First, PennDOT comments that the term "municipal authority" was not included in the Proposed Policy Statement. In *88 Transit Lines, Inc. v. Mid Mon Valley Transit Authority*, Docket No. C-2009-211669 (Order entered February 25, 2011), we recognized that there is a legal distinction between municipal corporations and municipal authorities in terms of enabling legislation and geographic limits. Accordingly, although not included in our

Proposed Policy Statement, we will address the scope of the Commission's jurisdiction with respect to passenger transportation service provided by municipal authorities in the Final Policy Statement.

By way of background, the Public Utility Code provides that only a "person" or a "corporation" can qualify as a "public utility." 66 Pa.C.S. § 102. A "person," by definition, includes "[i]ndividuals, partnerships, or associations other than corporations, and includes their lessees, assignees, trustees, receivers, executors, administrators, or other successors in interest." *Id.* A "corporation," by definition includes:

"[a]ll bodies corporate, joint-stock companies, or associations, domestic or foreign, their lessees, assignees, trustees, receivers, or other successors in interest, having any of the powers or privileges of corporations not possessed by individuals or partnerships, *but shall not include municipal corporations, except as otherwise expressly provided in this part, nor bona fide cooperative associations which furnish service on a nonprofit basis only to their stockholders or members.*" *Id.* (emphasis added).

Significantly, "municipal corporations" are explicitly excluded from the definition of "corporation," unless otherwise provided in the Public Utility Code. *Id.* Sections 1102(a)(5), 1301 and 1501 of the Public Utility Code provide circumstances when a "municipal corporation" is considered a "corporation" and thus a "public utility" subject to the Commission's jurisdiction. These sections provide that public utility service provided by a "municipal corporation" beyond its corporate limits is subject to the Commission's jurisdiction.¹ 66 Pa.C.S. §§ 1102(a)(5), 1301 and 1501.

The Public Utility Code includes municipal authorities within the definition of "municipal corporations." 66 Pa.C.S. § 102. Section 102 defines "municipal corporation" as "[a]ll cities, boroughs, towns, townships or counties of this Commonwealth, and also any public corporation, *authority*, or body whatsoever created or organized under any law of this Commonwealth for the purpose of rendering any service similar to that of a public utility." 66 Pa.C.S. § 102 (emphasis added).

While "municipal authorities" fall within the definition of "municipal corporation" under the Public Utility Code, the courts and the Commission have treated these entities differently when applying geographic restrictions related to providing passenger transportation service. Passenger transportation service provided by municipal corporations is not subject to Commission jurisdiction if the service is provided within a municipal corporation's geographic limits.² Proposed Policy Statement at 8. As such, any service provided by a municipal corporation to non-residents beyond its municipal boundaries would be subject to the jurisdiction of the Commission.

¹ Section 1301 specifically provides that public utility service provided by a "municipal corporation," or by its operating agencies, beyond its corporate limits, is subject to the Commission's jurisdiction. 66 Pa.C.S. § 1301. The "operating agencies" referred to in this section do not include third party agents. Rather, the "operating agencies" language refers to agencies of the municipality itself, which include, but are not limited to municipal planning commissions and parks and recreation boards. See generally 53 P. S. §§ 2322, 2324(a)(5), 2327 and 3076(b).

² The Commonwealth Court has held that this geographic requirement will be satisfied as long as the service provided by a municipal corporation is restricted to residents of the municipality, regardless of whether the actual service is provided within the corporate limits of the municipality. *County of Dauphin v. Pa. Pub. Util. Comm'n*, 634 A.2d 281, 283 (Pa. Cmwlth. 1993).

Unlike municipal corporations, the Commonwealth Court of Pennsylvania (Commonwealth Court) has consistently found that the Commission has no jurisdiction to regulate municipal authorities, regardless of geographic considerations. *White Rock Sewage Corp. v. Pa. Pub. Util. Comm'n.*, 578 A.2d 984 (Pa. Cmwlth. 1990); *Garver v. Pa. Pub. Util. Comm'n.*, 469 A.2d 1154 (Pa. Cmwlth. 1984). The Commonwealth Court has permitted municipal authorities to provide service throughout the Commonwealth without falling within the scope of the Commission's jurisdiction because "[m]unicipal authorities are not creatures, agents or representatives of municipalities which organize them, but rather are independent agencies of the Commonwealth and a part of its sovereignty." *White Rock Sewage Corp.*, 578 A.2d at 987. "Furthermore, a municipal authority organized pursuant to the Municipal Authorities Act (53 P.S. § 303 et seq.) is a corporate agency of the Commonwealth of Pennsylvania, created by the Commonwealth. It is not a creature, agent, or representative of the municipality which organized such authority." In Re: Application of Rheems Water Company, 1992 Pa. PUC LEXIS 50, at *10-11; citing *Re: Municipal Authority of Township of Upper St. Clair*, 184 A.2d 695 (Pa. 1962) & *Highland Sewer and Water Authority v. Engelback*, 220 A.2d 390 (Pa. Super. 1966).

Similarly, in *88 Transit Lines, Inc. v. Mid Mon Valley Transit Authority*, Docket No. C-2009-211669 (Order entered February 25, 2011), we recognized that the Commission does not have jurisdiction over passenger transportation services provided by municipal authorities, even when such service extends beyond the municipality's limits. In *Mid Mon*, the Commission specifically recognized that municipal authorities are "independent agencies of the Commonwealth and part of its sovereignty." Id. at *7; citing In Re: Application of Rheems Water Company, 1992 Pa. PUC LEXIS at *10-11. They are "not a creature, agent, or representative of the municipality which organized such authority." Id.

Given the Commission's lack of jurisdiction over municipal authorities, the geographic considerations relevant to determining whether service provided by a municipal corporation is subject to the Commission's jurisdiction have no relevance to determining whether the Commission has jurisdiction over service provided by a municipal authority. Accordingly, unless otherwise limited by the ordinance which organized it or by its articles of incorporation, a municipal authority may provide passenger transportation service, unrestricted by geographic boundaries throughout the Commonwealth, without obtaining a certificate of public convenience from the Commission. Further, as we have set forth in Section 41.22(d) of the Final Policy Statement, services provided by the contractors and subcontractors of municipal authorities and municipal corporations will be considered non-jurisdictional as long as such services (1) would be non-jurisdictional if provided by the municipal authority or corporation itself and (2) are subject to the substantial or pervasive, ongoing control of the contracting municipal authority or corporation. Proposed Policy Statement at 8; see also *Brocal Corporation v. Wheels, Inc. (Brocal I)*, 57 Pa. P.U.C. 322 (1983).

PennDOT's second and fourth comments are closely related to its first comment, in that PennDOT points out that Section 41.22(d) (relating to exemptions from the Commission's jurisdiction for services provided by third parties) of the Proposed Policy Statement appears to apply only to "municipal corporations," but does not mention "municipal authorities" or "instrumentalities of the state." First, we note that we have set forth the scope

of the Commission's jurisdiction with respect to third parties providing service under contract with municipal authorities under Section 41.22(d) above and have revised the Final Policy Statement accordingly. Second, although we addressed the scope of the Commission's jurisdiction over passenger transportation services provided by third parties under contract with state instrumentalities in the Proposed Policy Statement, we believe that it is appropriate to revisit this issue at this time.

By way of background, in *Commonwealth v. Merritt-Chapman & Scott Corporation*, 248 A.2d 194 (Pa. 1968), the Supreme Court of Pennsylvania (Supreme Court) determined that a state instrumentality cannot, by definition, be a "public utility" under the Public Utility Code. The specific issue in *Merritt-Chapman* involved whether a third party under contract with the Pennsylvania Turnpike Commission was entitled to an exclusion from the sales and use tax provided for property used in "public utility service." In resolving this issue, the Supreme Court found that the Turnpike Commission could only be considered a "public utility"³ under the Public Utility Code (Code) if it is a "person" or "corporation," as defined by the Code.⁴ The Supreme Court found that the Turnpike Commission, an agency of the Commonwealth, is not a "person" or "corporation," as defined by the Code, and therefore could not be a "public utility." Id. at 196. Because the Turnpike Commission and similar state instrumentalities cannot be "public utilities" under the Code, the third party providing service under contract with the Turnpike Commission was not entitled to a tax exclusion for property used in "public utility service." Id.

Significantly, the Supreme Court noted in its decision that a municipal corporation is also explicitly barred from being a public utility by being excluded from the definition of "corporation" in 66 Pa.C.S. § 102.⁵ Id. In circumstances when a municipal corporation or municipal authority is acting beyond the Commission's jurisdiction, and therefore is not, by definition, a public utility, the Commission has allowed a municipal corporation and a municipal authority to contract with third parties and has determined that the service provided by such third party is also beyond the scope of the Commission's jurisdiction.⁶ Because the Commission has specifically exempted service provided by third parties under contract with municipal corporations and municipal authorities, when acting as non-public utilities, it is proper to exempt service provided by the contractors and subcontractors of state instrumentalities, non-public utilities.⁷

This determination is consistent with our holding in *88 Transit Lines, Inc. v. Mid Mon Valley Transit Authority*, Docket No. C-2009-2116699 (Order entered February 25, 2011), where we found that passenger transportation services provided by third parties under contract with

³ The Public Utility Code defines "public utility" as "[a]ny person or corporation now or hereafter owning or operating in this Commonwealth equipment or facilities. . . ." 66 Pa.C.S. § 102(1).

⁴ The Public Utility Code defines "person" as "[i]ndividuals, partnerships, or associations other than corporations, and includes their lessees, assignees, trustees, receivers, executors, administrators, or other successors in interest." 66 Pa.C.S. § 102. The Public Utility Code defines "corporation" as "[a]ll bodies corporate, joint-stock companies, or associations, domestic or foreign, their lessees, assignees, trustees, receivers, or other successors in interest, having any of the powers or privileges of corporations not possessed by individuals or partnerships, but shall not include municipal corporations, except as otherwise expressly provided in this part, nor bona fide cooperative associations which furnish service on a nonprofit basis only to their stockholders or members." Id.

⁵ The Supreme Court did not address the limited circumstances when a municipal corporation is a public utility, as discussed *infra* regarding service beyond the municipality's geographic boundaries.

⁶ As previously noted, the extension of this exemption from the Commission's jurisdiction is only available when certain conditions are satisfied.

⁷ We note that municipal corporations, municipal authorities and state instrumentalities may not obtain certificates of public convenience from the Commission for the purpose of passing such authority obtained by the certificate onto their contractors and/or subcontractors.

municipal authorities are exempt from the Commission's jurisdiction. In *Mid Mon*, the Commission specifically recognized that municipal authorities are "independent agencies of the Commonwealth and part of its sovereignty." Id. at *7; citing *In Re: Application of Rheems Water Company*, 1992 Pa. PUC LEXIS at *10-11. They are "not a creature, agent, or representative of the municipality which organized such authority." Id. Accordingly, the Commission effectively determined that municipal authorities are analogous to state instrumentalities because both entities, which are essentially agents of the Commonwealth, are entitled to provide passenger transportation service throughout the Commonwealth without obtaining a certificate of public convenience from the Commission.

Because municipal authorities and state instrumentalities are similarly situated as non-public utilities without geographic restrictions, the Commission should treat the services provided by third parties under contract with municipal authorities and state instrumentalities similarly. As such, service provided by third parties under contract with both municipal authorities and state instrumentalities should be exempt from the Commission's jurisdiction. To do otherwise would result in inconsistent certification requirements for service provided by third parties under contract with similar entities, both of which are agents of the Commonwealth.

This determination is also consistent with *Brocal Corporation v. Pennsylvania Public Utility Commission (Brocal II)*, 61 Pa. PUC 518 (1986) at *4, stating that similar principals should apply to "all exempt entities," including municipal authorities, instrumentalities of the state and municipal corporations providing service within their corporate limits. In *Brocal II*, we found that passenger transportation services provided by the contractors and subcontractors of state instrumentalities are exempt from the Commission's jurisdiction as long as the state instrumentality maintained the requisite degree of control over such third party. Id. The Commission specifically found that in instances such as this, "PUC regulation can be effectively replaced with the ongoing control of the [state] agency." Id.; see also *Brocal Corp. (Brocal I)*, 57 Pa. P.U.C. 322.

While the Commission in *Pennsylvania Public Utility Commission v. A.J. Myers & Sons, Inc.*, Docket No. A-00106393C892 (Order entered December 5, 1991), determined that passenger transportation services provided by the contractors and subcontractors of state instrumentalities are not exempt from the Commission's jurisdiction, we reject this holding. In *A.J. Myers*, the Commission reasoned that it alone has the statutory responsibility to regulate public utility service and that no degree of control exercised by the state instrumentality over service provided by its contractors or subcontractors would suffice to replace the Commission's regulatory responsibilities. Id. However, the Commission did not extend this same rationale to services provided by the contractors and subcontractors of municipal corporations and municipal authorities. Therefore, *A.J. Myers* promoted an inconsistent result where the Commission exempted from its jurisdiction service provided by third parties under contract with municipal corporations and municipal authorities, while it subjected to its jurisdiction service provided by third parties under contract with state instrumentalities.

In reconciling the Supreme Court's ruling in *Merritt-Chapman* with the Commission's findings in *A.J. Myers* and *Mid Mon Valley Transit Authority*, we find that

passenger transportation services provided by the contractors and subcontractors of state instrumentalities are exempt from the Commission's jurisdiction where: (1) the state instrumentality's enabling legislation does not specifically require the third party to obtain a certificate of public convenience from the Commission when providing such service; and (2) the service is subject to the substantial ongoing control of the state instrumentality, in regards to rates, routes, schedules, passenger eligibility, and other terms and conditions of service. *Brocal Corp. (Brocal II)*, 61 Pa. PUC 518; *Brocal Corp. (Brocal I)*, 57 Pa. P.U.C. 322. We have revised Section 41.22(d) of the Final Policy Statement accordingly.

PennDOT's third comment points out that courts have held that some public transportation authorities operating within the Commonwealth do not operate under the Municipal Authorities Act of 2001, 53 Pa.C.S. § 5601 et seq., or its predecessor statutes. Specifically, the Southeastern Pennsylvania Transportation Authority (SEPTA) and the Port Authority of Allegheny County (PAAC) have their own enabling legislation. PennDOT asks that if the enabling legislation for a public transportation authority exempts it from the Commission's jurisdiction, that the Final Policy Statement be drafted to exclude passenger transportation services provided by those authorities.

The intent of the Final Policy Statement is to clarify those situations where passenger transportation services are provided through third parties under contract either with a municipal corporation, municipal authority or a state instrumentality. For instance, many counties offer what are known as "shared-ride" or medical assistance transportation services.⁸ These services receive funding through programs administered by PennDOT and the Pennsylvania Department of Public Welfare (DPW). Some of these services are provided directly by employees and vehicles of a municipality. However, it is also common for a municipality to contract with a third party to provide these services.

The regulatory issue presented by these third-party arrangements is whether, and under what conditions, the Commission's jurisdiction extends to service provided by the third party. This includes the extent to which these services are considered to be extra-territorial. In instances where the enabling legislation exempts a public transportation authority from Commission jurisdiction (SEPTA or PAAC), we agree that there is no confusion as to whether the Commission has jurisdiction. Similarly, passenger services provided by third parties under contract to entities such as SEPTA and PAAC should also enjoy this exemption from the Commission's jurisdiction. Therefore, as set forth in Section 41.22(d) of the Final Policy Statement, we have determined that where a public transportation authority's enabling legislation exempts it from the Commission's jurisdiction, third parties under contract to such a transportation authority will also be exempt from the Commission's jurisdiction as long as (1) the transportation authority's enabling legislation expressly authorizes it to contract with contractors and subcontractors to provide passenger transportation service and (2) the service is subject to the substantial

⁸ A shared-ride program is defined as "Demand-responsive transportation that is available to the general public, operates on a nonfixed route basis and charges a fare to all riders. For transportation to be included in this definition, the first fare-paying passengers to enter the public transportation vehicle must not refuse to share the vehicle with other passengers during a given trip. The term excludes exclusive-ride taxi service, charter and sightseeing services, nonpublic transportation, school bus and limousine services." 72 P. S. § 3761-901.

ongoing control of the contracting transportation authority, in regards to rates, routes, schedules, passenger eligibility, and other terms and conditions of service.⁹ *Brocal Corp. (Brocal I)*, 57 Pa. PUC. 322 at *7-8.

PennDOT's fifth and final comment asks the Commission to consider including in the Final Policy Statement language pertaining to cooperative agreements between municipal corporations or authorities, which permit them to operate in each other's geographic service areas. PennDOT states that because the public transportation service provided by either contracting party separately would not be subject to Commission jurisdiction, then the same service provided under a cooperative agreement should likewise be exempt. We agree that under circumstances such as this, such services should also be exempt. The Commission has further determined that third parties providing passenger transportation service under contract to a contracting municipal corporation and/or authority, providing service by cooperative agreement, are likewise exempt from the Commission's jurisdiction as long as the services provided are subject to the substantial or pervasive ongoing control of the contracting municipal cooperation and/or authority, in regards to rates, routes, schedules, passenger eligibility, and other terms and conditions of service. We have revised Section 41.22(d) of the Final Policy Statement accordingly.

B. York Adams Transportation Authority

YATA first comments that passenger transportation services provided by municipal authorities should be exempt from Commission jurisdiction. YATA argues that this should include situations where the municipal authority is acting as an authorized agent of a municipal corporation outside the founding corporation's limits. Initially, as previously set forth, we note that passenger transportation services provided by municipal authorities are exempt from the Commission's jurisdiction even when service is provided beyond the geographic limits of the municipality that created the authority. This would include a situation where a municipal authority is acting as an authorized agent of a municipal corporation. Because the service provided by the municipal authority, regardless of geographic location within the Commonwealth, would be separately exempt from the Commission's jurisdiction, services provided by a municipal authority acting as an authorized agent for a municipal corporation, outside of the corporation's limits, would likewise be exempt.

In addition to requesting that services provided by municipal authorities be exempt from the Commission's jurisdiction in certain situations, YATA seems to suggest that passenger transportation services provided by municipal corporations or municipal authorities under direct contract with instrumentalities of the state should also be exempt.¹⁰ As previously set forth, passenger transportation service provided by municipal authorities and municipal corporations within their corporate limits is exempt from the Commission's jurisdiction. Accordingly, when the passenger transportation service provided by the municipal corporation or municipal authority is separately exempt from the Commission's jurisdiction, the

⁹ In *Brocal I*, SEPTA clearly had the power to contract with carriers to provide service as SEPTA is expressly authorized to "lease property or contract for service, including, managerial and operating service, when it can more efficiently and effectively serve the public by so doing, rather than conducting its own operations with its own property." *Brocal Corp.*, 57 Pa. P.U.C. 322 at *7; citing 55 P.S. § 600.3.3(23). The record in *Brocal I* also revealed that SEPTA exercised "pervasive control over the service and rates of its contractor and subcontractor." *Id.*

¹⁰ We note that YATA seems to classify a county as a "state instrumentality." We note that a county does not fall within the definition of "state instrumentality" as set forth in the Final Policy Statement below.

same service provided by the municipal corporation or municipal authority under contract with a state instrumentality is likewise exempt.

YATA also asks the Commission to consider including in the Final Policy Statement language pertaining to cooperative agreements between municipal corporations or authorities, which permit them to operate in each other's geographic service areas. We have previously set forth our disposition regarding cooperative agreements in our response to PennDOT's fifth comment above and have revised Section 41.22(d) of the Final Policy Statement accordingly.

C. Barker Brothers t/d/b/a Pittsburgh North Aire Ride

Barker Brothers comments that the Commission should consider revising the Proposed Policy Statement to include confirmation that transportation services provided by the subcontractors of municipal corporations, municipal authorities and instrumentalities of the state are also subject to an exemption from the Commission's jurisdiction as set forth in Section 41.22(d) of the Proposed Policy Statement. We note that we have previously addressed this issue, *infra*, and have revised Section 41.22(d) of the Final Policy Statement accordingly.

D. Mid Mon Valley Transit Authority

In their comments, MMVTA requests that the Commission specifically reference the legal distinction between "municipal corporations" and "municipal authorities" as set forth in *88 Transit Lines, Inc. v. Mid Mon Valley Transit Authority*, Docket No. C-2009-211669 (Order entered February 25, 2011). We have previously discussed such legal distinction, *infra*.

III. Summary of Commission Jurisdiction

A. Municipal Corporations

The Public Utility Code and relevant precedent state that passenger transportation service provided directly by municipal corporations will not be subject to the Commission's jurisdiction as long as such service is provided within a municipal corporation's geographic limits. The Commonwealth Court has held that this statutory geographic requirement is satisfied as long as the service provided by a municipal corporation is restricted to residents of the municipality, regardless of whether the actual service is provided within the corporate limits of the municipality. *County of Dauphin v. Pa. Pub. Util. Comm'n*, 634 A.2d 281, 283 (Pa. Cmwlth. Ct. 1993). Therefore, municipal corporations are not subject to the Commission's jurisdiction as long as they are directly providing passenger transportation service only to residents of the municipality or within their geographic boundaries.

Municipal corporations sometimes contract with third parties to provide passenger transportation services. These third party services, including services provided by both contractors and subcontractors of municipal corporations, are also non-jurisdictional so long as such services (1) would be non-jurisdictional if provided by the municipal corporation itself and (2) are subject to the substantial or pervasive, ongoing control of the contracting municipal corporation. See generally, *Brocal Corp.*, 57 Pa. PUC 322.

B. Municipal Authorities

The courts and the Commission have found that unless otherwise limited by the ordinance which organized it or by its articles of incorporation, a municipal authority may provide passenger transportation service, unrestricted by

geographic boundaries throughout the Commonwealth, without obtaining a certificate of public convenience from the Commission. Municipal authorities also contract with third parties to provide passenger transportation services. Passenger transportation services provided by the contractors and subcontractors of municipal authorities will also not be subject to the Commission's jurisdiction as long as such services (1) would be non-jurisdictional if provided by the municipal authority itself and (2) are subject to the substantial or pervasive, ongoing control of the contracting municipal authority. See generally, *Brocal Corp.*, 57 Pa. PUC 322.

C. Instrumentalities of the State

The Commission's jurisdiction does not extend to passenger transportation service provided by state instrumentalities. *Merritt-Chapman & Scott Corp.*, 248 A.2d 194. Similarly, passenger transportation services provided by the contractors and subcontractors of state instrumentalities are also exempt from the Commission's jurisdiction where (1) the state instrumentality's enabling legislation does not specifically require the third party to obtain a certificate of public convenience from the Commission when providing such service and (2) the service is subject to the substantial ongoing control of the state instrumentality, in regards to rates, routes, schedules, passenger eligibility, and other terms and conditions of service.

D. Public Transportation Authorities

Where a public transportation authority's enabling legislation exempts it from the Commission's jurisdiction, service provided by third parties under contract to such transportation authority will also be exempt from the Commission's jurisdiction as long as (1) the transportation authority's enabling legislation expressly authorizes it to contract with contractors and subcontractors to provide passenger transportation services and (2) the service is subject to the substantial ongoing control of the contracting transportation authority, in regards to rates, routes, schedules, passenger eligibility, and other terms and conditions of service.

E. Cooperative Agreements

Services provided under a cooperative agreement between municipal corporations or authorities, which permit them to operate in each other's geographic service areas, are not subject to the Commission's jurisdiction. Similarly, passenger transportation services provided by third parties under contract to such contracting municipal corporation and/or authority are likewise exempt from the Commission's jurisdiction as long as the services provided are subject to the substantial or pervasive ongoing control of the contracting municipal cooperation and/or authority, in regards to rates, routes, schedules, passenger eligibility, and other terms and conditions of service.

IV. Conclusion

Based on the foregoing discussion, we will adopt the Final Policy Statement to assist municipal corporations, municipal authorities, common carriers, other state agencies and members of the public in determining when our jurisdiction is implicated.

Accordingly, pursuant to its authority under Section 501 of the Public Utility Code, 66 Pa.C.S. § 501, the Commission adopts the attached Final Policy Statement; *Therefore,*

It Is Ordered That:

1. The regulations of the Commission, 52 Pa. Code Chapter 41, are amended by adding § 41.22 to read as set forth in Annex A.

2. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.

3. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

4. A copy of this Final Policy Statement and Annex A shall be served on the Office of Consumer Advocate, the Office of Small Business Advocate and all commentators, and be posted on the Commission's website at www.puc.state.pa.us.

5. The contact person for this matter is Krystle J. Sacavage, (717) 787-5262, Law Bureau (legal). Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, Law Bureau, (717) 772-4597.

ROSEMARY CHIAVETTA,
Secretary

Fiscal Note: Fiscal Note 57-284 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart B. CARRIERS OF PASSENGERS OR PROPERTY

CHAPTER 41. GENERAL ORDERS, POLICY STATEMENT AND GUIDELINES ON TRANSPORTATION UTILITIES

TRANSPORTATION

§ 41.22. Motor carrier passenger transportation services by municipal corporations or State instrumentalities—statement of policy.

(a) *General rule.* As a general rule, passenger transportation services are not subject to Commission jurisdiction when provided by any of the following:

- (1) State instrumentalities.
- (2) Municipal authorities.

(3) Municipal corporations within their corporate limits. The geographic limitation applicable to municipal corporations will be satisfied as long as the passenger transportation service provided by a municipal corporation is restricted to residents of the municipality, regardless of whether the actual service is provided within the corporate limits of the municipality.

(b) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Municipal authority—An authority created or organized by a municipality in accordance with the laws of the Commonwealth for the purpose of rendering service similar to that of a public utility.

Municipal corporation—The term as defined in 66 Pa.C.S. § 102 (relating to definitions).

Public transportation authority—An authority created or organized under the laws of the Commonwealth for the purpose of rendering public transportation service.

State instrumentality—

(i) The Commonwealth, its agencies, boards, offices, commissions, councils, departments, bureaus and authorities.

(ii) The term includes independent agencies of the Commonwealth and State affiliated entities such as the State System of Higher Education.

Substantial ongoing control—The act of setting or affirmatively approving the rates, routes, schedules, terms and conditions of service, and the monitoring and enforcement of a contractor's compliance with them.

(c) *Evidence of substantial ongoing control*. Substantial ongoing control is evidenced through:

(1) The terms of a written contract between the third party and the contracting entity.

(2) A statute, regulation, ordinance or other provision of law that the third party contractor must comply with in the provision of the transportation services.

(3) Written audits or inspection reports of the contractor's compliance with the contract and relevant provisions of law.

(d) *Exemptions*.

(1) *State instrumentalities*. Passenger transportation services provided by third parties under contract to State instrumentalities, and their subcontractors, are not subject to Commission jurisdiction when the following conditions are present:

(i) The State instrumentality's enabling legislation does not expressly require the third party to obtain a certificate of public convenience from the Commission when providing the service.

(ii) The service is subject to substantial ongoing control by the State instrumentality as to the following:

(A) The rates charged to passengers for the service.

(B) The routes for the service.

(C) The schedule of the service.

(D) The terms and conditions of the service, including who is eligible to be a passenger.

(2) *Municipal authorities*. Passenger transportation services provided by third parties under contract to municipal authorities, and their subcontractors, are not subject to Commission jurisdiction when the following conditions are present:

(i) The service would be nonjurisdictional if provided by the municipal authority itself.

(ii) The service is subject to substantial ongoing control by the municipal authority as to the following:

(A) The rates charged to passengers for the service.

(B) The routes for the service.

(C) The schedule of the service.

(D) The terms and conditions of the service, including who is eligible to be a passenger.

(3) *Municipal corporations*. Passenger transportation service provided by third parties under contract to municipal corporations, and their subcontractors, are not subject to Commission jurisdiction when the following conditions are present:

(i) The service would be nonjurisdictional if provided by the municipal corporation itself.

(ii) The service is subject to substantial ongoing control by the municipal corporation as to the following:

(A) The rates charged to passengers for the service.

(B) The routes for the service.

(C) The schedule of the service.

(D) The terms and conditions of the service, including who is eligible to be a passenger.

(4) *Public transportation authorities*. When a public transportation authority's enabling legislation exempts it from Commission jurisdiction, passenger transportation services provided by third parties under contract to the public transportation authority are not subject to the Commission's jurisdiction when the following conditions are present:

(i) The public transportation authority's enabling legislation expressly authorizes it to contract with third parties to provide passenger transportation services.

(ii) The service is subject to substantial ongoing control by the public transportation authority as to the following:

(A) The rates charged to passengers for the service.

(B) The routes for the service.

(C) The schedule of the service.

(D) The terms and conditions of the service, including who is eligible to be a passenger.

(5) *Cooperative agreements*. Passenger transportation services provided under a cooperative agreement between municipal corporations or authorities, which permit them to operate in each other's geographic service areas, are not subject to Commission jurisdiction. Passenger transportation services provided by third parties under contract to the contracting municipal corporation or authority are not subject to Commission jurisdiction so long as the services are subject to the substantial ongoing control of the contracting municipal corporation or authority, or both, as to the following:

(i) The rates charged to passengers for the service.

(ii) The routes for the service.

(iii) The schedule of the service.

(iv) The terms and conditions of the service, including who is eligible to be a passenger.

[Pa.B. Doc. No. 13-954. Filed for public inspection May 24, 2013, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

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

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-10-2013	Republic First Bank Philadelphia Philadelphia County	399 Route 70 East Cherry Hill Camden County, NJ	Approved

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-10-2013	Republic First Bank Philadelphia Philadelphia County	<i>To:</i> 101 Laurel Oak Road Voorhees Camden County, NJ <i>From:</i> 342 Burntmill Road Voorhees Camden County, NJ	Approved

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-3-2013	Univest Bank and Trust Company Souderton Montgomery County	103 Baringer Avenue Silverdale Bucks County	Closed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

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

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 13-955. Filed for public inspection May 24, 2013, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of Franklin University for Approval as an Education Enterprise to Offer 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 Franklin University based in Columbus, OH, for approval as an education enterprise to offer courses in this Commonwealth toward degrees that will be awarded under degree-granting authority in Ohio. The university will offer programs in Accounting, Forensic Accounting, Business Administration, Management and Leadership, and Allied Healthcare Management. All programs lead to a Bachelor of Science Degree. The programs will be offered at the Community College of Beaver County, Monaca, PA.

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, protest and request for hearing shall be filed with Dr. Rod Niner, Higher Education Associate, 333 Market Street, Harrisburg, PA 17126-0333 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 previous address 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. 13-956. Filed for public inspection May 24, 2013, 9:00 a.m.]

Application of Winebrenner Theological Seminary for Approval as an Education Enterprise to Offer 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 Winebrenner Theological Seminary based in Findlay, OH, for approval as an education enterprise to offer courses in this Commonwealth toward degrees that will be awarded under degree-granting authority in Ohio. The seminary will offer a program in Pastoral Theology with concentrations in Biblical Studies, Chaplaincy, Church History Studies, Pastoral Ministry and Theological Studies leading to a Master of Divinity Degree and a program in Church Development with concentrations in Biblical Studies, Christian Leadership, Christian Counseling and Pastoral Ministry leading to a Master of Arts Degree. The programs will be offered at the former Scotland School, 3583 Scotland Road, Scotland, PA.

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, protest and request for hearing shall be filed with Dr. Rod Niner, Higher Education Associate, 333 Market Street, Harrisburg, PA 17126-0333 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 previous address 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. 13-957. Filed for public inspection May 24, 2013, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0036463 Minor Industrial Waste	OMNOVA Solutions Auburn Plant 95 Hickory Drive Auburn, PA 17922	Schuylkill County West Brunswick Township	Unnamed Tributary to Schuylkill River (3-A)	Y
PAS902202 (Storm Water)	Lehigh County Authority Pretreatment Plant 7676 Industrial Boulevard Allentown, PA 18106	Lehigh County Upper Macungie Township	Iron Run (2-C)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0087904—IW	Roaring Spring Water, A Division of Blank Book Co., Inc. 740 Spang Street Roaring Spring, PA 16673	Blair County / Roaring Spring Borough	Halter Creek / 11-A	Y
PA0247031—CAFO	Keystone Dairy Ventures, LLC 324 Balance Meeting Road Peach Bottom, PA 17563	Lancaster County / Little Britain Township	Conowingo Creek / 7-K	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0002879 Industrial Waste	Union Electric Steel Corp 31 Union Electric Road Burgettstown, PA 15021-0151	Washington County Smith Township	UNT of Burgetts Fork	Y
PA0001228 Industrial Waste	Curtiss Wright Electro Mechanical Corp 1000 Wright Way Cheswick, PA 15024-1300	Allegheny County Harmar Township	Tawney Run & UNT to Allegheny River	Y
PA0219266 Sewage	Colonial Jt Sew Auth 924 Grindstone Road US 40 W Grindstone, PA 15442	Fayette County Jefferson Township	Redstone Creek	Y
PA0253324 Sewage	N Amer Med Ctrs Inc PO Box 680 Brockway, PA 15824	Indiana County Armstrong Township	Cheese Run	Y
PA0042749 Sewage	Jenner Area Jt Sew Auth 176 Yula Blvd Boswell, PA 15531	Somerset County Boswell Boro	Quemahoning Creek	Y
PA0035483 Sewage	Camp Albryoca 2801 Greenville Road Meyersdale, PA 15552	Somerset County Greenville Township	UNT to Little Piney Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0210404 (Sewage)	Melvin J Wachob SFTF 4916 Glen Hazel Road Wilcox, PA 15870	Elk County Jones Township	Unnamed Tributary to East Branch Clarion River (17-A)	Y
PA0210781 (Sewage)	Hazel Hurst WWTP 22 Park Road Hazel Hurst, PA 16733	McKean County Hamlin Township	Marvin Creek (16-C)	Y
PA0222585 (Sewage)	Brokenstraw Valley Area Authority STP 770 Rouse Avenue Youngsville, PA 16371	Warren County Pleasant Township	Allegheny River (16-B)	Y

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

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

PA0050393 A-1, Sewage, SIC Code 4952, **Worcester Township**, 1721 Valley Forge Road, Worcester, PA 19490-0767. Facility Name: Valley Green STP. This existing facility is located in Worcester Township, **Montgomery County**.

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

The receiving stream(s), Zacharias Creek, is located in State Water Plan watershed 3-E 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 0.13 MGD before the expansion of the plant and 0.22 MGD after the expansion of the plant.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</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	6.0	XXX	XXX	XXX
CBOD ₅						
Raw Sewage Influent (Interim)	Report 11.0	XXX 16.00	XXX XXX	Report 10.0	XXX 15.0	XXX 20.0

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
(Final)	18.3	27.5	XXX	10.0	15.0	20.0
BOD ₅						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
(Interim)	21.7	32.5	XXX	20.0	30.0	40.0
(Final)	29	44	XXX	16	24	32
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	Report	Report
Ammonia-Nitrogen						
(Interim)	2.2	3.3	XXX	2.0	3.0	4.0
(Final)	3.7	5.5	XXX	2.0	3.0	4.0
Total Phosphorus						
(Interim)	0.66	XXX	XXX	0.61	XXX	1.0
(Final)	1.1	XXX	XXX	0.61	XXX	1.0
UV Dosage (mjoules/cm ²)	XXX	XXX	Report	XXX	XXX	XXX
			Min			

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

- A. No Stormwater
- B. Acquire Necessary Property Rights
- C. Proper Sludge Disposal
- D. Operator Notification
- E. Small Stream Discharge
- F. Fecal Coliform Reporting
- G. Laboratory Certification
- H. I&I Requirement

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.

PA0012769, Industrial Waste, SIC Code 2821, **Rohm & Haas Chemicals LLC**, 200 Route 413, Bristol, PA 19007. Facility Name: Rohm & Haas Bristol Facility. This existing facility is located in Bristol Township, **Bucks County**.

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

The receiving stream(s), Delaware River, Mill Creek, Hog Run Creek, Otter Creek and Unnamed Tributary to Delaware River, is located in State Water Plan watershed 2-E and is classified for Warm Water Fishes, Migratory Fishes and 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 003 are based on a design flow of 0.515 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)	XXX	XXX	XXX	XXX	110	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 008 are based on a design flow of 0.529 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)	XXX	XXX	XXX	XXX	110	XXX
Total Suspended Solids	XXX	XXX	XXX	30	60	75

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Dissolved Solids	XXX	XXX	XXX	1,000	2,000	2500
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 009 are based on a design flow of 1.716 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
BOD ₅	343	916	XXX	24	64	80
BOD ₅ Influent	XXX	XXX	Report	XXX	XXX	XXX
CBOD ₂₀	386	XXX	XXX	XXX	XXX	XXX
BOD ₅ % Removal (%)						
Percent Removal (Minimum)	XXX	XXX	XXX	88.5	XXX	XXX
Total Suspended Solids						
Influent	XXX	XXX	Report	XXX	XXX	XXX
Total Suspended Solids	572	1,860	XXX	40	130	162
TSS % Removal (%)						
Percent Removal (minimum)	XXX	XXX	XXX	85	XXX	XXX
Total Dissolved Solids	Report	Report	XXX	1,000	2,000	2500
Ammonia-Nitrogen	500	XXX	XXX	35	XXX	70
Total Chromium	15.866	39.643	XXX	1.110	2.770	3.463
Total Copper	20.752	48.373	XXX	1.450	3.380	3.625
Total Cyanide	6.011	17.174	XXX	0.420	1.200	1.500
Total Lead	4.580	9.875	XXX	0.320	0.690	0.800
Total Nickel	24.186	56.960	XXX	1.690	3.980	4.225
Total Zinc	15.027	37.353	XXX	1.05	2.61	3.26
2-Chlorophenol	0.444	1.403	XXX	0.031	0.098	0.123
2,4-Dichlorophenol	0.558	1.603	XXX	0.039	0.112	0.140
2,4-Dimethylphenol	0.258	0.515	XXX	0.018	0.036	0.045
Fluorene	0.315	0.844	XXX	0.022	0.059	0.074
2,4-Dinitrophenol	1.016	1.760	XXX	0.071	0.123	0.178
2,4-Dinitrotoluene	1.617	4.079	XXX	0.113	0.285	0.356
2,6-Dinitrotoluene	3.654	9.174	XXX	0.255	0.641	0.801
4,6-dinitro-o-cresol	1.116	3.964	XXX	0.078	0.277	0.346
2-Nitrophenol	0.587	0.987	XXX	0.041	0.069	0.103
4-Nitrophenol	1.030	1.775	XXX	0.072	0.124	0.180
Phenol	0.215	0.372	XXX	0.015	0.026	0.038
Acenaphthene	0.315	0.844	XXX	0.022	0.059	0.074
Acenaphthylene	0.315	0.844	XXX	0.022	0.059	0.074
Acrylonitrile	1.374	3.463	XXX	0.096	0.242	0.302
Anthracene	0.315	0.844	XXX	0.022	0.059	0.074
Chlorobenzene	0.214	0.400	XXX	0.015	0.028	0.038
1,2-Dichlorobenzene	1.102	2.333	XXX	0.077	0.163	0.193
1,3-Dichlorobenzene	0.444	0.630	XXX	0.031	0.044	0.078
1,4-Dichlorobenzene	0.215	0.401	XXX	0.015	0.028	0.038
1,3-Dichloropropylene	0.415	0.630	XXX	0.029	0.044	0.073
1,2,4-Trichlorobenzene	0.973	2.00	XXX	0.068	0.140	0.170
Ethylbenzene	0.458	1.546	XXX	0.032	0.108	0.135
Hexachlorobenzene	0.214	0.400	XXX	0.015	0.028	0.038
Nitrobenzene	0.386	0.973	XXX	0.027	0.068	0.085
Benzene	0.530	1.946	XXX	0.037	0.136	0.170
Benzo(a)Anthracene	0.315	0.844	XXX	0.022	0.059	0.074
Benzo(a)Pyrene	0.329	0.873	XXX	0.023	0.061	0.076
Benzo(k)Fluoranthene	0.315	0.844	XXX	0.022	0.059	0.074
3,4-Benzofluoranthene	0.329	0.873	XXX	0.023	0.061	0.076
Bromoform	XXX	Report	XXX	XXX	Report	XXX
Carbon Tetrachloride	0.258	0.544	XXX	0.018	0.038	0.045
Chlorodibromomethane	XXX	Report	XXX	XXX	Report	XXX
Chloroethane	1.488	3.835	XXX	0.104	0.268	0.335
1,1,1-Trichloroethane	0.300	0.774	XXX	0.021	0.054	0.068
1,1,2-Trichloroethane	0.300	0.774	XXX	0.021	0.054	0.068
1,1-Dichloroethane	0.315	0.844	XXX	0.022	0.059	0.074
1,2-Dichloroethane	0.973	3.02	XXX	0.068	0.211	0.264
1,2-Dichloropropane	2.190	3.292	XXX	0.153	0.230	0.383

<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>	
Dichlorobromomethane	XXX	Report	XXX	XXX	Report	XXX
Bis(2-Ethylhexyl)Phthalate	1.474	3.993	XXX	0.103	0.279	0.349
Chloroform	0.300	0.658	XXX	0.021	0.046	0.053
Chrysene	0.315	0.844	XXX	0.022	0.059	0.074
Diethyl Phthalate	1.159	2.905	XXX	0.081	0.203	0.254
Dimethyl Phthalate	0.272	0.673	XXX	0.019	0.047	0.059
Di-n-Butyl Phthalate	0.386	0.816	XXX	0.027	0.057	0.068
Fluoranthene	0.356	0.973	XXX	0.025	0.068	0.085
Hexachlorobutadiene	0.286	0.701	XXX	0.020	0.049	0.061
Hexachloroethane	0.300	0.774	XXX	0.021	0.054	0.068
Methyl Chloride	1.230	2.719	XXX	0.086	0.190	0.215
Methylene Chloride	0.572	1.274	XXX	0.040	0.089	0.100
Naphthalene	0.315	0.844	XXX	0.022	0.059	0.074
Phenanthrene	0.315	0.844	XXX	0.022	0.059	0.074
Total Phenolics	XXX	Report	XXX	XXX	Report	XXX
Pyrene	0.358	0.959	XXX	0.025	0.067	0.084
1,1-Dichloroethylene	0.229	0.358	XXX	0.016	0.025	0.040
trans-1,2-Dichloroethylene	0.300	0.774	XXX	0.021	0.054	0.068
Tetrachloroethylene	0.315	0.801	XXX	0.022	0.056	0.070
Toluene	0.372	1.145	XXX	0.026	0.080	0.100
Trichloroethylene	0.300	0.774	XXX	0.021	0.054	0.068
PCBs (Dry Weather) (pg/L)	XXX	XXX	XXX	XXX	Report	XXX
Vinyl Chloride	1.488	3.835	XXX	0.104	0.268	0.335
Acute Toxicity—						
Ceriodaphnia Survival (TUa)	XXX	XXX	XXX	XXX	Report	XXX
Chronic Toxicity—						
Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Ceriodaphnia Reproduction (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Acute Toxicity—						
Pimephales Survival (TUA)	XXX	XXX	XXX	XXX	Report	XXX
Chronic Toxicity—						
Pimephales Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Growth (TUc)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfalls 013 and 019 are based on a storm water discharge.

<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>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Total Chromium	XXX	XXX	XXX	XXX	Report	XXX
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Cyanide	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Lead	XXX	XXX	XXX	XXX	Report	XXX
Total Nickel	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX
2-Chlorophenol	XXX	XXX	XXX	XXX	Report	XXX
2,4-Dichlorophenol	XXX	XXX	XXX	XXX	Report	XXX
2,4-Dimethylphenol	XXX	XXX	XXX	XXX	Report	XXX
Fluorene	XXX	XXX	XXX	XXX	Report	XXX
2,4-Dinitrophenol	XXX	XXX	XXX	XXX	Report	XXX
2,4-Dinitrotoluene	XXX	XXX	XXX	XXX	Report	XXX
2,6-Dinitrotoluene	XXX	XXX	XXX	XXX	Report	XXX
4,6-dinitro-o-cresol	XXX	XXX	XXX	XXX	Report	XXX
2-Nitrophenol	XXX	XXX	XXX	XXX	Report	XXX
4-Nitrophenol	XXX	XXX	XXX	XXX	Report	XXX
Phenol	XXX	XXX	XXX	XXX	Report	XXX
Acenaphthene	XXX	XXX	XXX	XXX	Report	XXX
Acenaphthylene	XXX	XXX	XXX	XXX	Report	XXX
Acrylonitrile	XXX	XXX	XXX	XXX	Report	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Anthracene	XXX	XXX	XXX	XXX	Report	XXX
Chlorobenzene	XXX	XXX	XXX	XXX	Report	XXX
1,2-Dichlorobenzene	XXX	XXX	XXX	XXX	Report	XXX
1,3-Dichlorobenzene	XXX	XXX	XXX	XXX	Report	XXX
1,4-Dichlorobenzene	XXX	XXX	XXX	XXX	Report	XXX
1,3-Dichloropropylene	XXX	XXX	XXX	XXX	Report	XXX
1,2,4-Trichlorobenzene	XXX	XXX	XXX	XXX	Report	XXX
Ethylbenzene	XXX	XXX	XXX	XXX	Report	XXX
Hexachlorobenzene	XXX	XXX	XXX	XXX	Report	XXX
Nitrobenzene	XXX	XXX	XXX	XXX	Report	XXX
Benzene	XXX	XXX	XXX	XXX	Report	XXX
Benzo(a)Anthracene	XXX	XXX	XXX	XXX	Report	XXX
Benzo(a)Pyrene	XXX	XXX	XXX	XXX	Report	XXX
Benzo(k)Fluoranthene	XXX	XXX	XXX	XXX	Report	XXX
3,4-Benzofluoranthene	XXX	XXX	XXX	XXX	Report	XXX
Carbon Tetrachloride	XXX	XXX	XXX	XXX	Report	XXX
Chloroethane	XXX	XXX	XXX	XXX	Report	XXX
1,1,1-Trichloroethane	XXX	XXX	XXX	XXX	Report	XXX
1,1,2-Trichloroethane	XXX	XXX	XXX	XXX	Report	XXX
1,1-Dichloroethane	XXX	XXX	XXX	XXX	Report	XXX
1,2-Dichloropropane	XXX	XXX	XXX	XXX	Report	XXX
Bis(2-Ethylhexyl)Phthalate	XXX	XXX	XXX	XXX	Report	XXX
Chloroform	XXX	XXX	XXX	XXX	Report	XXX
Chrysene	XXX	XXX	XXX	XXX	Report	XXX
Diethyl Phthalate	XXX	XXX	XXX	XXX	Report	XXX
Dimethyl Phthalate	XXX	XXX	XXX	XXX	Report	XXX
Di-n-Butyl Phthalate	XXX	XXX	XXX	XXX	Report	XXX
Fluoranthene	XXX	XXX	XXX	XXX	Report	XXX
Hexachlorobutadiene	XXX	XXX	XXX	XXX	Report	XXX
Hexachloroethane	XXX	XXX	XXX	XXX	Report	XXX
Methyl Chloride	XXX	XXX	XXX	XXX	Report	XXX
Methylene Chloride	XXX	XXX	XXX	XXX	Report	XXX
Naphthalene	XXX	XXX	XXX	XXX	Report	XXX
Phenanthrene	XXX	XXX	XXX	XXX	Report	XXX
Pyrene	XXX	XXX	XXX	XXX	Report	XXX
1,1-Dichloroethylene	XXX	XXX	XXX	XXX	Report	XXX
trans-1,2-Dichloroethylene	XXX	XXX	XXX	XXX	Report	XXX
Tetrachloroethylene	XXX	XXX	XXX	XXX	Report	XXX
Toluene	XXX	XXX	XXX	XXX	Report	XXX
Trichloroethylene	XXX	XXX	XXX	XXX	Report	XXX
Vinyl Chloride	XXX	XXX	XXX	XXX	Report	XXX

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

- Remedial Measures
- Applicable BAT/BCT
- Chemical Additives
- Approved Test Methods
- WET Testing
- Change in Ownership
- Proper Sludge Disposal
- TMDL/WLA Analysis
- Stormwater Outfalls
- Acceptance of Rohm & Haas Waste from Other Rohm & Haas locations.
- PCBs Minimization Plan

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.

The following notice reflects changes to the notice published in the Saturday, April 20, 2013 edition of the *Pennsylvania Bulletin*: Total Suspended Solids (TSS) Limit.

PA0025488, Sewage, SIC Code 4952, **Avondale Borough**, 110 Pomeroy Avenue, Avondale, PA 19311-0247. Facility Name: Avondale Borough STP. This existing facility is located in Avondale Borough, **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), Unnamed Tributary to East Branch White Clay Creek, is located in State Water Plan watershed 3-I and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.5 MGD.

Parameters	Mass (lb/day)		Instant. Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	3.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.4	XXX	0.8
CBOD ₅						
May 1 - Oct 31	62.5	96.0	XXX	15.0	23.0	30.0
Nov 1 - Apr 30	104.0	167.0	XXX	25.0	40.0	50
Total Suspended Solids	75.0	112.5	XXX	18.0	27.0	36.0
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000.0
				Geo Mean		
Total Nitrogen	83.4	XXX	XXX	20.0	XXX	40.0
Ammonia-Nitrogen						
May 1 - Oct 31	5.0	XXX	XXX	1.2	XXX	2.4
Nov 1 - Apr 30	15.0	XXX	XXX	3.6	XXX	7.2
Total Phosphorus	8.0	XXX	XXX	2.0	XXX	4.0

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

Proposed Part C Conditions:

- A. No Stormwater
- B. Necessary Property Rights
- C. Sludge Disposal Requirement
- D. Total Residual Chlorine Requirement
- E. Operator Notification
- F. Average Weekly Definition
- G. Remedial Measures if Unsatisfactory Effluent
- H. Change of Ownership
- I. TMDL/WLA Analysis
- J. Certified Operator

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

The EPA Waiver is not in effect.

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

PA0065439, Storm Water, SIC Code 3471, **Belyea Company Inc.**, 2200 Northwood Avenue, Easton, PA 18045. Facility Name: Belyea Company Inc.—Palmer Plant. This existing facility is located in Palmer Township, **Northampton County**.

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

The receiving stream, Bushkill Creek, is located in State Water Plan watershed 1-F 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:

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

PA0042269, Sewage, SIC Code 4952, **Lancaster Area Sewer Authority**, 130 Centerville Road, Lancaster, PA 17603-4007. Facility Name: Susquehanna Water Pollution Control Facility. This existing facility is located in Manor 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, Dry Run, 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 15.0 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅	3128	5004	XXX	25	40	50
		Wkly Avg				
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	3753	5630	XXX	30	45	60
		Wkly Avg				
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2000	XXX	10000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	876	XXX	XXX	7.0	XXX	14
Nov 1 - Apr 30	2627	XXX	XXX	21	XXX	42
Total Phosphorus	250	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.

Parameters	Mass (lbs)			Concentration (mg/l)		
	Monthly	Annual	Minimum	Monthly Average	Maximum	
Ammonia—N	Report	Report	XXX	Report	XXX	
Kjeldahl—N	Report	XXX	XXX	Report	XXX	
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	
Total Nitrogen	Report	Report	XXX	Report	XXX	
Total Phosphorus	Report	Report	XXX	Report	XXX	
Net Total Nitrogen	Report	273969	XXX	XXX	XXX	
Net Total Phosphorus	Report	36529	XXX	XXX	XXX	

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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

- To implement requirements applicable to stormwater outfalls.
- 6925 lbs/yr of Total Nitrogen offsets was approved to be used for compliance with TN Cap Load.

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.

PA0009229, Industrial Waste, SIC Code 4011, **Norfolk Southern Railway Co.**, 1200 Peachtree Street Ne, Atlanta, GA 30309. Facility Name: Norfolk Southern Enola Train Yard. This existing facility is located in East Pennsboro Township, **Cumberland County**.

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

The receiving stream(s), Susquehanna River, is located in State Water Plan watershed 7-B 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 0.5 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	1.0	1.6
CBOD ₅	Report	Report	XXX	25	50	62
Total Suspended Solids	Report	Report	XXX	30	60	75
Oil and Grease	Report	Report	XXX	15	XXX	30
				Daily Avg		
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000	XXX	10000
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	2.0	4.0	5.0

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

<i>Parameters</i>	<i>Mass (lbs)</i>			<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report			Report	
Ammonia—N		Report			
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report			Report	
Total Nitrogen		Report			
Total Phosphorus	Report			Report	
Total Phosphorus		Report			
Net Total Nitrogen	Report				
Net Total Nitrogen		2539			
Net Total Phosphorus	Report				
Net Total Phosphorus		93			

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2013. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2014. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2013.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2014.

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

- Requirement to use eDMR System

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.

PA0247928, Sewage, SIC Code 4952, **Hopewell Township**, 415 Three Square Hollow Road, Newburg, PA 17240-9333. Facility Name: Hopewell Township Building SFTF. This existing facility is located in Hopewell Township, **Cumberland 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 Peebles Run, is located in State Water Plan watershed 7-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

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

PA0246590, SIC Code 6514, **Dennis A McClure & Janice E McClure**, 3469 McAlevys Fort Road, Petersburg, PA 16669. Facility Name: McClure SRSTP. This existing facility is located in Jackson Township, **Huntingdon County**.

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

The receiving stream(s), Unnamed Tributary of Laurel Run, is located in State Water Plan watershed 11-B and is classified for HQ-CWF, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

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

PA0248169, Sewage, SIC Code 4952, **Little Washington Wastewater Company**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3489. Facility Name: Preserve at Plum Run STP. This existing facility is located in Cumberland Township, **Adams County**.

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

The receiving stream, Plum Run, is located in State Water Plan watershed 13-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0175 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Total Annual		Average Monthly	Geo Mean	
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	0.44	XXX	1.44

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Total Annual	Minimum	Average Monthly		
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Nitrate-Nitrite as N (lbs/year)	XXX	Report	XXX	Report Annl Avg	XXX	XXX
Total Nitrogen (lbs/year)	XXX	Report	XXX	Report Annl Avg	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	4.0	XXX	8.0
Nov 1 - Apr 30	XXX	XXX	XXX	12	XXX	24
Total Kjeldahl Nitrogen (lbs/year)	XXX	Report	XXX	Report Annl Avg	XXX	XXX
Total Phosphorus (lbs/year)	Report Total Mo	Report	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.

Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.0530.

PAS404803, Storm Water, SIC Code 1389, **Headwaters Water Reclamation LLC**, 4 Windham Hill, Mendon, NY 14506. Facility Name: Headwaters Water Reclamation. This proposed facility will be located in Ulysses Township, **Potter County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of uncontaminated stormwater.

The receiving stream(s), Unnamed Tributary to Ludlington Run, is located in State Water Plan watershed 14-A and is classified for High Quality Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on precipitation.

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

The proposed effluent limits for Outfall 002 are based on precipitation.

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

The proposed effluent limits for Outfall 003 are based on precipitation.

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

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

- 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 570-327-3693.

The EPA Waiver is in effect.

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

PA0001996, SIC Code 3313, **Lehigh Specialty Melting Inc.**, 107 Gertrude Street, Latrobe, PA 15650. Facility Name: Lehigh Specialty Melting Inc. This existing facility is located in Latrobe Borough, **Westmoreland County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated non-contact cooling water, quench water and stormwater.

The receiving stream, Loyalhanna Creek, is located in State Water Plan watershed 18-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0145 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	XXX	XXX	9
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Suspended Solids	XXX	XXX	XXX	30	60	XXX
Oil and Grease	XXX	XXX	XXX	Report	Report	XXX
Total Aluminum	XXX	XXX	XXX	Report	Report	XXX
Total Iron	XXX	XXX	XXX	Report	Report	XXX
Total Manganese	XXX	XXX	XXX	Report	Report	XXX
Total Thallium	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of 0.005 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	XXX	XXX	9
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110

The proposed effluent limits for Outfall 201 are based on a design flow of 0.0045 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	XXX	XXX	9
Total Suspended Solids	XXX	XXX	XXX	20	41	XXX
Total Iron	XXX	XXX	XXX	0.50	1.2	XXX
Total Lead	XXX	XXX	XXX	0.16	0.42	XXX

The proposed effluent limits for Outfall 301 are based on a design flow of 0.005 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	XXX	XXX	9
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110

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

The EPA Waiver is not in effect.

PA0204293. SIC Code 3087, **Spartech Polycom Texas Inc.**, 120 S Central Avenue, Clayton, MO 63105-1735. Facility Name: Spartech Polycom (Texas) Inc. Donora Plant 2. This existing facility is located in Donora Borough, **Washington County**.

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

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

The proposed effluent limits for Outfall 002 are based on a precipitation induced flow.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
pH (S.U.)	XXX	XXX	6	XXX	XXX	9
Chemical Oxygen Demand	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 003 are based on a precipitation induced flow.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
pH (S.U.)	XXX	XXX	6	XXX	XXX	9
Chemical Oxygen Demand	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX

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

The EPA Waiver is in effect.

PA0091391, SIC Code 9999, **Spartech Polycom Texas, Inc.**, 120 S Central Avenue, Clayton, MO 63105-1735. Facility Name: Spartech Polycom Texas Inc. Donora 1. This existing facility is located in Donora Borough, **Washington County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated non-contact cooling water, contact cooling water, boiler tower blowdown and stormwater.

The receiving stream, the Monongahela River, is located in State Water Plan watershed 19-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.408 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	XXX	XXX	6	XXX	XXX	9
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Oil and Grease	XXX	XXX	XXX	15	30	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of 0.0192 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	XXX	XXX	9
BOD ₅	XXX	4.2	XXX	XXX	26	XXX
Total Suspended Solids	XXX	3.0	XXX	XXX	19	XXX
Oil and Grease	XXX	4.6	XXX	XXX	29	XXX

The proposed effluent limits for Outfall 201 are based on a design flow of 0.0096 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	XXX	XXX	9
BOD ₅	XXX	2.1	XXX	XXX	26	XXX
Total Suspended Solids	XXX	1.5	XXX	XXX	19	XXX
Oil and Grease	XXX	2.3	XXX	XXX	29	XXX

Outfall 002 will discharge solely uncontaminated stormwater. No effluent limitations are necessary.

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

The EPA Waiver is in effect.

PA0027669, Sewage, SIC Code 4952, **McCandless Township Sanitary Authority**, 418 Arcadia Drive, Pittsburgh, PA 15237-5506. Facility Name: Pine Creek STP. This existing facility is located in Hampton Township, **Allegheny County**.

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

The receiving stream(s), Pine Creek, is located in State Water Plan watershed 18-A 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 6.0 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.3	XXX	1.0
CBOD ₅						
May 1 - Oct 31	501	751	XXX	10	15	20
Nov 1 - Apr 30	1,001	1,502	XXX	20	30	40
BOD ₅						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	1,502	2,253	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	75	115	XXX	1.5	2.3	3.0
Nov 1 - Apr 30	200	300	XXX	4.0	6.0	8.0
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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

- The Permittee is authorized to discharge uncontaminated storm water from the Sewage Treatment Plant site through Outfall 101.

The EPA Waiver is not in effect.

PA0254681, Sewage, **Morris Township**, 1317 Browns Creek Road, Sycamore, PA 15364. Facility Name: Nineveh STP. This proposed facility is located in Morris Township, **Greene County**.

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

The receiving stream(s), Browns Creek, is located in State Water Plan watershed 19-B and is classified for High Quality Waters—Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.036 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	0.036	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
CBOD ₅						
May 1 - Oct 31	XXX	XXX	XXX	10	XXX	20
Nov 1 - Apr 30	XXX	XXX	XXX	20	XXX	40
BOD ₅						
Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
UV Transmittance (mjoules/cm ²)	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Wkly Avg XXX	Report	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18.0
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

The EPA Waiver is in effect.

PA0032611, Sewage, SIC Code 4952, **Portage Area Sewer Authority**, 606 Cambria Street, Portage, PA 15946-1516. Facility Name: Portage Area STP. This existing facility is located in Portage Township, **Cambria 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), Little Conemaugh River, is located in State Water Plan watershed 18-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.0 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
CBOD ₅	209	313	XXX	25	40	50
		Wkly Avg			Wkly Avg	
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	250	375	XXX	30	45	60
		Wkly Avg			Wkly Avg	
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
UV Transmittance (mjoules/cm ²)	XXX	XXX	Report	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Total Copper						
(Interim)	Report	Report	XXX	Report	Report	Report
(Final)	0.12	0.18	XXX	0.014	0.022	0.035

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

The EPA Waiver is not in effect.

PA0022241, Sewage, SIC Code 4952, **Borough of California**, 225 3rd Street, California, PA 15419-1131. Facility Name: California Borough STP. This existing facility is located in California Borough, **Washington 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), Monongahela River, is located in State Water Plan watershed 19-C and is classified as a Warm Water Fishery. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1 & 1.2 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine						
(Interim)	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅						
(Interim)	210	315	XXX	25	40	50
		Wkly Avg				
(Final)	250	375	XXX	25	40	50
		Wkly Avg				
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						

<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>Weekly Average</i>	
(Interim)	250	375	XXX	30	45	60
(Final)	300	450	XXX	30	45	60
		Wkly Avg				
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
UV Transmittance (mjoules/cm ²)						
(Final)	XXX	XXX	Report	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
					Daily Max	
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
					Daily Max	

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

The EPA Waiver is not in effect.

PA0038181, Sewage, SIC Code 4952, **Hempfield Township Municipal Authority**, 1146 Woodward Drive, Greensburg, PA 15601-6416. Facility Name: New Stanton STP. This existing facility is located in Hempfield Township, **Westmoreland County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 7.2 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD ₅	1,502	2,402	XXX	25	40	50
		Wkly Avg			Wkly Avg	
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	1,802	2,703	XXX	30	45	60
		Wkly Avg			Wkly Avg	
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
UV Transmittance (mjoules/cm ²)						
Total Nitrogen	XXX	XXX	Report	Report	XXX	XXX
Ammonia-Nitrogen					Report	
May 1 - Oct 31	210	XXX	XXX	3.5	XXX	7.0
Nov 1 - Apr 30	510	XXX	XXX	8.5	XXX	17.0
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Total Antimony						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	0.46	0.71	XXX	0.0076	0.0118	0.019

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Total Selenium (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	0.40	0.63	XXX	0.0067	0.0105	0.01675
Bis(2-Ethylhexyl)Phthalate (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	0.23	0.36	XXX	0.0038	0.0060	0.0095

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

The EPA Waiver is not in effect.

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

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

WQM Permit No. 1598408, Sewerage, **Amendment, Downingtown Area Regional Authority**, 6 West Lancaster Avenue, Downingtown, PA 19335.

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

Description of Action/Activity: Rerating the influent organic capacity of the Authority's Wastewater Treatment Facility.

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

WQM Permit No. 0687426, Transfer #3, Sewerage, **Bradley & Sarah Feldmeier**, 1499 Elverson Road, Elverson, PA 19520.

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

Description of Proposed Action/Activity: Seeking permit approval for transfer of permit.

WQM Permit No. 0613403, Sewerage, **Jack Larkin**, 275 Pilgert Street, Alburtis, PA 18011.

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

Description of Proposed Action/Activity: Seeking permit approval for construction/operation of a small flow treatment system to serve their single family residence.

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI011513014	Valley Forge National Historic Park 1400 North Outer Drive King of Prussia, PA 19406-1009	Chester	Tredyffrin Township	Valley Creek EV
PAI012313003	Brasalind Properties, Inc. 10 Springhouse Lane 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 County Ag Center, 4184 Dorney Park Rd., Ste. 105, Allentown, PA 18104, 610-391-9583.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI023909014(1)	Robert Bennett Bennett Lehigh Street Holdings, LP 1951 Lehigh St. Allentown, PA 18103	Lehigh	City of Allentown	Trout Creek, HQ-CWF, MF

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI026412003(1)	Aqua Pennsylvania, Inc. 1775 North Main St. Honesdale, PA 18431	Wayne	Honesdale Borough, Texas Township	Lackawaxen River, HQ-TSF, MF

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

Permit #	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI030513001	PennDOT 1620 North Juniata Street Hollidaysburg, PA 16648	Bedford	Bedford Township	UNT to Shobers Run (HQ-CWF/MF)
PAI030613002	Walter Hess 45 Railroad Street Kutztown, PA 19530	Berks	Maxatawny Township	Wetlands (EV)

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

PAG-12 CAFOs

CAFO Notices of Intent Received

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

PAG123672, CAFO, **Craig D. Finkbiner, Finkbiner's Lost Creek Farm**, 2452 Free Spring Church Road, McAlisterville, PA 17049.

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

Description of Size and Scope of Proposed Operation/Activity: Application to renew permit for existing 901 AEU swine operation.

The receiving stream, Little Lost Creek, is in watershed 12-A, and classified for: TSF.

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

PAG123749, CAFO, **Kenton Sweigart Farm**, 620 Greider Road, Mount Joy, PA 17552.

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

Description of Size and Scope of Proposed Operation/Activity: An existing dairy and swine operation will add a 315 AEU pullet house.

The receiving stream, UNT Donegal Creek, is in watershed 7-G, and classified for: CWF.

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

PAG123750, CAFO, **Meadow Wood Farms**, 2075 Colebrook Road, Lebanon, PA 17042.

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

Description of Size and Scope of Proposed Operation/Activity: An existing dairy operation that is proposing to expand to 800 head.

The receiving stream, Beck Creek, is in watershed 7-D, and classified for: TSF.

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

PAG123751, CAFO, **Skyline Acres, Inc.**, 381 Skyline Drive, Bernville, PA 19506.

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

Description of Size and Scope of Proposed Operation/Activity: An existing farm expanding to 800 head dairy operation.

The receiving stream, UNT to Irish Creek, is in watershed 3B, and classified for: WWF.

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

PAG123612, CAFO, John K. Nolt, Hickory Hill Farm, 10190 Mountain Road, Port Royal, PA 17082.

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

Description of Size and Scope of Proposed Operation/Activity: Existing 489 AEU turkey operation.

The receiving stream, UNT Hunters Creek, is in watershed 12-B, and classified for: CWF.

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

STATE CONSERVATION COMMISSION

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

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

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

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

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal / New</i>
A & L Farms Linford Snyder 3304 Mountain Road Hamburg, PA 17046	Berks	160.4	415.6	Layers	NA	New

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Permit No. 1513511 , Public Water Supply	
Applicant	Valley Township
Township	Valley
County	Chester
Responsible Official	Patrice Proctor Chairwomen 890 West Lincoln Highway Coatesville, PA 19320
Type of Facility	PWS
Consulting Engineer	Michael J. Ellis, P.E. Pennoni Associates, Inc. 121 Continental Drive Suite 207 Newark, DE 19713
Application Received Date	March 11, 2013
Description of Action	Valley Township's Villages of Hillview interconnection with the Pennsylvania American Water Company.

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:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401

Wilkinson Residence, Abington Township, **Montgomery County**. John Wilkinson, 940 Garfield Avenue, Glenside, PA 19038 on behalf of John Bernhardt, State Farm Insurance, PA Fire Claims, P. O. Box 106110, Atlantic GA 30348-6110, Richard D. Trimpi, Trimpi Associates, Inc. 1635 Old Plains Road, Pennsburg, PA 18703 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of petroleum. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was reported to have been reported in the *Ambler Gazette* on March 31, 2013.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications renewed Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Permit Application No. 101606. Kline's Services, Inc., located in East Hempfield Township, **Lancaster County**. The Department has reviewed the above referenced application for permit renewal in order to determine whether it contains the information, maps, fees, and other documents necessary to be considered administratively complete. Please be advised that the application has been determined to be administratively complete.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

PLAN APPROVALS

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

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

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

39-00099A: Delta Thermo Energy A, LLC (One Northbrook Drive, 1210 Northbrook Corp. Center, Suite 199, Trevoise, PA 19053) for construction of an energy production facility to be in Allentown City, **Lehigh County**.

54-00082A: Future Power PA (72 Glenmaura National Blvd., Moosic, PA 18507) for construction and operation of a Natural Gas fired Combined Cycle plant with controls at their facility to be in Porter Twp, **Schuylkill County**.

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

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

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

23-0016C: PQ Corporation (1201 West Front Street, Chester, PA 19013; Attn: Mr. Edward Hines) is a Title V facility. PQ Corporation intends to install a Blower Air Staging (BAS) system on PQ Corporation's #4 Sodium Silicate Furnace (Source ID 102), at their facility located in the City of Chester, **Delaware County**. The installation of the BAS system is to comply with the newly promulgated regulations for Glass Melting Furnaces (25 Pa. Code §§ 129.301—129.310). Emissions of NO_x from the furnace will comply with the newly promulgated limit of 6.0 lbs/ton of product produced and continue to comply with an annual limit of 275 tpy. Potential CO emissions shall increase from 5.08 tpy to 87.6 tpy. The permittee shall monitor and record the staged air portion of the combustion air, along with all other existing monitoring and recordkeeping requirements associated with the furnace, to ensure compliance with all applicable emission limits and 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

40-00006A: Pyre Incorporated (405 West Harford Street, Milford, PA 18337) for the operation of two (2) human cremators and one (1) pet cremator at the site located in Milford Township, **Pike County**. This facility is a Non-Title V facility. The company has applied to operate the cremators without interlock system & opening of the chamber before it cools to 150°F as required by existing operating permit. No other changes were proposed from existing operating permits. Presently all cremators are operating under General Operating Permit GP14 requirements. The company shall comply with 123.41 for opacity. The company will operate the sources and maintain the system in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

06-05115B: Granger Energy of Morgantown, LLC (16980 Wood Road, Lansing, MI 48906-1044) for the installation of two (2) landfill gas fired engines, two (2) additional compressors and one (1) 2,000 acfm enclosed flare in Caernarvon Township, **Berks County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received an application and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

Plan Approval No. 06-05115B is for the the installation of two (2) 2,233 bHP (1,600 kW) Caterpillar G3520C landfill gas fired engines, two (2) additional compressors and one (1) 2,000 acfm LFG Specialties EF945110 enclosed flare. The flare will prevent raw LFG from being vented to the outside should any or all engines cease to operate. Additionally, the configuration of the incoming pipeline will be modified to allow for the direct feed from the first stage of compression within the Granger Energy of Morgantown plant and from the common pipeline. Potential emissions from the project are estimated to be 209.6 tpy CO, 39.2 tpy NO_x, 11.0 tpy PM₁₀/PM_{2.5}, 35.9 tpy SO_x, 38.5 tpy VOC, 18.5 tpy of combined HAPs, 14.0 tpy of a single HAP, and 50,803 metric tons of CO₂e.

Granger Energy is currently a minor facility; however, the installation of the proposed equipment will cause the facility to become a major Title V facility. The engines are subject to 40 CFR 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines & 40 CFR 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The Plan Approval will contain testing, monitoring, recordkeeping & work practice standards 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 of the application are available for public review during normal business hours at Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

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

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

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, protests, or requests for a public hearing.

Plan approvals issued to sources identified in 25 Pa. Code § 127.44(b)(1)—(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

67-03151A: Kenworthy Roth Funeral Home, Inc. (269 Frederick Street, Hanover, PA 17331) for operation of its human crematory facility in Hanover Borough, **York County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received an application and intends to issue a Plan Approval to the above mentioned company for the above mentioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

Plan Approval No. 67-03151A is to modify the burn cycle interlock condition. The estimate potential emissions in year are: 3.3 tons per year of CO, 1.0 ton per year of NO_x, 2.3 tons per year of PM, 0.8 ton per year of SO₂, and 1.0 ton per year 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.

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

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

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

Gary Helsel, Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments 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

59-0008C: Tennessee Gas Pipeline Company, LLC (PO Box 2511, Houston, TX 77252-2511) has submitted an application to the Pennsylvania Department of Environmental Protection for plan approval to construct a natural gas compression process as part of the Rose Lake Expansion Project at the Station 315 facility located in Charleston Township, **Tioga County**. The proposed process includes a combustion turbine, centrifugal compressor as well as ancillary systems for a natural gas compression process, such as valves, flanges, connectors, etc. The proposed combustion turbine is a Solar® Model Mars

100-16000S equipped with SoLoNO_x technology, a lean premix type of combustion technology. TGP proposes to equip the exhaust of the combustion turbine with an add-on device that employs oxidation catalyst technology to control volatile organic compounds (VOC), formaldehyde and carbon monoxide (CO) in the process' exhaust. This application is subject to the Best Available Technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12. In addition, the stationary combustion turbine associated with the natural gas compression process is subject to the Standards of Performance for Stationary Combustion Turbines of 40 CFR Part 60 Subpart KKKK. The Department has determined that the proposed levels of the air contaminants emissions satisfy the Department's BAT requirements as well as the requirements codified in Subpart KKKK of 40 CFR Part 60. Additionally, if the Department determines that the sources are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into a Title V operating permit via an administrative amendment pursuant to 25 Pa. Code § 127.450. The potential to emit from the facility (after completion of Rose Lake Expansion Project) will exceed the major source threshold for greenhouse gas emissions and make the greenhouse gas emissions from the facility subject to the regulation, and the facility will be a Title V facility.

The levels of potential to emit, in units of tons per year (tpy), from the combustion turbine associated with the natural gas compression process is specified below in the proposed condition specified below (condition no. 2). The reported levels of potential to emit from the additional flanges, connectors, valves, etc. for the proposed Rose Lake Expansion Project are as follows: 1.03 tpy of volatile organic compounds and 20.7 tpy of methane emissions (or 434 tpy of greenhouse gas emissions, expressed as CO₂e). The Department has determined that the proposed levels of the air contaminants emissions satisfy all applicable air regulatory requirements for stationary source including the Department's BAT requirements. In addition, the Department has determined that the project satisfies the applicable requirements from Article III of the Rules and Regulation of the Department of Environmental Protection as well as the monitoring, testing, compliance demonstration requirements from the Standards of Performance for Stationary Combustion Turbines rule that is codified in 40 CFR Part 60 Subpart KKKK.

Based on the findings presented above, the Department intends to issue a plan approval for the proposed project. The following is a summary of the conditions that the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable air quality regulatory requirements:

1. [Additional authority for this plan approval condition is derived from 25 Pa. Code §§ 127.1 and 127.12]

(a) In addition to the EPA reference method test programs required in this plan approval, the permittee shall perform periodic monitoring on the combustion turbine associated with Source ID P101B every 2500 hours of operation, but no sooner than forty-five (45) days from the previous test, to verify continued compliance with the nitrogen oxides (NO_x, expressed as NO₂) and carbon monoxide emission limitations. A portable gas analyzer may be used to satisfy the requirements of this condition utilizing three test runs of twenty (20) minutes for each test run. The Department may alter the frequency of portable analyzer tests based on the test results. The frequency of portable gas analyzer tests may be altered

with written Departmental approval. The portable gas analyzer shall be used and maintained according to the manufacturer's specifications and the procedures specified in ASTM D 6522 (or equivalent as approved by the Department).

(b) The Department reserves the right to require stack tests on each engine in accordance with EPA reference methods should the data from the portable analyzer warrant such tests.

2. Pursuant to 25 Pa. Code §§ 127.1 and 127.12 (relating to best available technology), the total, combined emissions from the turbine associated with Source ID P101B shall not exceed any of the following limitations:

(i) 30.4 tons of nitrogen oxides in any 12 consecutive month period;

(ii) 5.3 tons of total particulate matter (condensable and filterable), including particulate matter having an aerodynamic diameter equal to or less than 10 and 2.5 micrometers (PM₁₀ and PM_{2.5}) in any 12 consecutive month period;

(iii) 3.9 tons of NM/NE volatile organic compounds, including formaldehyde in any 12 consecutive month period;

(iv) 1.4 tons of formaldehyde in any 12 consecutive month period.

3. The permittee may operate the combustion turbine associated with Source ID P101B in non-SoLoNO_x mode as long as the criteria set forth in this permit including the following are satisfied;

(i) During periods of time when the ambient temperature is below 0 degrees Celsius (Sub-zero Ambient Temperature);

(ii) Total cumulative operation in non-SoLoNO_x mode is limited to 125 hours in any 12 consecutive month period.

4. Pursuant to 25 Pa. Code §§ 127.1 and 127.12 (relating to best available technology), the permittee shall not permit the emission into the outdoor atmosphere of carbon monoxide from this process in a manner that the concentration of carbon monoxide (expressed as CO) in the exhaust gas of the combustion turbine associated with Source ID P101B is in excess of the following;

(i) 2 parts per million, by volume, dry basis, corrected to 15% oxygen at any time except during periods of time when the ambient temperature is below 0 degrees Celsius (sub-zero ambient temperature) and the process is in operation as specified below in Operation Hours Restriction(s).

5. Pursuant to 25 Pa. Code §§ 127.1 and 127.12 (relating to best available technology), the permittee shall not permit the emission into the outdoor atmosphere of volatile organic compounds from this process in a manner that the concentration of volatile organic compounds (expressed as propane), including formaldehyde in the exhaust gas of the combustion turbine associated with Source ID P101B is in excess of the following:

(i) 3 parts per million, by volume, dry basis, corrected to 15% oxygen at any time except during periods of time when the ambient temperature is below 0 degrees Celsius (sub-zero ambient temperature) and the process is in operation as specified below in Operation Hours Restriction(s).

6. [Compliance with the requirement specified in this streamlined permit condition assures compliance with the provisions in 25 Pa. Code § 123.13]

Pursuant to 25 Pa. Code §§ 127.1 and 127.12 (relating to best available technology), the permittee shall not permit the emission into the outdoor atmosphere of total particulate matter (condensable and filterable), including particulate matter having an aerodynamic diameter equal to or less than 10 and 2.5 micrometers (PM_{10} and $PM_{2.5}$) from the combustion turbine associated with Source ID P101B in excess of the rate equal to 0.01 pound per million British Thermal Units (lb/MMBTU) of heat input to the process.

7. Pursuant to 25 Pa. Code §§ 127.1 and 127.12 (relating to best available technology), the permittee shall not permit the emission into the outdoor atmosphere of formaldehyde emissions from the combustion turbine associated with Source ID P101B in excess of the rate equal to 0.0027 lb/MMBTU of heat input to the process.

8. [Compliance with the requirement specified in this streamlined permit condition assures compliance with the provisions in 40 CFR 60.4330]

Pursuant to 25 Pa. Code §§ 127.1 and 127.12 (relating to best available technology), the permittee shall only burn natural gas as fuel to operate the combustion turbine associated with Source ID P101B.

(i) The quality of natural gas used in the combustion turbine shall meet the following specification, the potential sulfur emissions during fuel combustion shall be less than 0.0034 lb SO_2 / MMBtu heat input of fuel.

9. Pursuant to 25 Pa. Code §§ 127.1 and 127.12 (relating to best available technology), the combustion turbine associated with Source ID P101B shall be equipped, prior to initial start-up of the turbine with instrumentation to continuously monitor the manufacturer's recommended, operational parameters (% NGP, etc) that are required to indicate whether Source ID P101B is operating in a low- NO_x mode.

(i) The manufacturer's recommended operational parameters shall be continuously monitored and recorded during each EPA reference method testing program, to establish acceptable operating ranges, for purposes of the parameter monitoring plan as required herein for the combustion turbine associated with Source ID P101B.

10. [Compliance with the requirement specified in this streamlined permit condition assures compliance with the provisions specified in 40 CFR 60.4320]

Pursuant to 25 Pa. Code §§ 127.1 and 127.12 (relating to best available technology), the permittee shall not permit the emission into the outdoor atmosphere of nitrogen oxides from this process in a manner that the concentration of nitrogen oxides (expressed as NO_2) in the exhaust gas of the combustion turbine associated with Source ID P101B is in excess of the following;

(i) 15 parts per million, by volume, dry basis, corrected to 15% oxygen except during periods of time when the ambient temperature is below 0 degrees Celsius (sub-zero ambient temperature) and the process is in operation as specified below in Operation Hours Restriction(s).

11. (a) Pursuant to 25 Pa. Code §§ 127.1 and 127.12 (relating to best available technology), the oxidation catalyst (ID C101B) installed on the combustion turbine's exhaust shall be equipped with instrumentation to continuously monitor the catalyst bed inlet and outlet temperatures as well as the pressure differential across the catalyst bed to demonstrate the oxidation catalyst is maintained in accordance with good air pollution control practices.

(i) The parameters specified above in (a) shall be continuously monitored and recorded during each EPA reference method testing program, to establish acceptable operating ranges, for purposes of the parameter monitoring plan as required herein for the combustion turbine associated with Source ID P101B.

12. [Additional authority for this permit condition is also derived from the provisions of 40 CFR 60.4365]

Notwithstanding the SO_2 monitoring requirements of 40 CFR 63.4360 that are incorporated herein by reference, the permittee may keep accurate and comprehensive records of current, up-to-date, valid purchase contract, tariff sheet or transportation contract, or representative fuel sampling data for the natural gas fuel used to operate the combustion turbine associated with Source ID P101B that indicates the maximum total sulfur content of the natural gas fuel does not exceed the SO_2 restriction specified above in Fuel Restriction(s).

13. The permittee shall keep accurate and comprehensive records of the following information:

(i) The monthly air contaminant emissions from the operation of the combustion turbine associated with Source ID P101B, including the monthly emissions calculations for periods of startup and shutdown as well as from the required operating periods during sub-zero ambient temperature, in order to verify compliance with the 12 consecutive month emissions restrictions specified above in Emission Restriction(s).

(ii) The amount of fuel used in the combustion turbine on a daily basis.

(iii) The number of hours the combustion turbine operated on a daily basis.

(iv) The number of startups and shutdowns performed each month on the combustion turbine.

(v) The supporting documentation for each period of operation of the combustion turbine in non- $SoLoNO_x$ mode.

(vi) The total cumulative period of time that the combustion turbine operated in non- $SoLoNO_x$ mode.

(vii) The copy of the EPA reference method stack testing reports and the parameters data obtained during each performance test.

All information generated to meet the requirements of this condition shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

14. The permittee shall keep accurate and comprehensive records of the calibrations performed on the instrumentation used to monitor the parameters selected in the monitoring plan for the combustion turbine associated with Source ID P101B.

(i) The records shall include the manufacturers' manuals for the instrumentation, the date and time of each calibration, the personnel performing each calibration, the data obtained during calibrations and corrective actions needed during calibrations. All information generated to meet the requirements of this condition shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

15. (a) The permittee shall keep record of the data averages for the appropriate parameters used in the process' monitoring plan that verify the combustion turbine associated with Source ID P101 operates in low- NO_x mode.

(b) The permittee shall keep records of the data averages for the inlet and outlet catalyst exhaust temperature for the oxidation catalyst (ID C101B) along with the weekly pressure differential readings across the oxidation catalyst.

(c) A current, up-to-date monitoring plan for this natural gas compression process. All information generated to meet the requirements of the conditions shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

16. (a) The permittee shall submit the following information in an annual emission restrictions compliance report for the process incorporated into Source ID P101B; the monthly emissions of nitrogen oxides, volatile organic compounds, formaldehyde, greenhouse gas emissions (expressed as CO₂e), total particulate matter, total PM₁₀ and total PM_{2.5}, including the supporting calculations used to determine compliance with the annual emissions restrictions specified above (this includes calculation of the emissions (tpy) based on a 12-month rolling total for each month in a the reporting period).

(i) Monthly line pressure records as well as the documentation supporting the monthly GHG emission calculations for the depressurization periods shall be included in the monthly compliance determination to verify the GHG emissions from the Rose Lake Expansion Project are not subject to the regulation as per the Tailoring Rule, as effective August 13, 2012.

(b) The process incorporated into Source ID P101B shall be included in the annual AIMS report as per the requirements specified in the requirements in Section C, Reporting Requirements [25 Pa. Code § 135.3].

(c) The annual reports shall be submitted to the Department by March 1 (for the January 1 through December 31 reporting period of the preceding calendar year).

17. In addition to the reporting requirements specified in Section C, the permittee shall submit the following information for the combustion turbine incorporated into Source ID P101B on an annual basis;

(i) Periods when the operational parameters (e.g. NGP %, inlet and outlet catalyst temperature, catalyst pressure differential, etc.) required to be monitored herein exceed the respective ranges established in the most, up-to-date monitoring plan for Source ID P101B.

(ii) Periods of monitor downtime, which is defined to be a unit operating hour in which any operational parameters are either not recorded or are invalid, during the reporting period.

Annual reports shall be submitted to the Department by March 1 (for the operating period from January 1 through December 31 of the previous calendar year).

18. The submission of all requests, reports, applications, submittals and other communications required by 40 CFR 60.4300—60.4420 shall be made to both the Department of Environmental Protection and the Environmental Protection Agency. The Environmental Protection Agency copies may be sent to:

Environmental Protection Agency
Office of Enforcement and Compliance Assistance (3AP20)
1650 Arch Street
Philadelphia, PA 19103

19. Pursuant to 25 Pa. Code §§ 127.1 and 127.12 (relating to best available technology), the permittee shall follow the manufacturer's recommendations for procedures of startup and shutdown.

20. Pursuant to 25 Pa. Code §§ 127.1 and 127.12 (relating to best available technology), the permittee shall operate and maintain the process incorporated into Source ID P101B in a manner consistent with good air pollution control practices for minimizing emissions at all times including during periods of startup, shutdown, sub-zero ambient temperature and malfunction.

21. (a) Source ID P101B consists of a natural gas compression process which includes a natural gas-fired, two-shaft combustion turbine (Solar Model Mars 100-16000S) with a nominal capacity to produce 14721 hp and a nominal heat input at peak load not exceeding 123.65 MMBtu/hr coupled to a compressor. The heat input of the turbine shall not, at any time, exceed 135.88 MMBtu/hr. The combustion turbine associated Source ID P101B shall be equipped with lean premix combustion technology and an automated air-fuel ratio controller to control NO_x, CO, and VOC emissions from the process. In addition, the combustion turbine exhaust shall be equipped with the control device as defined herein as ID C101B.

(b) ID C101B consists of an oxidation catalyst with a design capacity equal to 78,130 scfm. ID C101B shall control CO, VOC, and formaldehyde emissions from the combustion turbine associated with Source ID P101B.

22. Source ID P101A is subject to Subpart KKKK of the federal Standards of Performance for New Stationary Sources, 40 CFR 60.4300—60.4420. The permittee shall comply with all applicable requirements specified in 40 CFR 60.4300—60.4420.

23. [Additional authority for this permit condition is also derived from 40 CFR 60.4360]

(a) Except as provided for in 40 CFR 60.4365 as specified in (b), the permittee shall monitor the total sulfur content of the fuel being fired in the turbine-compressor associated with Source P101A using total sulfur methods described in 40 CFR 60.4415.

(b) The permittee may use ASTM D4084, D4810, D5504, or D6228, or Gas Processors Associated Standard 2377 to monitor the total sulfur content of the fuel being fired in the unit if the total sulfur content of the natural gas during the most recent performance test was less than half the fuel restriction limit herein.

24. (a) The monitoring parameters included in the process' parameter monitoring plan as defined below in part (b) of this condition shall be monitored during each EPA reference method testing program required herein, to establish acceptable values and ranges.

(i) The permittee may supplement the performance test data with engineering analyses, design specifications, manufacturer's recommendations and other relevant information to define the acceptable parametric ranges more precisely.

(b) In accordance with the requirements specified in Section C, Testing Requirements, the permittee shall develop a parameter monitoring plan for the process and the combustion turbine associated with the natural gas compression process (Source ID P101B) which explains the procedures used to document proper operation of the NO_x, CO, VOC and formaldehyde emission controls equipped on the Source ID P101B.

(i) The plan shall:

(1) Include the indicators to be monitored and show there is a significant relationship to emissions and proper operation of emission controls,

(2) Pick ranges (or designated conditions) of the indicators, or describe the process by which such range (or designated condition) will be established,

(3) Explain the process used to make certain that you obtain data that are representative of the emissions or parameters being monitored (such as detector location, installation specification, if applicable),

(4) Describe quality assurance and control practices that are adequate to ensure the continuing validity of the data,

(5) Describe the frequency of monitoring and the data collection procedures which you will use (e.g., you are using a computerized data acquisition over a number of discrete data points with the average (or maximum value) being used for purposes of determining whether an exceedance has occurred), and

(6) Provide justification for the elements of the monitoring.

25. The permittee shall comply with the reporting requirement as specified in the applicable provisions of 40 CFR 60.4395.

26. The permittee shall insure all federal reporting requirements contained in subpart OOOO of 40 CFR part 60 are followed, including the applicable provisions specified in 40 CFR 60.7(c) as well as any timeline more stringent than those contained herein. In the event of an inconsistency or any conflicting requirements between state and the federal, the most stringent provision, term, condition, method or rule shall be used by default.

27. [Additional authority for this permit condition is also derived from the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12]

(a) Within 180 days of commencement of operation of the combustion turbine associated with Source ID P101B, the permittee shall conduct EPA reference method testing programs to determine the nitrogen oxides, carbon monoxide, volatile organic compound, formaldehyde and total particulate matter (filterable and condensable) including total PM₁₀ and total PM_{2.5} emission rates while operating at plus or minus 10 percent of peak process load.

(b) All testing shall be performed using test methods and procedures which are acceptable to the Department and in accordance with 40 CFR 60.4400.

(c) During the EPA reference method testing program, the permittee shall continuously monitor and record the appropriate operational parameters which will indicate the combustion turbine associated with Source P101B is operating in low-NO_x mode as well as the inlet and outlet catalyst temperatures and differential pressure of the oxidation catalyst (ID C101B) in accordance parametric monitoring plan requirements as specified below in Monitoring Requirements.

28. (a) For periods when the centrifugal compressor associated with Source ID P101B required to be depressurized as specified in the supplemental information to Plan Approval 59-00008C application, the automated surge control systems shall be employed to control over pressurization and relief of the natural gas compression process incorporated into Source ID P101B.

(b) The permittee shall record the line pressures before and after each of the depressurization periods specified in (a) and calculate the total amount of gas released during each depressurization period on a monthly basis.

29. Within thirty (30) calendar days after the completion of portable analyzer monitoring tests for NO_x and CO

emissions from the combustion turbine associated with Source ID P101B as required above in the Monitoring Requirements for Source ID P101B, the permittee shall submit the results to the Department's North Central Regional Office.

30. The centrifugal compressor associated with Source ID P101B shall incorporate dry seals to control fugitive leaks from the source.

31. The primary seal vent pressure (or other indicators as approved by the Department) shall be periodically inspected per the manufacturer's guidelines to verify the primary dry seal incorporated into the design of the centrifugal compressor associated with Source ID P101B has not deteriorated passed its useful line due to normal wear and tear, contamination, etc.

32. (a) The permittee shall, at a minimum, on a monthly basis perform a leak detection and repair program that includes audible, visual and olfactory (AVO) inspections.

(b) Within 180 days after the initial startup of Source ID P101B, the permittee shall, at a minimum on a quarterly basis, use forward looking infrared (FLIR) cameras or other leak detection monitoring devices approved by the Department for the detection of fugitive leaks.

(c) If any leak is detected, the permittee shall repair the leak as expeditiously as practicable, but no later than fifteen (15) days after the leak is detected, except as provided in 40 CFR 60.482-9. The permittee shall record each leak detected and the associated repair activity.

33. The permittee shall keep records of the periodic inspections conducted on the centrifugal compressor's dry seal performance indicator including the date of inspection; personnel conducting the inspections and all corrective actions performed as a result of the inspection findings.

All information generated to meet the requirements of this condition shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

34. The centrifugal compressor, along with the dry seals, associated with Source ID P101B shall be maintained in accordance with the manufacturer's recommended practices.

35. The permittee shall keep record of the AVO and FLIR camera inspections performed, including the date of each inspection, personnel conducting the inspections and each leak detected and the associated repair activity.

All information generated to meet the requirements of this condition shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

36. [Additional authority for part (b) this permit condition is also derived from the requirements specified in 40 CFR 60.4333(a)]

Pursuant to 25 Pa. Code §§ 127.1 and 127.12 (relating to best available technology), the permittee shall limit the quantity of startup event performances on the combustion turbine associated with Source ID P101B to no more than 250 in any 12 consecutive month period.

(i) All startup events for the combustion turbine shall be performed with the electric starter motor;

(ii) Electric startup capability shall be the only startup capability incorporated into the process' design (i.e. rather

than incorporating electric starter motor with a backup startup capability that has the potential to release fugitive gas, such as using compressed natural gas for startup capability);

37. Pursuant to 25 Pa. Code §§ 127.1 and 127.12 (relating to best available technology), the permittee shall operate and maintain the combustion turbine associated with Source ID P101B as well as the air pollution control equipment (ID C101B) and monitoring equipment for the process in a manner consistent with good air pollution control practices for minimizing emissions at all times including periods of sub-zero ambient temperature, startup, shutdown, and malfunction.

38. The permittee shall submit a Title V operating permit application for this facility to the Department of Environmental Protection within 120 days of initial start-up of the combustion turbine associated with Source ID P101B.

39. [Compliance with the requirement specified in this streamlined permit condition assures compliance with the continuous compliance demonstration requirements as specified in the applicable provisions of 40 CFR 60.4340]

(a) After the performance of the initial EPA reference stack testing program, subsequent EPA reference method stack testing programs shall be conducted on the exhaust of the combustion turbine associated with Source ID P101B on an approximate annual basis to determine the nitrogen oxides and carbon monoxide emission rates while the process is operating at peak load, but in each case, stack tests shall occur no less than 10 months and no more than 14 months following the previous stack test.

(b) Subsequent EPA reference method stack tests shall be conducted on the exhaust of the combustion turbine associated with Source ID P101B on an approximate triennial basis to determine the volatile organic compounds and formaldehyde emission rates while the process is operating at peak load, but in each case, stack test shall occur no less than 32 months and no more than 36 months following the previous stack test.

(c) All subsequent testing shall be performed using test methods and procedures which are acceptable to the Department and in accordance with 40 CFR 60.4400.

(d) The permittee may request a change in the frequency of the requirement to conduct subsequent EPA reference method performance tests once enough data has been generated to determine the consistency of the results.

(e) The request to change the frequency of the requirement to conduct subsequent EPA reference method performance tests shall be consistent with the applicable provisions specified in 40 CFR 60.4340(a).

(f) During the EPA reference method testing program, the permittee shall continuously monitor and record the appropriate operational parameters which will indicate the combustion turbine associated with Source P101B is operating in low-NO_x mode as well as the inlet and outlet catalyst temperatures and differential pressure of the oxidation catalyst (ID C101B) in accordance parametric monitoring plan requirements as specified below in Monitoring Requirements.

08-00001A: Tennessee Gas Pipeline Company, LLC (PO Box 2511, Houston, TX 77252-2511) has submitted an application to the Pennsylvania Department of Environmental Protection for plan approval to construct a natural gas compression process and emergency electrical power

generation process as part of the Rose Lake Expansion Project at the Station 319 facility located in Wyalusing Township, **Bradford County**. The proposed compression process includes a combustion turbine, centrifugal compressor as well as ancillary systems for a natural gas compression process, such as valves, flanges, connectors, etc. The proposed combustion turbine is a Solar® Model Mars 100-16000S equipped with SoLoNO_x technology, a lean premix type of combustion technology. TGP proposes to equip the exhaust of the combustion turbine with an add-on device that employs oxidation catalyst technology to control volatile organic compounds (VOC), formaldehyde and carbon monoxide (CO) in the process' exhaust. The proposed emergency electrical power generation process consists of a reciprocating internal combustion engine coupled to a generator rated at 500 kW. This process will supply back-up emergency power to the facility's critical system during periods of emergency or loss of primary electrical power from the grid. This application is subject to the Best Available Technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12. The stationary combustion turbine associated with the natural gas compression process is subject to the Standards of Performance for Stationary Combustion Turbines of 40 CFR Part 60 Subpart KKKK. The stationary reciprocating internal combustion engine associated with the emergency electrical power generation process is subject to the Standards of Performance for Stationary Spark-Ignited Reciprocating Internal Combustion Engines of 40 CFR Part 60 Subpart JJJJ. The Department has determined that the proposed levels of the air contaminants emissions satisfy the Department's BAT requirements as well as the requirements codified in Subparts KKKK and JJJJ of 40 CFR Part. Additionally, if the Department determines that the sources are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into an operating permit via an administrative amendment pursuant to 25 Pa. Code § 127.450.

The levels of potential to emit, in units of tons per year (tpy), from the combustion turbine associated with the natural gas compression process is specified below in the proposed condition specified below (condition no. 2). The reported levels of potential to emit from the additional flanges, connectors, valves, etc. for the proposed Rose Lake Expansion Project are as follows: 1.03 tpy of volatile organic compounds and 20.7 tpy of methane emissions (or 434 tpy of greenhouse gas emissions, expressed as CO_{2e}). The Department has determined that the proposed levels of the air contaminants emissions satisfy all applicable air regulatory requirements for stationary source including the Department's BAT requirements. In addition, the Department has determined that the project satisfies the applicable requirements from Article III of the Rules and Regulation of the Department of Environmental Protection as well as the monitoring, testing, compliance demonstration requirements from the Standards of Performance for Stationary Combustion Turbines rule that is codified in 40 CFR Part 60 Subpart KKKK.

Based on the findings presented above, the Department intends to issue a plan approval for the proposed project. The following is a summary of the conditions that the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable air quality regulatory requirements:

1. [Additional authority for this plan approval condition is derived from 25 Pa. Code §§ 127.1 and 127.12]

(a) In addition to the EPA reference method test programs required in this plan approval, the permittee shall perform periodic monitoring on the combustion turbine associated with Source ID P101A every 2500 hours of operation, but no sooner than forty-five (45) days from the previous test, to verify continued compliance with the nitrogen oxides (NO_x , expressed as NO_2) and carbon monoxide emission limitations. A portable gas analyzer may be used to satisfy the requirements of this condition utilizing three test runs of twenty (20) minutes for each test run. The Department may alter the frequency of portable analyzer tests based on the test results. The frequency of portable gas analyzer tests may be altered with written Departmental approval. The portable gas analyzer shall be used and maintained according to the manufacturer's specifications and the procedures specified in ASTM D 6522 (or equivalent as approved by the Department).

(b) The Department reserves the right to require stack tests on each engine in accordance with EPA reference methods should the data from the portable analyzer warrant such tests.

2. Pursuant to 25 Pa. Code §§ 127.1 and 127.12 (relating to best available technology), the total, combined emissions from the turbine associated with Source ID P101A shall not exceed any of the following limitations:

(i) 30.4 tons of nitrogen oxides in any 12 consecutive month period;

(ii) 5.3 tons of total particulate matter (condensable and filterable), including particulate matter having an aerodynamic diameter equal to or less than 10 and 2.5 micrometers (PM_{10} and $\text{PM}_{2.5}$) in any 12 consecutive month period;

(iii) 3.9 tons of NM/NE volatile organic compounds, including formaldehyde in any 12 consecutive month period;

(iv) 1.4 tons of formaldehyde in any 12 consecutive month period.

3. The permittee may operate the combustion turbine associated with Source ID P101A in non-SoLo NO_x mode as long as the criteria set forth in this permit including the following are satisfied;

(i) During periods of time when the ambient temperature is below 0 degrees Celsius (Sub-zero Ambient Temperature);

(ii) Total cumulative operation in non-SoLo NO_x mode is limited to 125 hours in any 12 consecutive month period.

4. Pursuant to 25 Pa. Code §§ 127.1 and 127.12 (relating to best available technology), the permittee shall not permit the emission into the outdoor atmosphere of carbon monoxide from this process in a manner that the concentration of carbon monoxide (expressed as CO) in the exhaust gas of the combustion turbine associated with Source ID P101A is in excess of the following;

(i) 2 parts per million, by volume, dry basis, corrected to 15% oxygen at any time except during periods of time when the ambient temperature is below 0 degrees Celsius (sub-zero ambient temperature) and the process is in operation as specified below in Operation Hours Restriction(s).

5. Pursuant to 25 Pa. Code §§ 127.1 and 127.12 (relating to best available technology), the permittee shall not permit the emission into the outdoor atmosphere of volatile organic compounds from this process in a manner that the concentration of volatile organic compounds

(expressed as propane), including formaldehyde in the exhaust gas of the combustion turbine associated with Source ID P101A is in excess of the following:

(i) 3 parts per million, by volume, dry basis, corrected to 15% oxygen at any time except during periods of time when the ambient temperature is below 0 degrees Celsius (sub-zero ambient temperature) and the process is in operation as specified below in Operation Hours Restriction(s).

6. [Compliance with the requirement specified in this streamlined permit condition assures compliance with the provisions in 25 Pa. Code § 123.13]

Pursuant to 25 Pa. Code §§ 127.1 and 127.12 (relating to best available technology), the permittee shall not permit the emission into the outdoor atmosphere of total particulate matter (condensable and filterable), including particulate matter having an aerodynamic diameter equal to or less than 10 and 2.5 micrometers (PM_{10} and $\text{PM}_{2.5}$) from the combustion turbine associated with Source ID P101A in excess of the rate equal to 0.01 pound per million British Thermal Units (lb/MMBTU) of heat input to the process.

7. Pursuant to 25 Pa. Code §§ 127.1 and 127.12 (relating to best available technology), the permittee shall not permit the emission into the outdoor atmosphere of formaldehyde emissions from the combustion turbine associated with Source ID P101A in excess of the rate equal to 0.0027 lb/MMBTU of heat input to the process.

8. [Compliance with the requirement specified in this streamlined permit condition assures compliance with the provisions in 40 CFR 60.4330]

Pursuant to 25 Pa. Code §§ 127.1 and 127.12 (relating to best available technology), the permittee shall only burn natural gas as fuel to operate the combustion turbine associated with Source ID P101A.

(i) The quality of natural gas used in the combustion turbine shall meet the following specification, the potential sulfur emissions during fuel combustion shall be less than 0.0034 lb SO_2 / MMBtu heat input of fuel.

9. Pursuant to 25 Pa. Code §§ 127.1 and 127.12 (relating to best available technology), the combustion turbine associated with Source ID P101A shall be equipped, prior to initial start-up of the turbine with instrumentation to continuously monitor the manufacturer's recommended, operational parameters (% NGP, etc) that are required to indicate whether Source ID P101A is operating in a low- NO_x mode.

(i) The manufacturer's recommended operational parameters shall be continuously monitored and recorded during each EPA reference method testing program, to establish acceptable operating ranges, for purposes of the parameter monitoring plan as required herein for the combustion turbine associated with Source ID P101A.

10. [Compliance with the requirement specified in this streamlined permit condition assures compliance with the provisions specified in 40 CFR 60.4320]

Pursuant to 25 Pa. Code §§ 127.1 and 127.12 (relating to best available technology), the permittee shall not permit the emission into the outdoor atmosphere of nitrogen oxides from this process in a manner that the concentration of nitrogen oxides (expressed as NO_2) in the exhaust gas of the combustion turbine associated with Source ID P101A is in excess of the following;

(i) 15 parts per million, by volume, dry basis, corrected to 15% oxygen except during periods of time when the

ambient temperature is below 0 degrees Celsius (sub-zero ambient temperature) and the process is in operation as specified below in Operation Hours Restriction(s).

11. (a) Pursuant to 25 Pa. Code §§ 127.1 and 127.12 (relating to best available technology), the oxidation catalyst (ID C101A) installed on the combustion turbine's exhaust shall be equipped with instrumentation to continuously monitor the catalyst bed inlet and outlet temperatures as well as the pressure differential across the catalyst bed to demonstrate the oxidation catalyst is maintained in accordance with good air pollution control practices.

(i) The parameters specified above in (a) shall be continuously monitored and recorded during each EPA reference method testing program, to establish acceptable operating ranges, for purposes of the parameter monitoring plan as required herein for the combustion turbine associated with Source ID P101A.

12. [Additional authority for this permit condition is also derived from the provisions of 40 CFR 60.4365]

Notwithstanding the SO₂ monitoring requirements of 40 CFR 63.4360 that are incorporated herein by reference, the permittee may keep accurate and comprehensive records of current, up-to-date, valid purchase contract, tariff sheet or transportation contract, or representative fuel sampling data for the natural gas fuel used to operate the combustion turbine associated with Source ID P101A that indicates the maximum total sulfur content of the natural gas fuel does not exceed the SO₂ restriction specified above in Fuel Restriction(s).

13. The permittee shall keep accurate and comprehensive records of the following information:

(i) The monthly air contaminant emissions from the operation of the combustion turbine associated with Source ID P101A, including the monthly emissions calculations for periods of startup and shutdown as well as from the required operating periods during sub-zero ambient temperature, in order to verify compliance with the 12 consecutive month emissions restrictions specified above in Emission Restriction(s).

(ii) The amount of fuel used in the combustion turbine on a daily basis.

(iii) The number of hours the combustion turbine operated on a daily basis.

(iv) The number of startups and shutdowns performed each month on the combustion turbine.

(v) The supporting documentation for each period of operation of the combustion turbine in non-SoLoNO_x mode.

(vi) The total cumulative period of time that the combustion turbine operated in non-SoLoNO_x mode.

(vii) The copy of the EPA reference method stack testing reports and the parameters data obtained during each performance test.

All information generated to meet the requirements of this condition shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

14. The permittee shall keep accurate and comprehensive records of the calibrations performed on the instrumentation used to monitor the parameters selected in the monitoring plan for the combustion turbine associated with Source ID P101A.

(i) The records shall include the manufacturers' manuals for the instrumentation, the date and time of each calibration, the personnel performing each calibration, the data obtained during calibrations and corrective actions needed during calibrations. All information generated to meet the requirements of this condition shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

15. (a) The permittee shall keep record of the data averages for the appropriate parameters used in the process' monitoring plan that verify the combustion turbine associated with Source ID P101 operates in low-NO_x mode.

(b) The permittee shall keep records of the data averages for the inlet and outlet catalyst exhaust temperature for the oxidation catalyst (ID C101A) along with the weekly pressure differential readings across the oxidation catalyst.

(c) A current, up-to-date monitoring plan for this natural gas compression process All information generated to meet the requirements of the conditions shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

16. (a) The permittee shall submit the following information in an annual emission restrictions compliance report for the process incorporated into Source ID P101A; the monthly emissions of nitrogen oxides, volatile organic compounds, formaldehyde, greenhouse gas emissions (expressed as CO₂e), total particulate matter, total PM₁₀ and total PM_{2.5}, including the supporting calculations used to determine compliance with the annual emissions restrictions specified above (this includes calculation of the emissions (tpy) based on a 12-month rolling total for each month in a the reporting period).

(i) Monthly line pressure records as well as the documentation supporting the monthly GHG emission calculations for the depressurization periods shall be included in the monthly compliance determination to verify the GHG emissions from the Rose Lake Expansion Project are not subject to the regulation as per the Tailoring Rule, as effective August 13, 2012.

(b) The process incorporated into Source ID P101A shall be included in the annual AIMS report as per the requirements specified in the requirements in Section C, Reporting Requirements [25 Pa. Code § 135.3].

(c) The annual reports shall be submitted to the Department by March 1 (for the January 1 through December 31 reporting period of the preceding calendar year).

17. In addition to the reporting requirements specified in Section C, the permittee shall submit the following information for the combustion turbine incorporated into Source ID P101A on an annual basis;

(i) Periods when the operational parameters (e.g. NGP %, inlet and outlet catalyst temperature, catalyst pressure differential, etc.) required to be monitored herein exceed the respective ranges established in the most, up-to-date monitoring plan for Source ID P101A.

(ii) Periods of monitor downtime, which is defined to be a unit operating hour in which any operational parameters are either not recorded or are invalid, during the reporting period.

Annual reports shall be submitted to the Department by March 1 (for the operating period from January 1 through December 31 of the previous calendar year).

18. The submission of all requests, reports, applications, submittals and other communications required by 40 CFR 60.4300—60.4420 shall be made to both the Department of Environmental Protection and the Environmental Protection Agency. The Environmental Protection Agency copies may be sent to:

Environmental Protection Agency
Office of Enforcement and Compliance Assistance (3AP20)
1650 Arch Street
Philadelphia, PA 19103

19. Pursuant to 25 Pa. Code §§ 127.1 and 127.12 (relating to best available technology), the permittee shall follow the manufacturer's recommendations for procedures of startup and shutdown.

20. Pursuant to 25 Pa. Code §§ 127.1 and 127.12 (relating to best available technology), the permittee shall operate and maintain the process incorporated into Source ID P101A in a manner consistent with good air pollution control practices for minimizing emissions at all times including during periods of startup, shutdown, sub-zero ambient temperature and malfunction.

21. (a) Source ID P101A consists of a natural gas compression process which includes a natural gas-fired, two-shaft combustion turbine (Solar Model Mars 100-16000S) with a nominal capacity to produce 14721 hp and a nominal heat input at peak load not exceeding 123.65 MMBtu/hr coupled to a compressor. The heat input of the turbine shall not, at any time, exceed 135.88 MMBtu/hr. The combustion turbine associated Source ID P101A shall be equipped with lean premix combustion technology and an automated air-fuel ratio controller to control NO_x, CO, and VOC emissions from the process. In addition, the combustion turbine exhaust shall be equipped with the control device as defined herein as ID C101A.

(b) ID C101A consists of an oxidation catalyst with a design capacity equal to 78,130 scfm. ID C101A shall control CO, VOC, and formaldehyde emissions from the combustion turbine associated with Source ID P101A.

22. Source ID P101A is subject to Subpart KKKK of the federal Standards of Performance for New Stationary Sources, 40 CFR 60.4300—60.4420. The permittee shall comply with all applicable requirements specified in 40 CFR 60.4300—60.4420.

23. [Additional authority for this permit condition is also derived from 40 CFR 60.4360]

(a) Except as provided for in 40 CFR 60.4365 as specified in (b), the permittee shall monitor the total sulfur content of the fuel being fired in the turbine-compressor associated with Source P101A using total sulfur methods described in 40 CFR 60.4415.

(b) The permittee may use ASTM D4084, D4810, D5504, or D6228, or Gas Processors Associated Standard 2377 to monitor the total sulfur content of the fuel being fired in the unit if the total sulfur content of the natural gas during the most recent performance test was less than half the fuel restriction limit herein.

24. (a) The monitoring parameters included in the process' parameter monitoring plan as defined below in part (b) of this condition shall be monitored during each EPA reference method testing program required herein, to establish acceptable values and ranges.

(i) The permittee may supplement the performance test data with engineering analyses, design specifications, manufacturer's recommendations and other relevant information to define the acceptable parametric ranges more precisely.

(b) In accordance with the requirements specified in Section C, Testing Requirements, the permittee shall develop a parameter monitoring plan for the process and the combustion turbine associated with the natural gas compression process (Source ID P101A) which explains the procedures used to document proper operation of the NO_x, CO, VOC and formaldehyde emission controls equipped on the Source ID P101A.

(i) The plan shall:

(1) Include the indicators to be monitored and show there is a significant relationship to emissions and proper operation of emission controls,

(2) Pick ranges (or designated conditions) of the indicators, or describe the process by which such range (or designated condition) will be established,

(3) Explain the process used to make certain that you obtain data that are representative of the emissions or parameters being monitored (such as detector location, installation specification, if applicable),

(4) Describe quality assurance and control practices that are adequate to ensure the continuing validity of the data,

(5) Describe the frequency of monitoring and the data collection procedures which you will use (e.g., you are using a computerized data acquisition over a number of discrete data points with the average (or maximum value) being used for purposes of determining whether an exceedance has occurred), and

(6) Provide justification for the elements of the monitoring.

25. The permittee shall comply with the reporting requirement as specified in the applicable provisions of 40 CFR 60.4395.

26. The permittee shall insure all federal reporting requirements contained in subpart OOOO of 40 CFR part 60 are followed, including the applicable provisions specified in 40 CFR 60.7(c) as well as any timeline more stringent than those contained herein. In the event of an inconsistency or any conflicting requirements between state and the federal, the most stringent provision, term, condition, method or rule shall be used by default.

27. [Additional authority for this permit condition is also derived from the best available technology provisions of 25 Pa. Code §§ 127.1 and 127.12]

(a) Within 180 days of commencement of operation of the combustion turbine associated with Source ID P101A, the permittee shall conduct EPA reference method testing programs to determine the nitrogen oxides, carbon monoxide, volatile organic compound, formaldehyde and total particulate matter (filterable and condensable) including total PM₁₀ and total PM_{2.5} emission rates while operating at plus or minus 10 percent of peak process load.

(b) All testing shall be performed using test methods and procedures which are acceptable to the Department and in accordance with 40 CFR 60.4400.

(c) During the EPA reference method testing program, the permittee shall continuously monitor and record the appropriate operational parameters which will indicate the combustion turbine associated with Source P101A is operating in low-NO_x mode as well as the inlet and outlet catalyst temperatures and differential pressure of the oxidation catalyst (ID C101A) in accordance parametric monitoring plan requirements as specified below in Monitoring Requirements.

28. (a) For periods when the centrifugal compressor associated with Source ID P101A required to be depressurized as specified in the supplemental information to Plan Approval 59-00008C application, the automated surge control systems shall be employed to control over pressurization and relief of the natural gas compression process incorporated into Source ID P101A.

(b) The permittee shall record the line pressures before and after each of the depressurization periods specified in (a) and calculate the total amount of gas released during each depressurization period on a monthly basis.

29. Within thirty (30) calendar days after the completion of portable analyzer monitoring tests for NO_x and CO emissions from the combustion turbine associated with Source ID P101A as required above in the Monitoring Requirements for Source ID P101A, the permittee shall submit the results to the Department's North Central Regional Office.

30. The centrifugal compressor associated with Source ID P101A shall incorporate dry seals to control fugitive leaks from the source.

31. The primary seal vent pressure (or other indicators as approved by the Department) shall be periodically inspected per the manufacturer's guidelines to verify the primary dry seal incorporated into the design of the centrifugal compressor associated with Source ID P101A has not deteriorated passed its useful line due to normal wear and tear, contamination, etc.

32. (a) The permittee shall, at a minimum, on a monthly basis perform a leak detection and repair program that includes audible, visual and olfactory (AVO) inspections.

(b) Within 180 days after the initial startup of Source ID P101A, the permittee shall, at a minimum on a quarterly basis, use forward looking infrared (FLIR) cameras or other leak detection monitoring devices approved by the Department for the detection of fugitive leaks.

(c) If any leak is detected, the permittee shall repair the leak as expeditiously as practicable, but no later than fifteen (15) days after the leak is detected, except as provided in 40 CFR 60.482—9. The permittee shall record each leak detected and the associated repair activity.

33. The permittee shall keep records of the periodic inspections conducted on the centrifugal compressor's dry seal performance indicator including the date of inspection; personnel conducting the inspections and all corrective actions performed as a result of the inspection findings.

All information generated to meet the requirements of this condition shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

34. The centrifugal compressor, along with the dry seals, associated with Source ID P101A shall be maintained in accordance with the manufacturer's recommended practices.

35. The permittee shall keep record of the AVO and FLIR camera inspections performed, including the date of each inspection, personnel conducting the inspections and each leak detected and the associated repair activity.

All information generated to meet the requirements of this condition shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

36. [Additional authority for part (b) this permit condition is also derived from the requirements specified in 40 CFR 60.4333(a)]

Pursuant to 25 Pa. Code §§ 127.1 and 127.12 (relating to best available technology), the permittee shall limit the quantity of startup event performances on the combustion turbine associated with Source ID P101A to no more than 250 in any 12 consecutive month period.

(i) All startup events for the combustion turbine shall be performed with the electric starter motor;

(ii) Electric startup capability shall be the only startup capability incorporated into the process' design (i.e. rather than incorporating electric starter motor with a backup startup capability that has the potential to release fugitive gas, such as using compressed natural gas for startup capability);

37. Pursuant to 25 Pa. Code §§ 127.1 and 127.12 (relating to best available technology), the permittee shall operate and maintain the combustion turbine associated with Source ID P101A as well as the air pollution control equipment (ID C101A) and monitoring equipment for the process in a manner consistent with good air pollution control practices for minimizing emissions at all times including periods of sub-zero ambient temperature, startup, shutdown, and malfunction.

38. [Compliance with the requirement specified in this streamlined permit condition assures compliance with the continuous compliance demonstration requirements as specified in the applicable provisions of 40 CFR 60.4340]

(a) After the performance of the initial EPA reference stack testing program, subsequent EPA reference method stack testing programs shall be conducted on the exhaust of the combustion turbine associated with Source ID P101A on an approximate annual basis to determine the nitrogen oxides and carbon monoxide emission rates while the process is operating at peak load, but in each case, stack tests shall occur no less than 10 months and no more than 14 months following the previous stack test.

(b) Subsequent EPA reference method stack tests shall be conducted on the exhaust of the combustion turbine associated with Source ID P101A on an approximate triennial basis to determine the volatile organic compounds and formaldehyde emission rates while the process is operating at peak load, but in each case, stack test shall occur no less than 32 months and no more than 36 months following the previous stack test.

(c) All subsequent testing shall be performed using test methods and procedures which are acceptable to the Department and in accordance with 40 CFR 60.4400.

(d) The permittee may request a change in the frequency of the requirement to conduct subsequent EPA reference method performance tests once enough data has been generated to determine the consistency of the results.

(e) The request to change the frequency of the requirement to conduct subsequent EPA reference method performance tests shall be consistent with the applicable provisions specified in 40 CFR 60.4340(a).

(f) During the EPA reference method testing program, the permittee shall continuously monitor and record the appropriate operational parameters which will indicate the combustion turbine associated with Source P101A is operating in low-NO_x mode as well as the inlet and outlet catalyst temperatures and differential pressure of the

oxidation catalyst (ID C101A) in accordance parametric monitoring plan requirements as specified below in Monitoring Requirements.

39. [Additional authority for this permit condition is also derived from 40 CFR 63.6585]

The engine-generator associated with Source P103A is subject to the National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (40 CFR Part 63 Subpart ZZZZ). The permittee shall comply with all applicable requirements of 40 CFR 63.6580—63.6675.

40. [Additional authority for this permit condition is also derived from 40 CFR 60.4230]

The engine-generator associated with Source P103A is subject to the Standards of Performance for Stationary Spark Ignition Internal Combustion Engines (40 CFR Part 60, Subpart JJJJ). The permittee shall comply with all applicable requirements of 40 CFR 60.4230—60.4248.

41. [Additional authority for this permit condition is also derived from 40 CFR 60.4243(b)(2)(ii)]

The permittee shall maintain and operate the engine-generator associated with Source P103A in a manner consistent with good air pollution control practice for minimizing emissions.

42. Within 15 days of the determination of the stack design parameters specifications for the engine-generator associated with Source P103A, the permittee shall submit design specifications for the stack to the Department for review. The specification shall include stack height above grade, grade elevation, stack diameter, distance of discharge to nearest property line (including map showing location), location dimensions of sampling ports, and percent moisture of stack exhaust.

43. [Additional authority for this permit condition is also derived from 40 CFR 63.6645(f)]

The permittee shall submit the initial notification that includes the information in 25 Pa. Code § 63.9(b)(2)(i)—(v), and the statement for exclusion for the RICE. The initial notification shall be submitted to the Department's Northcentral Regional Office and EPA.

44. [Additional authority for this permit condition is also derived from 40 CFR 60.4245(c)]

The permittee shall submit the initial notification as required in 40 CFR 60.7(a)(1). The notification must include all the information specified in 40 CFR 60.4245(c)(1)—(5). The initial notification shall be submitted to the Department's Northcentral Regional Office and EPA.

45. The permittee shall keep records of the following information relating to Source P103A (engine-generator operation):

- (i) The total hours of operation on a monthly basis
- (ii) For each instance of operation, a statement that describes the reason for engine operation
- (iii) All test reports and supporting calculations used to verify compliance with the nitrogen oxides, carbon monoxide, and volatile organic compounds emissions limitations of Source P103A.

All information generated to maintain the records above shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

46. [Additional authority for this permit condition is also derived from 40 CFR 60.4245]

The permittee shall keep records of all information specified in 40 CFR 60.4245(a)(1)—(4).

47. Prior to initial engine start-up, the permittee shall equip the engine-generator associated with Source P103A with a non-resettable hour meter which accurately measures the total engine run-time at all times.

48. [Additional authority for this permit condition is also derived from 40 CFR 60.4243(b)(2) and by the permittee electing to construct a non-certified stationary spark-ignited internal combustion engine]

The permittee shall perform nitrogen oxides (NO_x), carbon monoxide (CO), and volatile organic compound (VOC) emissions EPA reference method stack tests on Source P103A within 60 days after Source ID P103A operates at maximum capacity or no later than 180 days of initial engine start-up. The testing shall be in accordance with the requirements of 40 CFR 60.4244 and 25 Pa. Code 139.1.

49. [Additional authority for this permit condition is derived from the permittee electing this voluntary limitation]

The permittee shall operate the engine-generator associated with Source P103A no more than 500 hours in any 12 consecutive month period.

50. [Additional authority for this permit condition is also derived from 40 CFR 60.4243(d) and 40 CFR 63.6645(f)]

The permittee shall limit the operation of the engine-generator associated with Source P103A to the requirements of 40 CFR 60.4243(d) and 63.6645(f).

51. [Additional authority for this permit condition is also derived from 40 CFR 60.4233(e)]

The permittee shall operate the engine-generator associated with Source P103A in manner that the rate of emissions from Source P103A does not exceed the following limitations:

- (i) Nitrogen Oxide—2.0 grams per horsepower-hour
- (ii) Carbon Monoxide—4.0 grams per horsepower-hour
- (ii) Volatile Organic Compound—1.0 gram per horsepower-hour

53-00004M: Dominion Transmission, Inc. (Martindale Street, Suite 400, Pittsburgh, PA 15212-5817) has submitted an application to the Pennsylvania Department of Environmental Protection for plan approval for the Department to establish performance or emission standards for the boilers at the Harrison Compressor Station located in Harrison Township, **Potter County**. The Department has incorporated the major source boiler MACT requirements as codified in 40 CFR Part 63 Subpart DDDDD applicable to the boilers at the facility in the proposed plan approval. All other air quality regulatory requirements remain in effect for the boilers under the facility's operating permit. There will be no increase in emissions of air contaminants associated with this plan approval.

Based on the above, the Department intends to issue a plan approval for the incorporation of boiler MACT requirements for the facility's boilers listed in the application. The facility will continue to be a major (Title V) facility. Additionally, if the Department determines that the proposed sources are operating in compliance with all of the plan approval conditions, the conditions established in the plan approval will be incorporated into a Title V Operating Permit by means of an administrative amend-

ment pursuant to 25 Pa. Code § 127.450 and pursuant to the operating permit requirements of 25 Pa. Code Subchapter F. The following is a summary of the conditions that the Department included in the proposed plan approval to ensure compliance with the applicable air quality regulatory requirements:

1. a) No later than 180 days after the compliance date of January 31, 2016, the permittee shall demonstrate compliance for Source IDs 045, 057 and 058 by completing an initial tune-up by following the procedures described in § 63.7540 and a one-time energy assessment as specified in Table 3 to 40 CFR Part 63 Subpart DDDDD.

b) Subsequent tune-ups shall be performed every five (5) years, no more than 61 months after the previous tune-up.

2. At all times, the permittee shall operate and maintain Source IDs 045, 057 and 058, and any associated air pollution control and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.

3. a) By the compliance date of January 31, 2016, the permittee shall demonstrate compliance with the emission limitations, fuel specifications, and work practice standards established for Source IDs 045, 057 and 058 in 40 CFR Part 63 Subpart DDDDD as specified in § 63.7530.

b) After the compliance date, the permittee shall demonstrate continuous compliance via the methods specified in 40 CFR 63.7540.

4. The permittee shall submit a complete plan no later than 12 months prior to the compliance date of 40 CFR Part 63 Subpart DDDDD in order to satisfy the Department of their intent to comply with the provisions of Subpart DDDDD.

5. The permittee shall comply with all applicable recordkeeping requirements specified in 40 CFR 63.7555 and 40 CFR 63.7560 pertaining to Source IDs 045, 057 and 058.

6. The permittee shall submit the required notifications specified in 40 CFR 63.7545 pertaining to Source IDs 045, 057 and 058.

7. The permittee shall submit all required reports specified in 40 CFR 63.7550 pertaining to Source IDs 045, 057 and 058.

8. (a) Source IDs 045, 057 and 058 are subject to 40 CFR Part 63 Subpart DDDDD—National Emissions Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters. Source ID 031/032/040 shall comply with all applicable requirements of Subpart DDDDD.

(b) Pursuant to 40 CFR 63.7495, for Source IDs 045, 057 and 058 the compliance date for Subpart DDDDD is January 31, 2016.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570 327 0550.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Muhammad Zaman, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Air Quality Program, 208 West

Third St., Suite 101, Williamsport, Pa. 17701. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 53-00004M) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

18-0006M: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301) has submitted an application to the Pennsylvania Department of Environmental Protection for plan approval to establish performance or emission standards for the boilers at the Leidy Station facility located in Leidy Township, **Clinton County**. The Department has incorporated the major source boiler MACT requirements as codified in 40 CFR Part 63 Subpart DDDDD applicable to the boilers at the facility in the proposed plan approval. All other air quality regulatory requirements remain in effect for the boilers under the facility's operating permit. There will be no increase in emissions of air contaminants associated with this plan approval.

Based on the above, the Department intends to issue a plan approval for the incorporation of boiler MACT requirements for the facility's boilers listed in the application. The facility will continue to be a major (Title V) facility. Additionally, if the Department determines that the proposed sources are operating in compliance with all of the plan approval conditions, the conditions established in the plan approval will be incorporated into a Title V Operating Permit by means of an administrative amendment pursuant to 25 Pa. Code § 127.450 and pursuant to the operating permit requirements of 25 Pa. Code Subchapter F. The following is a summary of the conditions that the Department included in the proposed plan approval to ensure compliance with the applicable air quality regulatory requirements:

1. a) No later than 180 days after the compliance date of January 31, 2016, the permittee shall demonstrate compliance for Source IDs 048A/052/063 by completing an initial tune-up by following the procedures described in § 63.7540 and a one-time energy assessment as specified in Table 3 to 40 CFR Part 63 Subpart DDDDD.

b) For Source ID 063 Subsequent tune-ups shall be performed annually.

c) For Source ID 048A Subsequent tune-ups shall be performed every five (5), no more than 61 months after the previous tune-up.

d) For Source ID 052 Subsequent tune-ups shall be performed biennially.

2. At all times, the permittee shall operate and maintain Source IDs 048A/052/063, and any associated air pollution control and monitoring equipment, in a manner

consistent with safety and good air pollution control practices for minimizing emissions.

3. a) By the compliance date of January 31, 2016, the permittee shall demonstrate compliance with the emission limitations, fuel specifications, and work practice standards established for Source IDs 048A/052/063 in 40 CFR Part 63 Subpart DDDDD as specified in § 63.7530.

b) After the compliance date, the permittee shall demonstrate continuous compliance via the methods specified in 40 CFR 63.7540.

4. The permittee shall submit a complete plan no later than 12 months prior to the compliance date of 40 CFR Part 63 Subpart DDDDD in order to satisfy the Department of their intent to comply with the provisions of Subpart DDDDD.

5. The permittee shall comply with all applicable recordkeeping requirements specified in 40 CFR 63.7555 and 40 CFR 63.7560 pertaining to Source IDs 048A/052/063.

6. The permittee shall submit the required notifications specified in 40 CFR 63.7545 pertaining to Source IDs 048A/052/063.

7. The permittee shall submit all required reports specified in 40 CFR 63.7550 pertaining to Source IDs 048A/052/063.

8. (a) Source IDs 048A/052/063 are subject to 40 CFR Part 63 Subpart DDDDD—National Emissions Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters. Source IDs 048A/052/063 shall comply with all applicable requirements of Subpart DDDDD.

(b) Pursuant to 40 CFR 63.7495, for Source IDs 048A/052/063 the compliance date for Subpart DDDDD is January 31, 2016.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570 327 0550.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Muhammad Zaman, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Air Quality Program, 208 West Third St., Suite 101, Williamsport, Pa. 17701. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 18-00006M) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Envi-

ronmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

53-00005M: Dominion Transmission, Inc. (445 West Main St., Clarksburg, WV 26301) has submitted an application to the Pennsylvania Department of Environmental Protection for plan approval to establish performance or emission standards for the boilers at their Greenlick Compressor Station located in Stewardson Township, **Potter County**. The Department has incorporated the major source boiler MACT requirements as codified in 40 CFR Part 63 Subpart DDDDD applicable to the boilers at the facility in the proposed plan approval. All other air quality regulatory requirements remain in effect for the boilers under the facility's operating permit. There will be no increase in emissions of air contaminants associated with this plan approval.

Based on the above, the Department intends to issue a plan approval for the incorporation of boiler MACT requirements for the facility's boilers listed in the application. The facility will continue to be a major (Title V) facility. Additionally, if the Department determines that the proposed sources are operating in compliance with all of the plan approval conditions, the conditions established in the plan approval will be incorporated into a Title V Operating Permit by means of an administrative amendment pursuant to 25 Pa. Code § 127.450 and pursuant to the operating permit requirements of 25 Pa. Code Subchapter F. The following is a summary of the conditions that the Department included in the proposed plan approval to ensure compliance with the applicable air quality regulatory requirements:

1. a) No later than 180 days after the compliance date of January 31, 2016, the permittee shall demonstrate compliance for Source IDs 041, 042, 043, 044, 045, 051, 052, 056, 057, 058, 059, 070 and 071 by completing an initial tune-up by following the procedures described in § 63.7540 and a one-time energy assessment as specified in Table 3 to 40 CFR Part 63 Subpart DDDDD.

b) Subsequent tune-ups shall be performed every five (5) years, no more than 61 months after the previous tune-up.

2. At all times, the permittee shall operate and maintain Source IDs 041, 042, 043, 044, 045, 051, 052, 056, 057, 058, 059, 070 and 071 and any associated air pollution control and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.

3. a) By the compliance date of January 31, 2016, the permittee shall demonstrate compliance with the emission limitations, fuel specifications, and work practice standards established for Source IDs 041, 042, 043, 044, 045, 051, 052, 056, 057, 058, 059, 070 and 071 in 40 CFR Part 63 Subpart DDDDD as specified in § 63.7530.

b) After the compliance date, the permittee shall demonstrate continuous compliance via the methods specified in 40 CFR 63.7540.

4. The permittee shall submit a complete plan no later than 12 months prior to the compliance date of 40 CFR Part 63 Subpart DDDDD in order to satisfy the Department of their intent to comply with the provisions of Subpart DDDDD.

5. The permittee shall comply with all applicable recordkeeping requirements specified in 40 CFR 63.7555 and 40 CFR 63.7560 pertaining to Source IDs 041, 042, 043, 044, 045, 051, 052, 056, 057, 058, 059, 070 and 071.

6. The permittee shall submit the required notifications specified in 40 CFR 63.7545 pertaining to Source IDs 041, 042, 043, 044, 045, 051, 052, 056, 057, 058, 059, 070 and 071.

7. The permittee shall submit all required reports specified in 40 CFR 63.7550 pertaining to Source IDs 041, 042, 043, 044, 045, 051, 052, 056, 057, 058, 059, 070 and 071.

8. (a) Source IDs 041, 042, 043, 044, 045, 051, 052, 056, 057, 058, 059, 070 and 071 are subject to 40 CFR Part 63 Subpart DDDDD—National Emissions Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters. Source ID 031/032/040 shall comply with all applicable requirements of Subpart DDDDD.

(b) Pursuant to 40 CFR 63.7495, for Source IDs 041, 042, 043, 044, 045, 051, 052, 056, 057, 058, 059, 070 and 071 the compliance date for Subpart DDDDD is January 31, 2016.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570 327 0550.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Muhammad Zaman, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Air Quality Program, 208 West Third St., Suite 101, Williamsport, Pa. 17701. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 53-00005M) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

53-00006M: Dominion Transmission, Inc. (445 West Main St., Clarksburg, WV 26301) has submitted an application to the Pennsylvania Department of Environmental Protection for plan approval to establish performance or emission standards for the boilers at their Ellisburg Compressor Station located in Allegany Township, **Potter County**. The Department has incorporated the major source boiler MACT requirements as codified in 40 CFR Part 63 Subpart DDDDD applicable to the boilers at the facility in the proposed plan approval. All other air quality regulatory requirements remain in effect for the boilers under the facility's operating permit. There will be no increase in emissions of air contaminants associated with this plan approval.

Based on the above, the Department intends to issue a plan approval for the incorporation of boiler MACT requirements for the facility's boilers listed in the application. The facility will continue to be a major (Title V) facility. Additionally, if the Department determines that the proposed sources are operating in compliance with all of the plan approval conditions, the conditions established in the plan approval will be incorporated into a Title V Operating Permit by means of an administrative amendment pursuant to 25 Pa. Code § 127.450 and pursuant to the operating permit requirements of 25 Pa. Code Subchapter F. The following is a summary of the conditions that the Department included in the proposed plan approval to ensure compliance with the applicable air quality regulatory requirements:

1. a) No later than 180 days after the compliance date of January 31, 2016, the permittee shall demonstrate compliance for Source IDs 042, 043, 044, 045, 047, 048, 052 and 053 by completing an initial tune-up by following the procedures described in § 63.7540 and a one-time energy assessment as specified in Table 3 to 40 CFR Part 63 Subpart DDDDD.

b) Subsequent tune-ups shall be performed every five (5) years, no more than 61 months after the previous tune-up.

2. At all times, the permittee shall operate and maintain Source IDs 042, 043, 044, 045, 047, 048, 052 and 053 and any associated air pollution control and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.

3. a) By the compliance date of January 31, 2016, the permittee shall demonstrate compliance with the emission limitations, fuel specifications, and work practice standards established for Source IDs 042, 043, 044, 045, 047, 048, 052 and 053 in 40 CFR Part 63 Subpart DDDDD as specified in § 63.7530.

b) After the compliance date, the permittee shall demonstrate continuous compliance via the methods specified in 40 CFR 63.7540.

4. The permittee shall submit a complete plan no later than 12 months prior to the compliance date of 40 CFR Part 63 Subpart DDDDD in order to satisfy the Department of their intent to comply with the provisions of Subpart DDDDD.

5. The permittee shall comply with all applicable recordkeeping requirements specified in 40 CFR 63.7555 and 40 CFR 63.7560 pertaining to Source IDs 042, 043, 044, 045, 047, 048, 052 and 053.

6. The permittee shall submit the required notifications specified in 40 CFR 63.7545 pertaining to Source IDs 042, 043, 044, 045, 047, 048, 052 and 053.

7. The permittee shall submit all required reports specified in 40 CFR 63.7550 pertaining to Source IDs 042, 043, 044, 045, 047, 048, 052 and 053.

8. (a) Source IDs 042, 043, 044, 045, 047, 048, 052 and 053 are subject to 40 CFR Part 63 Subpart DDDDD—National Emissions Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters. Source ID 031/032/040 shall comply with all applicable requirements of Subpart DDDDD.

(b) Pursuant to 40 CFR 63.7495, for Source IDs 042, 043, 044, 045, 047, 048, 052 and 053 the compliance date for Subpart DDDDD is January 31, 2016.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Muhammad Zaman, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Air Quality Program, 208 West Third St., Suite 101, Williamsport, Pa. 17701. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 53-00006M) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

53-00003M: National Fuel Gas Supply Corporation (1100 State Street, Erie, PA 16512) has submitted an application to the Pennsylvania Department of Environmental Protection for plan approval to establish performance or emission standards for the boilers at the Ellisburg Compressor Station in Allegany Township, **Potter County**. The Department has incorporated the major source boiler MACT requirements as codified in 40 CFR Part 63 Subpart DDDDD applicable to the boilers at the facility in the proposed plan approval. All other air quality regulatory requirements remain in effect for the boilers under the facility's operating permit. There will be no increase in emissions of air contaminants associated with this plan approval.

Based on the above, the Department intends to issue a plan approval for the incorporation of boiler MACT requirements for the facility's boilers listed in the application. The facility will continue to be a major (Title V) facility. Additionally, if the Department determines that the proposed sources are operating in compliance with all of the plan approval conditions, the conditions established in the plan approval will be incorporated into a Title V Operating Permit by means of an administrative amendment pursuant to 25 Pa. Code § 127.450 and pursuant to the operating permit requirements of 25 Pa. Code Subchapter F. The following is a summary of the conditions that the Department included in the proposed plan approval to ensure compliance with the applicable air quality regulatory requirements:

1. a) No later than 180 days after the compliance date of January 31, 2016, the permittee shall demonstrate compliance for Source ID 032/033/037/040/041/P117/P118 by completing an initial tune-up by following the proce-

dures described in § 63.7540 and a one-time energy assessment as specified in Table 3 to 40 CFR Part 63 Subpart DDDDD.

b) Subsequent tune-ups shall be performed every five (5) years, no more than 61 months after the previous tune-up.

2. At all times, the permittee shall operate and maintain Source ID 032/033/037/040/041/P117/P118 and any associated air pollution control and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.

3. a) By the compliance date of January 31, 2016, the permittee shall demonstrate compliance with the emission limitations, fuel specifications, and work practice standards established for Source ID 032/033/037/040/041/P117/P118 in 40 CFR Part 63 Subpart DDDDD as specified in § 63.7530.

b) After the compliance date, the permittee shall demonstrate continuous compliance via the methods specified in 40 CFR 63.7540.

4. The permittee shall submit a complete plan no later than 12 months prior to the compliance date of 40 CFR Part 63 Subpart DDDDD in order to satisfy the Department of their intent to comply with the provisions of Subpart DDDDD.

5. The permittee shall comply with all applicable recordkeeping requirements specified in 40 CFR 63.7555 and 40 CFR 63.7560 pertaining to Source ID 032/033/037/040/041/P117/P118.

6. The permittee shall submit the required notifications specified in 40 CFR 63.7545 pertaining to Source ID 032/033/037/040/041/P117/P118.

7. The permittee shall submit all required reports specified in 40 CFR 63.7550 pertaining to Source ID 032/033/037/040/041/P117/P118.

8. (a) Source ID 032/033/037/040/041/P117/P118 is subject to 40 CFR Part 63 Subpart DDDDD—National Emissions Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters. Source ID 031/032/040 shall comply with all applicable requirements of Subpart DDDDD.

(b) Pursuant to 40 CFR 63.7495, for Source ID 032/033/037/040/041/P117/P118 the compliance date for Subpart DDDDD is January 31, 2016.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570 327 0550.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Muhammad Zaman, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Air Quality Program, 208 West Third St., Suite 101, Williamsport, Pa. 17701. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 53-00003M) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

53-00001M: Tennessee Gas Pipeline Company, LLC (1001 Louisiana Street, Houston, TX 77002) has submitted an application to the Pennsylvania Department of Environmental Protection for plan approval for the Department to establish performance or emission standards for the boilers at the Tennessee Gas Pipeline Station 313 facility located in Hebron Township, **Potter County**. The Department has incorporated the major source boiler MACT requirements as codified in 40 CFR Part 63 Subpart DDDDD applicable to the boilers at the facility in the proposed plan approval. All other air quality regulatory requirements remain in effect for the boilers under the facility's operating permit. There will be no increase in emissions of air contaminants associated with this plan approval.

Based on the above, the Department intends to issue a plan approval for the incorporation of boiler MACT requirements for the facility's boilers listed in the application. The facility will continue to be a major (Title V) facility. Additionally, if the Department determines that the proposed sources are operating in compliance with all of the plan approval conditions, the conditions established in the plan approval will be incorporated into a Title V Operating Permit by means of an administrative amendment pursuant to 25 Pa. Code § 127.450 and pursuant to the operating permit requirements of 25 Pa. Code Subchapter F. The following is a summary of the conditions that the Department included in the proposed plan approval to ensure compliance with the applicable air quality regulatory requirements:

1. a) No later than 180 days after the compliance date of January 31, 2016, the permittee shall demonstrate compliance for Source ID 031/032/040 by completing an initial tune-up by following the procedures described in § 63.7540 and a one-time energy assessment as specified in Table 3 to 40 CFR Part 63 Subpart DDDDD.

b) Subsequent tune-ups shall be performed every five (5) years, no more than 61 months after the previous tune-up.

2. At all times, the permittee shall operate and maintain Source ID 031/032/040, and any associated air pollution control and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.

3. a) By the compliance date of January 31, 2016, the permittee shall demonstrate compliance with the emission limitations, fuel specifications, and work practice standards established for Source ID 031/032/040 in 40 CFR Part 63 Subpart DDDDD as specified in § 63.7530.

b) After the compliance date, the permittee shall demonstrate continuous compliance via the methods specified in 40 CFR 63.7540.

4. The permittee shall submit a complete plan no later than 12 months prior to the compliance date of 40 CFR Part 63 Subpart DDDDD in order to satisfy the Department of their intent to comply with the provisions of Subpart DDDDD.

5. The permittee shall comply with all applicable recordkeeping requirements specified in 40 CFR 63.7555 and 40 CFR 63.7560 pertaining to Source ID 031/032/040.

6. The permittee shall submit the required notifications specified in 40 CFR 63.7545 pertaining to Source ID 031/032/040.

7. The permittee shall submit all required reports specified in 40 CFR 63.7550 pertaining to Source ID 031/032/040.

8. (a) Source ID 031/032/040 is subject to 40 CFR Part 63 Subpart DDDDD—National Emissions Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters. Source ID 031/032/040 shall comply with all applicable requirements of Subpart DDDDD.

(b) Pursuant to 40 CFR 63.7495, for Source ID 031/032/040 the compliance date for Subpart DDDDD is January 31, 2016.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570 327 0550.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Muhammad Zaman, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Air Quality Program, 208 West Third St., Suite 101, Williamsport, Pa. 17701. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 53-00001M) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

41-00001M: Transcontinental Gas Pipeline Company, LLC (PO Box 1396, Houston, TX 77251-1396) has submitted an application to the Pennsylvania Department of Environmental Protection for plan approval for the Department to establish performance or emission standards for the boilers at the Transcontinental Gas Pipeline Station 520 facility located in Mifflin Township, **Lycoming County**. The Department has incorporated the major source boiler MACT requirements as codified in 40 CFR

Part 63 Subpart DDDDD applicable to the boilers at the facility in the proposed plan approval. All other air quality regulatory requirements remain in effect for the boilers under the facility's operating permit. There will be no increase in emissions of air contaminants associated with this plan approval.

Based on the above, the Department intends to issue a plan approval for the incorporation of boiler MACT requirements for the facility's boilers listed in the application. The facility will continue to be a major (Title V) facility. Additionally, if the Department determines that the proposed sources are operating in compliance with all of the plan approval conditions, the conditions established in the plan approval will be incorporated into a Title V Operating Permit by means of an administrative amendment pursuant to 25 Pa. Code § 127.450 and pursuant to the operating permit requirements of 25 Pa. Code Subchapter F. The following is a summary of the conditions that the Department included in the proposed plan approval to ensure compliance with the applicable air quality regulatory requirements:

1. a) No later than 180 days after the compliance date of January 31, 2016, the permittee shall demonstrate compliance for Source ID 036 by completing an initial tune-up by following the procedures described in § 63.7540 and a one-time energy assessment as specified in Table 3 to 40 CFR Part 63 Subpart DDDDD.

b) Subsequent tune-ups shall be performed every five (5) years, no more than 61 months after the previous tune-up.

2. At all times, the permittee shall operate and maintain Source ID 036, and any associated air pollution control and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.

3. a) By the compliance date of January 31, 2016, the permittee shall demonstrate compliance with the emission limitations, fuel specifications, and work practice standards established for Source ID 036 in 40 CFR Part 63 Subpart DDDDD as specified in § 63.7530.

b) After the compliance date, the permittee shall demonstrate continuous compliance via the methods specified in 40 CFR 63.7540.

4. The permittee shall submit a complete plan no later than 12 months prior to the compliance date of 40 CFR Part 63 Subpart DDDDD in order to satisfy the Department of their intent to comply with the provisions of Subpart DDDDD.

5. The permittee shall comply with all applicable recordkeeping requirements specified in 40 CFR 63.7555 and 40 CFR 63.7560 pertaining to Source ID 036.

6. The permittee shall submit the required notifications specified in 40 CFR 63.7545 pertaining to Source ID 036.

7. The permittee shall submit all required reports specified in 40 CFR 63.7550 pertaining to Source ID 036.

8. (a) Source ID 036 is subject to 40 CFR Part 63 Subpart DDDDD—National Emissions Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters. Source ID 036 shall comply with all applicable requirements of Subpart DDDDD.

(b) Pursuant to 40 CFR 63.7495, for Source ID 036 the compliance date for Subpart DDDDD is January 31, 2016.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570 327 0550.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Muhammad Zaman, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Air Quality Program, 208 West Third St., Suite 101, Williamsport, Pa. 17701. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 41-00001M) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

53-00002M: Transcontinental Gas Pipeline Company, LLC (PO Box 1396, Houston, TX 77251-1396) has submitted an application to the Pennsylvania Department of Environmental Protection for plan approval for the Department to establish performance or emission standards for the boilers at the Transcontinental Gas Pipeline Station 535 facility located in Wharton Township, **Potter County**. The Department has incorporated the major source boiler MACT requirements as codified in 40 CFR Part 63 Subpart DDDDD applicable to the boilers at the facility in the proposed plan approval. All other air quality regulatory requirements remain in effect for the boilers under the facility's operating permit. There will be no increase in emissions of air contaminants associated with this plan approval.

Based on the above, the Department intends to issue a plan approval for the incorporation of boiler MACT requirements for the facility's boilers listed in the application. The facility will continue to be a major (Title V) facility. Additionally, if the Department determines that the proposed sources are operating in compliance with all of the plan approval conditions, the conditions established in the plan approval will be incorporated into a Title V Operating Permit by means of an administrative amendment pursuant to 25 Pa. Code § 127.450 and pursuant to the operating permit requirements of 25 Pa. Code Subchapter F. The following is a summary of the conditions that the Department included in the proposed plan approval to ensure compliance with the applicable air quality regulatory requirements:

1. a) No later than 180 days after the compliance date of January 31, 2016, the permittee shall demonstrate compliance for Source ID 031/032/033 by completing an initial tune-up by following the procedures described in

§ 63.7540 and a one-time energy assessment as specified in Table 3 to 40 CFR Part 63 Subpart DDDDD.

b) Subsequent tune-ups shall be performed annually, no more than 13 months after the previous tune-up.

2. a) No later than 180 days after the compliance date of January 31, 2016, the permittee shall demonstrate compliance for Source ID 035 by completing an initial tune-up by following the procedures described in § 63.7540 and a one-time energy assessment as specified in Table 3 to 40 CFR Part 63 Subpart DDDDD.

b) Subsequent tune-ups shall be performed every five (5) years, no more than 61 months after the previous tune-up.

3. a) No later than 180 days after the compliance date of January 31, 2016, the permittee shall demonstrate compliance for Source ID P106 by completing an initial tune-up by following the procedures described in § 63.7540 and a one-time energy assessment as specified in Table 3 to 40 CFR Part 63 Subpart DDDDD.

b) Subsequent tune-ups shall be performed every two (2) years, no more than 25 months after the previous tune-up.

4. At all times, the permittee shall operate and maintain Source ID 031/032/033/035/P106, and any associated air pollution control and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.

5. a) By the compliance date of January 31, 2016, the permittee shall demonstrate compliance with the emission limitations, fuel specifications, and work practice standards established for Source ID 031/032/033/035/P106 in 40 CFR Part 63 Subpart DDDDD as specified in § 63.7530.

b) After the compliance date, the permittee shall demonstrate continuous compliance via the methods specified in 40 CFR 63.7540.

6. The permittee shall submit a complete plan no later than 12 months prior to the compliance date of 40 CFR Part 63 Subpart DDDDD in order to satisfy the Department of their intent to comply with the provisions of Subpart DDDDD.

7. The permittee shall comply with all applicable recordkeeping requirements specified in 40 CFR 63.7555 and 40 CFR 63.7560 pertaining to Source ID 031/032/033/035/P106.

8. The permittee shall submit the required notifications specified in 40 CFR 63.7545 pertaining to Source ID 031/032/033/035/P106.

9. The permittee shall submit all required reports specified in 40 CFR 63.7550 pertaining to Source ID 031/032/033/035/P106.

10. (a) Source ID 031/032/033/035/P106 is subject to 40 CFR Part 63 Subpart DDDDD—National Emissions Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters. Source ID 031/032/033/035/P106 shall comply with all applicable requirements of Subpart DDDDD.

(b) Pursuant to 40 CFR 63.7495, for Source ID 031/032/033/035/P106 the compliance date for Subpart DDDDD is January 31, 2016.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williams-

port, PA 17701. Appointments for scheduling a review must be made by calling 570 327 0550.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Muhammad Zaman, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Air Quality Program, 208 West Third St., Suite 101, Williamsport, Pa. 17701. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 53-00002M) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

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

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

10-079D: BNZ Materials (191 Front Street, Zelienople, PA 16063), for the reactivation of Kiln #3 and associated drying and finishing operations last operated during 2004 in Zelienople Borough, **Butler County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the Title V operating permit at a later date.

This project will result in projected actual emissions of 15.46 tpy for NO_x, 90.35 tpy for CO, 2.88 tpy for VOC, 3.86 tpy for PM, 3.51 tpy for PM₁₀, 3.4 tpy for PM_{2.5}, 10.78 tpy for SO_x, 1.96 tpy for Fluorides (other than HF), 3.13 tpy for HF, and 8,480.3 tpy for CO₂(e). This Plan Approval will contain conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source including, but are not limited to, the following:

- Emissions shall comply with 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor, and visible emissions respectively.

- No person may permit the emission into the outdoor atmosphere from Kiln #3 of the following:

- Total PM: 0.88 #/hr and 3.86 tpy based on a 12-month rolling basis [Compliance with the PM emission limit shall be shown through an emission factor developed (# PM/ton brick produced) during the initial stack test or subsequent approved stack test.] [Compliance with the requirement in this streamlined permit condition assures compliance with the provisions found in 25 Pa. Code § 123.13]

- Total PM₁₀: 0.8 #/hr and 3.51 tpy based on a 12-month rolling basis [Compliance with the PM₁₀ emission limit shall be shown through an emission factor developed (# PM₁₀/ton brick produced) during the initial stack test or subsequent approved stack test.]

- Total PM_{2.5}: 0.78 #/hr and 3.4 tpy based on a 12-month rolling basis [Compliance with the PM_{2.5} emission limit shall be shown through an emission factor developed (# PM_{2.5}/ton brick produced) during the initial stack test or subsequent approved stack test.]

- SO_x: 2.46 #/hr and 10.78 tpy based on a 12-month rolling basis [Compliance with the SO_x emission limit shall be shown through an emission factor developed (# SO_x/ton brick produced) during the initial stack test or subsequent approved stack test.] [Compliance with the requirement in this streamlined permit condition assures compliance with the provisions found in 25 Pa. Code § 123.21]

- NO_x: 74#/mmcf @ 3% oxygen dry and 3.53 #/hr and 15.46 tpy based on a 12-month rolling basis [Compliance with the NO_x emission limit shall be shown through an emission factor developed (# NO_x/ton brick produced) during the initial stack test or subsequent approved stack test.]

- CO: 20.63 #/hr and 90.35 tpy based on a 12-month rolling basis [Compliance with the CO emission limit shall be shown through an emission factor developed (# CO/ton brick produced) during the initial stack test or subsequent approved stack test.]

- VOC: 0.66 #/hr and 2.88 tpy based on a 12-month rolling basis [Compliance with the VOC emission limit shall be shown through an emission factor developed (# VOC/ton brick produced) during the initial stack test or subsequent approved stack test.]

- Fluorides (other than HF): 0.45 #/hr and 1.96 tpy based on a 12-month rolling basis [Compliance with the Fluoride emission limit shall be shown through an emission factor developed (# Fluoride/ton brick produced) during the initial stack test or subsequent approved stack test and through fluoride clay concentration monitoring outlined below.]

- HF: 0.72 #/hr and 3.13 tpy based on a 12-month rolling basis [Compliance with the HF emission limit shall be shown through an emission factor developed (# HF/ton brick produced) during the initial stack test or subsequent approved stack test and through fluoride clay concentration monitoring outlined below.]

- The stack test shall be conducted for NO_x, CO, VOC, total PM (both filterable and condensable), PM₁₀ (both filterable and condensable), PM_{2.5} (both filterable and condensable), SO_x, HF, and Fluoride (other than HF) and shall be performed in accordance with the provisions of Chapter 139 of the Rules and Regulations of the Department of Environmental Protection.

- The permittee shall take a representative sample (0.5#/ton of clay) from each shipment of clay and shall make a monthly composite sample from all the samples taken and test for Fluoride concentration in the clay. After 6 months of sampling, the permittee may petition the Department to reduce the sampling frequency.

- All recordkeeping shall commence upon startup of the source/control device. All records shall be kept for a period of five (5) years and shall be made available to the Department upon request.

- The permittee shall maintain a record of all preventive maintenance inspections of the source. These records

shall include, at a minimum, the dates of the inspections, the name of the person performing the inspection, any problems or defects identified, any actions taken to correct the problems or defects, and any routine maintenance performed.

- The permittee shall record the following:

- Gas usage and sawdust usage on a monthly basis and a 12-month rolling total basis

- Production on a monthly basis and a 12-month rolling total basis

- Clay throughput on a monthly basis and a 12-month rolling total basis

- Clay Fluoride concentration from sampling

- The permittee shall perform a daily operational inspection of the source.

- The permittee shall maintain and operate the source in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

In accordance with 25 Pa. Code § 127.44(e)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(e)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [10-079D] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, 230 Chestnut St., Meadville, PA 16335; Phone # (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

If a plan approval has not undergone the above public notice process, the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in §§ 127.421 to 127.431 for state only operating permits or §§ 127.521 to 127.524 for Title V operating permits.

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

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

AMS 13016: Henry Ottens (7800 Holstein Avenue, Philadelphia, PA 19153) process for permitting various and control equipment associated with food flavoring manufacturing that includes, a 4.1 MMBtu/hr Cleaver brooks boiler and a 0.83 MMBtu/hr Cleaver brooks boiler each firing natural gas, five Spray driers with natural gas combustion units, thirteen Mix tanks, a 220 gallon reactor, seven Blenders and two Rotoclones. The total VOC emission increase will be below 25 tons per year for the facility. The plan approval will contain operating, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

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

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

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

15-00010: ArcelorMittal Plate, LLC (139 Modena Road, Coatesville, PA 19320; Attn: Mr. Ray Ajalli), for the renewal of the Title V Operating Permit. The initial permit was issued on September 14, 2001, for their steel manufacturing plant located in Coatesville Borough, **Chester County**. The facility is a major source for NO_x, CO, VOC, PM-10, SO_x, and greenhouse gases (GHG). Sources include furnaces, boilers, steel surface conditioning processes, generators, fire pumps, parts washers, nickel plating with scrubbers, surface coating operations, and other miscellaneous steel manufacturing components, many of them controlled by dust collection systems. Two 4SLB Emergency Generators (Source ID 769) are subject to 40 CFR Part 60, Subpart JJJJ. The following sources are subject to 40 CFR Part 63: \D\ Electric Furnace—Source ID 104 (Subpart YYYYY); 12,000 Gal Underground Gas Storage Tank—Source ID 226 (Subpart CCCCCC); Nickel Plating and 2 Scrubbers—Source ID 254 (Subpart WWWW); Emer Pump/Generator—Source ID 768 (Subpart ZZZZ); and Small Emergency Generators and Pumps—Source 770 (Subpart ZZZZ). Applicable requirements have been incorporated into the Title V Operating Permit renewal. The following sources are subject to Compliance Assurance Monitoring (CAM) requirements: Source IDs 104, 174, 176, 181, 182, 207, 228, 232, 234, 235, 258, and 263. Allowable emissions from the facility have not increased as a result of this permit renewal. The operating permit contains 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.

01-05003: Columbia Gas Transmission Corp., Gettysburg Compression Station (1700 MacCorkle Avenue SE, Charleston, WV 25325-1273) for gas turbines and emergency generator in Straban Township, **Adams County**. This is a renewal of their State-Only Operating Permit issued in December 2007.

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

Gettysburg Compressor Station is a major facility subject to the operating permit requirements of Title V of the Federal Clean Air Act and 25 Pa. Code, Chapter 127, Subchapters F and G (relating to operating permit requirements; and Title V operating permit requirements). The turbines are subject to the federal 40 CFR 60, Subpart GG. The emergency generator engine is subject to 40 CFR Part 63, Subpart ZZZZ for Stationary Reciprocating Internal Combustion Engines. The facility's actual 2012 annual emissions in the AIMS include 66.1 tons of NO_x, 26.7 tons of CO, and 6.3 tons of VOC.

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.

Gary Helsel, Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

21-05009: PPL Martins Creek, LLC/West Shore CTG Site (2 North 9th Street, Allentown, PA 18101) for operation of combustion turbines facility in Lower Allen Township, **Cumberland 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 Title V Operating Permit renewal for the abovementioned facility.

The actual emissions in year 2012 were 0.02 ton of CO, 3.1 tons of NO_x, 0.07 ton of PM, 0.7 ton of SO₂, and 0.002 ton of VOC. The facility's major source of emissions is attributed to the operation of two combustion turbines firing No. 2 fuel oil, which primarily emit NO_x. The Title V Operating Permit will contain fuel usage restrictions, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

Gary Helsel, Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

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

18-00003: PPL Martins Creek, LLC (Two North Ninth Street, Allentown, PA 18101-1197) a Title V operating permit renewal for the Lock Haven Combustion Turbine Site located in Bald Eagle Township, **Clinton County**. In accordance with 25 Pa. Code § 127.521, 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: 2 TPY of CO; 425 TPY of NO_x; 1,561 TPY of SO_x; 108 TPY of PM/PM₁₀; 0.31 TPY of VOC; 0.31 TPY of total HAPs and 96,960 TPY of CO_{2e}. The facility's sources include one (1) diesel fuel oil-fired combustion turbine and one (1) 100,000 gallon diesel fuel oil above ground storage tank which have the potential to emit major quantities of nitrogen oxides (NO_x), particulate matter (PM/PM₁₀), and sulfur oxides (SO_x). The facility has the potential to emit carbon monoxide (CO), volatile organic compounds (VOC), hazardous air pollutants (HAPs) and carbon dioxide equivalents (CO_{2e}) below the major emission thresholds. The Department has determined that the sources at the facility satisfy reasonably available control technology (RACT) requirements, pursuant to 25 Pa. Code § 129.91. The proposed Title V operating permit renewal contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and 25 Pa. Code Chapters 121—145.

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

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

Permit No. TVOP 18-00003) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

41-00003: PPL Martins Creek, LLC (Two North Ninth Street, Allentown, PA 18101-1197) a Title V operating permit renewal for the Williamsport Combustion Turbine Site located in the City of Williamsport, **Lycoming County**. In accordance with 25 Pa. Code § 127.521, 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 TPY of CO; 766 TPY of NO_x; 3,302 TPY of SO_x; 228 TPY of PM/PM₁₀; 0.56 TPY of VOC; 0.56 TPY of total HAPs and 184,980 TPY of CO_{2e}. The facility's sources include two (2) diesel fuel oil-fired combustion turbines and one (1) 100,000 gallon diesel fuel oil above ground storage tank which have the potential to emit major quantities of nitrogen oxides (NO_x), particulate matter (PM/PM₁₀), sulfur oxides (SO_x) and carbon dioxide equivalents (CO_{2e}). The facility has the potential to emit carbon monoxide (CO), volatile organic compounds (VOC) and hazardous air pollutants (HAPs) below the major emission thresholds. The Department has determined that the sources at the facility satisfy reasonably available control technology (RACT) requirements, pursuant to 25 Pa. Code § 129.91. The proposed Title V operating permit renewal contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and 25 Pa. Code Chapters 121—145.

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

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. TVOP 41-00003) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

49-00007: Cherokee Pharmaceuticals (100 Avenue C, PO Box 367, Riverside, PA 17868) a Title V operating permit renewal for their Cherokee facility located in Riverside, **Northumberland County**. In accordance with 25 Pa. Code § 127.521, 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 released the following emissions according to their 2012 Air Information Management System (AIMS) report: 4.02 tons per year (TPY) of CO; 11.53 TPY of NO_x; 0.52 TPY of SO_x; 2.95 TPY of PM₁₀ and PM_{2.5}; 17.22 TPY of VOC; 13 TPY of organic HAPs and 36,310 TPY of CO₂. The facility's sources primarily involve batch pharmaceutical operation which includes chemical synthesis. Emissions from the pharmaceutical operation include breathing and withdrawal losses from chemical storage tanks, venting of process vessels, leaks from piping and equipment used to transfer organic volatile compounds and volatilization of organic compounds from wastewater streams. The emissions from the pharmaceutical operation's process vents are controlled by the plant's closed-vent system and thermal oxidizing unit. The Department has determined that the sources at the facility satisfy best available technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12, as well as the National Emission Standards for Hazardous Air Pollutants for Pharmaceuticals Production, 40 CFR 63.1250 through 63.1260; National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 CFR 63.6580 through 63.6675. The proposed Title V operating permit contains all applicable Federal and State regulatory requirements including monitoring, recordkeeping, and reporting conditions. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and 25 Pa. Code Chapters 121—145.

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

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

Permit No. TVOP 49-00007) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

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

18-00011: Croda, Inc. (8 Croda Way, Mill Hall, PA 17751) to issue a renewal Title V operating permit for their facility located in Bald Eagle Township, **Clinton County**. The facility is currently operating under Title V Operating Permit 18-00011. The facility's main sources include several chemical manufacturing processes and natural gas and/or #2 fuel oil-fired combustion units. The facility has potential emissions of 21.8 tons per year of carbon monoxide, 38.3 tons per year of nitrogen oxides, 74.1 tons per year of sulfur oxides, 6.2 tons per year of particulate matter, 49.9 tons per year of volatile organic compounds, 9.9 tons per year of any hazardous air pollutant (HAP), 24.9 tons per year of total HAPs, and 32,534 tons per year of carbon dioxide equivalents (greenhouse gases). No emission or equipment changes are being proposed by this action. The proposed Title V operating permit contains all applicable Federal and State regulatory requirements including monitoring, recordkeeping, and reporting conditions. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and 25 Pa. Code Chapters 121—145.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570 327 0550.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 18-00011) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is

sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

49-00006: Viking Energy of Northumberland LLC (909 Cannery Road, Northumberland, PA 17857) to issue a renewal Title V operating permit for their facility located in Point Township, **Northumberland County**. The facility is currently operating under Title V Operating Permit 49-00006. The facility's main sources include a 250 MMBtu/hr wood-waste fired steam boiler, several small natural gas fired space heaters, wood waste and ash handling operations and a 250 kW emergency diesel generator. The facility has potential emissions of 249.9 tons per year of carbon monoxide, 249.9 tons per year of nitrogen oxides, 27.6 tons per year of sulfur oxides, 109.6 tons per year of particulate matter, 41.9 tons per year of volatile organic compounds, 18.6 tons per year of total hazardous air pollutants (HAPs), and 426,748 tons per year of carbon dioxide equivalents (greenhouse gases). No emission or equipment changes are being proposed by this action. The proposed Title V operating permit contains all applicable Federal and State regulatory requirements including monitoring, recordkeeping, and reporting conditions. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and 25 Pa. Code Chapters 121—145.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570 327 0550.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 49-00006) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

49-00033: Watsontown Brick Company (PO Box 68, Route 405, Watsontown, PA 17777-0068) to issue a renewal Title V operating permit for their facility located in Delaware Township, **Northumberland County**. The fa-

cility is currently operating under Title V Operating Permit 49-00033. The facility's main sources include a three natural gas fired brick kilns, various material sizing and handling equipment, several small natural gas/No. 2 fuel oil fired space heaters, and emergency diesel generators. The facility has potential emissions of 144.5 tons per year of carbon monoxide, 83.3 tons per year of nitrogen oxides, 249.9 tons per year of sulfur oxides, 107.7 tons per year of particulate matter, 8.25 tons per year of volatile organic compounds, 29.6 tons per year of total hazardous air pollutants (HAPs), and 50,657 tons per year of carbon dioxide equivalents (greenhouse gases). The proposed Title V operating permit contains all applicable Federal and State regulatory requirements including monitoring, recordkeeping, and reporting conditions. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and 25 Pa. Code Chapters 121—145.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570 327 0550.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 49-00033) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

18-00009: Clinton County Solid Waste Authority (PO Box 209, McElhattan, Pa 17748) a Title V operating permit renewal for their Wayne Township landfill located in Wayne Township, **Clinton County**. In accordance with 25 Pa. Code § 127.521, 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: 129.16 TPY of CO; 39.54 TPY of NO_x; 9.87 TPY of SO_x; 54.45 TPY of PM/PM₁₀; 6.19 TPY of VOC; 7.18 TPY of total HAPs and 87,567 TPY of CO_{2e}. The facility's sources include nineteen (19) space heaters, two (2) portable emergency generators, north side disposal area, south side disposal area, dirt screening equipment, two (2) portable tub grinders, two

(2) portable trammel screeners, one (1) portable water pump, one (1) parts washer and one (1) enclosed flare. The Department has determined that the sources at the facility satisfy best available technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12, as well as Subpart WWW of the Standards of Performance for Municipal Solid Waste Landfills, 40 CFR 60.750—60.759 and Subpart Cc—Emission Guidelines and Compliance Times for Municipal Solid Waste landfills, 40 CFR 60.30c—60.36c. The proposed Title V operating permit contains all applicable Federal and State regulatory requirements including monitoring, recordkeeping, and reporting conditions. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and 25 Pa. Code Chapters 121—145.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3693.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. TVOP 18-00009) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

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

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

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

23-00108: Barry Callebaut USA, LLC (903 Industrial Highway, Eddystone, PA 19022; Attn: Mr. Robert Gist) for a Non-Title V Facility, State-Only, Synthetic Minor Operating Permit in Eddystone Borough, **Delaware County**. Barry Callebaut USA LLC operates a cocoa processing plant. Sources include a pre-roaster (controlled by a wet cyclone), a winnowing process (controlled by a cyclone), a Roaster and Nib Grinding process (controlled by a regen-

erative thermal oxidizer), boilers, an emergency generator, a cocoa butter process (non-permitted), lab equipment, and other miscellaneous components for processing cocoa beans into cocoa and cocoa butter. All combustion sources burn natural gas with the exception of the emergency generator, which operates on diesel fuel. Boiler (CBLE200-500) (Source ID 031) is rated at 20.16 MMBtu/hr and is subject to Subpart Dc. The emergency generator (Onan 250DFAC Gen Set) is subject to the requirements of Subpart IIII. Estimated potential emissions from the facility are: 9.28 TPY for NO_x, 8.72 TPY for CO, 14.63 TPY for VOC, 12.21 TPY for PM, and less than 1.0 TPY for SO_x and HAP. The permit will contain monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality regulations and requirements.

09-00135: Met-Pro Corp.—Fybroc Division (700 Emlen Way, Telford, PA 18969) for renewal of a State Only Operating Permit for a pumps and pumping equipment manufacturing facility in Telford Borough, **Bucks County**. The facility is a natural minor facility for VOC and HAP emissions. This facility is limited to 3.5 tons per year of VOC/HAP emissions. This Operating Permit renewal includes emission restrictions, monitoring, recordkeeping and work practice requirements designed to ensure this facility complies with all applicable air quality regulations.

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

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

48-00055: Philadelphia Archdiocese—Mary Immaculate Center (300 Cherryville Road, Northampton, PA 18067-9548) for the operation of three (3) boiler at the facility located in Lehigh Township, **Northampton County**. The boilers are fired on #4 or lighter fuel oil. 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.

40-00063: Kappa Graphics, LP (50 Rock Street, Pittston, PA 18640-3028) for the operation of a lithographic printing operation in Hughestown Borough, **Luzerne County**. The sources consist of four (4) presses and a thermal oxidizer for emission control of volatile organic compounds (VOC's). 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.

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

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

36-03038: Evans Eagle Burial Vaults, Inc. (15 Graybill Road, Leola, PA 17540) for the operation of three (3) human crematories in Upper Leacock Township, **Lancaster County**.

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

The subject facility has actual air emissions from three human crematories of approximately 0.66 tpy of PM₁₀, 0.94 tpy of CO, 0.28 tpy of NO_x, 0.23 tpy SO_x. 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 Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

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

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

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, protests.

67-05096: Blockhouse, Inc. (3285 Farmtrail Road, York, PA 17406) for their wood furniture manufacturing facility in Manchester Township, **York County**.

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

The subject facility had the following actual emissions in 2011: 4.8 tons VOC; 2.5 tons NO_x; 2.1 tons CO; 0.2 ton PM₁₀; 0.2 ton PM_{2.5}; 0.4 ton total HAPs; 0.1 ton CH₄; 0.1 ton N₂O; 2,958 tons CO₂; and 2,976 tons CO_{2e}. 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. The surface coating operations are subject to 25 Pa. Code § 129.52.

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

A person may oppose the proposed 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.

06-03117: Custom Processing Services, Inc. (2 Birchmont Drive, Reading, PA 19606) for their plastics and resins milling operation at their facility located in Exeter 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. PM₁₀ emissions are estimated to be less than 10 tpy. The operating Permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

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

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

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

Thomas J. 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.

22-03004: H.B. Reese Candy Co. (925 Reese Avenue, Hershey, PA 17033) for their chocolate candy manufacturing facility in Derry Township, **Dauphin County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility. Actual NO_x, PM₁₀ and VOC emissions are estimated to be around 6.0, 4.0 and 7.3 tpy, respectively. The boiler is subject to both the NSPS Subpart Dc and the area source MACT 40 CFR Part 63 Subparts JJJJJJ. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

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

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the

address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit identification of the proposed permit by the permit number listed above.

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

Thomas J. 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

14-00014: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) for renewal of the State Only (Synthetic Minor) Operating Permits for their Pleasant Gap facility in Spring Township, **Centre County**. The facility is currently operating under Synthetic Minor Operating Permit 14-00014. The facility's main sources include one 500 ton per hour counter flow drum mix asphalt concrete plant, one 350 tons per hour counter flow drum mix asphalt plant, a primary crushing operation, a secondary crushing operation, a limestone conveying system, a railcar loading operation, one 33,000-gallon oil tank, two 30,000 gallon storage tanks, two 4.8 million gallon asphalt liquid tanks, three diesel powered portable crushing and screening plants and two water pumps. The facility's potential emissions are 50.40 tons per year of carbon monoxide, 37.53 tons per year of nitrogen oxides, 36.14 tons per year of sulfur oxides, 83.24 tons per year of particulate matter with an aerodynamic diameter of less than 10 microns, 13.52 tons per year of volatile organic compounds, 4.01 tons per year of total hazardous air pollutants (HAPs), and 14,800 tons per year of carbon dioxide equivalents (greenhouse gases). The emission restriction, testing, monitoring, recordkeeping, reporting, and work practice conditions of the SMOP have been derived from the applicable requirements of 40 CFR Part 60, and 25 Pa. Code Chapters 121—145.

The renewal State Only (Synthetic Minor) operating permit contains applicable NSPS requirements to the sources at the facility. The proposed State Only (Synthetic Minor) operating permit contains applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State air quality regulations.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 14-00014) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to David M. Shimmel, P.E., Chief, New Source Review Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3568.

19-00020: Kawneer Company, Inc. (500 East 12th Street, Bloomsburg, PA 17815) for renewal of the State Only (Synthetic Minor) Operating Permits for their facility in the Town of Bloomsburg, **Columbia County**. The facility is currently operating under Synthetic Minor Operating Permit 19-00020. The facility's main sources include fifty-six natural-gas-fired space heaters all rated less than 0.40 MMBtu/hr, six natural-gas-fired space heaters all rated between 3.0 MMBtu/hr and 7.0 MMBtu/hr, one 4.0 MMBtu/hr natural-gas-fired paint drying oven, six 7500-gallon storage tanks equipped with natural-gas-fired burners, one 4.67 MMBtu/hr natural-gas-fired pre-heat furnace, one 4.0 MMBtu/hr natural-gas-fired oven, one 18.8 brake-horsepower propane-fired generator, four spray booths, one paint mixing operation, all painting operations are controlled by booth filters and a thermal oxidizer, one water treatment facility, two wastewater treatment facilities, one cold cleaning machine, two 174 brake-horsepower diesel-fired generators, one 51 brake-horsepower diesel-fired generator, one solvent recycler, one powder coating system, two 7500-gallon pre-treat tanks, eighteen anodizing tanks, and one billet saw with chip collector. The facility's potential emissions are 23.00 tons per year of carbon monoxide, 27.86 tons per year of nitrogen oxides, 0.18 ton per year of sulfur oxides, 2.11 tons per year of particulate matter with an aerodynamic diameter of less than 10 microns, 2.11 tons of particulate matter with an aerodynamic diameter of less than 2.5 microns, 20.05 tons per year of volatile organic compounds, 17.28 tons per year of total hazardous air pollutants (HAPs), and 32,497 tons per year of carbon dioxide equivalents (greenhouse gases). Numerous small natural-gas-fired heaters were incorporated into Source ID 031, Source ID 106 was removed from the facility, a new 4.67 MMBtu/hr natural-gas-fired furnace has been incorporated into Source ID 108, a new 18.8 brake-horsepower propane-fired generator is now in Source ID P100, a new 51 brake-horsepower diesel-fired generator is now in Source ID P111, two existing paint parts washers have been identified in Source IDs P102 and P103, a new 6000-gallon pre-treat liquids storage tank, a new powder coating system is incorporated into the permit as Source ID P113, an additional storage tank is in the Miscellaneous Section, and a billet saw with chip collector are identified in the Miscellaneous Section. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the SMOP have been derived from the applicable requirements of 40 CFR Parts 60 and 63, and 25 Pa. Code Chapters 121—145.

The renewal State Only (Synthetic Minor) operating permit contains applicable MACT requirements to the sources at the facility. The proposed State Only (Synthetic Minor) operating permit contains applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State air quality regulations.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 19-00020) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to David M. Shimmel, P.E., Chief, New Source Review Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3568.

55-00019: Professional Building Systems, Inc. (72 East Market Street, Middleburg, PA 17842-1064) to issue a renewal state only operating permit for their facility located in Middleburg Borough, **Snyder County**. The facility is currently operating under State Only Operating Permit 55-00019. The facility's sources include two modular home manufacturing plants comprised of framing, plumbing, interior finishing and exterior finishing operations, three (less than 3 million Btu per hour) #2 oil-fired boilers, three (less than 0.15 million Btu per hour) propane-fired heaters, two (less than 0.61 million Btu per hour) outdoor wood-fired boilers and two remote reservoir degreasers. The facility has potential emissions of 6.77 tons per year of nitrogen oxides, 3.70 tons per year of carbon monoxide, 6.78 tons per year of sulfur oxides, 2.33 tons per year of particulate matter, 11.92 tons per year of volatile organic compounds and 2.12 tons per year of total HAPs. No emission or equipment changes are being proposed by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the NMOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and 25 Pa. Code Chapters 121—145.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Re-

gional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 55-00019) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to David M. Shimmel, P.E., Chief, New Source Review Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3568.

60-00012: Ritz-Craft Corporation of PA, Inc. (15 Industrial Park Road, Mifflinburg, PA 17844) to issue a renewal state only operating permit for their facility located in Mifflinburg Borough, **Union County**. The facility is currently operating under State Only Operating Permit 60-00012. The facility's sources include three mobile/modular home manufacturing plants, a specialty paint shop, twenty-two (less than 1.5 million Btu per hour) #2 oil/LP gas-fired furnaces, eighty-two (less than 0.25 million Btu per hour) LP gas-fired space heaters, two (less than 1.51million Btu per hour) outdoor wood-fired boilers and two remote reservoir degreasers. The facility has potential emissions of 16.09 tons per year of nitrogen oxides, 8.84 tons per year of carbon monoxide, 6.42 tons per year of sulfur oxides, 7.50 tons per year of particulate matter, 40.72 tons per year of volatile organic compounds and 15.24 tons per year of total HAPs. No emission or equipment changes are being proposed by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the NMOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and 25 Pa. Code Chapters 121—145.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

comments, identification of the proposed permit (specify Permit No. 60-00012) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to David M. Shimmel, P.E., Chief, New Source Review Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3568.

60-00017: Eastern Industries, Inc. a division of New Enterprise Stone and Lime Co., Inc. (4401 Camp Meeting Road, Center Valley, PA 18034) for renewal of the State Only (Synthetic Minor) Operating Permits for their Lewisburg Quarry facility in Buffalo Township, **Union County**. The facility is currently operating under Synthetic Minor Operating Permit 60-00017. The facility's main sources include one 2.8 MMBtu/hr #2-fuel-oil fired heater, one stone crushing operation, one 500 ton per hour counter flow drum mix asphalt concrete plant, one 20,000-gallon recycled/reprocessed oil tank, two 10,000-gallon #2 fuel oil tanks, one 10,000-gallon on-road diesel tank, and one portable screening plant powered by a 111 brake horsepower diesel engine. The facility's potential emissions are 80.55 tons per year of carbon monoxide, 37.25 tons per year of nitrogen oxides, 77.88 tons per year of sulfur oxides, 49.07 tons per year of particulate matter with an aerodynamic diameter of less than 10 microns, 15.25 tons of particulate matter with an aerodynamic diameter of less than 2.5 microns, 30.41 tons per year of volatile organic compounds, 5.08 tons per year of total hazardous air pollutants (HAPs), and 22,888 tons per year of carbon dioxide equivalents (greenhouse gases). The emission restriction, testing, monitoring, recordkeeping, reporting, and work practice conditions of the SMOP have been derived from the applicable requirements of 40 CFR Part 60, and 25 Pa. Code Chapters 121—145.

The renewal State Only (Synthetic Minor) operating permit contains applicable NSPS requirements to the sources at the facility. The proposed State Only (Synthetic Minor) operating permit contains applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State air quality regulations.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

comments, identification of the proposed permit (specify Permit No. 60-00017) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to David M. Shimmel, P.E., Chief, New Source Review Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3568.

60-00007: United States Department of Justice/Bureau of Prisons (P. O. Box 1000, Lewisburg, PA 17837) for renewal of the State Only (Synthetic Minor) Operating Permit for the Lewisburg Penitentiary located in Kelly Township, **Union County**. The subject facility has the following potential emissions: 53 TPY of CO; 74 TPY of NO_x; 5.4 TPY of SO_x; 5.2 TPY of PM/PM₁₀; 3.7 TPY of VOC; 3.7 TPY of HAPs and 72,623 TPY of CO₂e. The facility's sources include four (4) natural gas/#2 fuel oil-fired boilers, one (1) diesel-fired engine/fire pump, two (2) diesel-fired emergency generators, forty-one (41) natural gas-fired boilers with heat input ratings of 1.4 million Btu per hour or less and various miscellaneous sources including forty-three (43) natural gas-fired hot water heaters, fifty-four (54) natural gas direct fire heating units, twenty-seven (27) natural gas-fired food service units and three (3) natural gas-fired laundry dryers.

The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the SMOP have been derived from the applicable requirements of 40 CFR Parts 60 and 63, and 25 Pa. Code Chapters 121—145.

The renewal State Only (Synthetic Minor) operating permit contains applicable MACT and NSPS requirements to the sources at the facility. The proposed State Only (Synthetic Minor) operating permit contains applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State air quality regulations.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 60-00007) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to David M. Shimmel, P.E., Chief, New Source Review Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3568.

59-00006: Dominion Transmission, Inc. (445 West Main St., Clarksburg, WV 26301) for their Boom Compressor Station located in Lawrence Township, **Tioga 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: 96.73 TPY of CO; 50.78 TPY of NO_x; 0.07 TPY of SO_x; 1.26 TPY of PM/PM₁₀; 16.82 TPY of VOC; 6.32 TPY of total HAPs and 23,002 TPY of CO_{2e}. The Department has determined that the sources at the facility satisfy best available technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12, as well as the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 CFR Part 63 Subpart ZZZZ Sections 63.6580 through 63.6675. The operating permit renewal 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. Appointments for scheduling a review must be made by calling 570-327-0550.

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 public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to David M. Shimmel, P.E., Chief, New Source Review Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3568.

12-00009: American Sintered Technologies (513 East Second Street, Emporium, Pa 15834) for their facility located in Emporium Borough, **Cameron 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: 0.56 TPY of CO; 0.92 TPY of NO_x; 0.01 TPY of SO_x; 4.66 TPY of PM/PM₁₀; 48.32 TPY of VOC; 7.00 TPY of total HAPs and 911 TPY of CO_{2e}. The Department has determined that the sources at the facility satisfy best available technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12. The operating permit renewal 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. To schedule an appointment to review this evaluation, please call 570-327-0550.

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 public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to David M. Shimmel, P.E., Chief, New Source Review Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3568.

55-00017 Durabuilt Home, LLC (PO Box 407, Selinsgrove, PA 17870-0407) for their located in Monroe Township, **Snyder 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: 1.95 TPY of CO; 2.41 TPY of NO_x; 0.05 TPY of SO_x; 0.71 TPY of PM/PM₁₀; 25.00 TPY of VOC; 5.05 TPY of VHAPs and 2,287 TPY of CO_{2e}. 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. Appointments for scheduling a review must be made by calling 570-327-0550.

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 public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to David M. Shimmel, P.E., Chief, New Source Review Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3568.

17-00027: River Hill Coal Company, Inc. (48 Memorial Road, Kylertown, PA 16847) to issue a renewal state only operating permit for their facility located in Karthaus Township, **Clearfield County**. The facility is currently operating under State Only Operating Permit 17-00027. The facility's sources include three small No. 2 fuel oil fired heater (less than 1 MMBTU/hr., one coal preparation plant and one 90 brake horsepower diesel fired emergency generator. The facility has potential emissions of 13.17 tons per year of nitrogen oxides, 2.89 tons per year of carbon monoxide, 4.59 tons per year of sulfur oxides, 13.44 tons per year of particulate matter, 1.08 tons per year of volatile organic compounds and 0.02 ton per year of total HAPs. No emission or equipment changes are being proposed by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the NMOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and 25 Pa. Code Chapters 121—145.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 17-00027) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

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

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

63-00616: Therm-O-Rock East, Inc. (1 Pine Street, New Eagle, PA 15067) for the operation blending, bagging and thermally expanding various nonmetallic minerals (perlite and vermiculite) located in the New Eagle Borough, **Washington County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the above mentioned facility.

The subject facility consists of three perlite furnaces, three vermiculite furnaces 2 storage silos, material handling and transferring. The facility has the potential to emit 23.0 tpy PM; 8.0 tpy NO_x; 0.05 tpy SO_x; 6.5 tpy CO; and 0.43 tpy VOC. The facility is required to conduct a weekly survey of the facility during daylight hours while the facility is operating to ensure compliance with the visible emission, fugitive emission and malodor restrictions. Records of the weekly survey performed must be recorded. Monthly preventative maintenance inspections are to be performed on the control devices and recorded in an on-site log. Particulate matter emissions are not to exceed 0.02 gr/dscf. The proposed authorization is subject to State and Federal Regulations (UUU). The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Sheila Shaffer, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (63-00616) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mr. Mark Wayner, Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional informa-

tion concerning the permit or the issuance procedure, contact Ms. Sheila Shaffer, Air Quality Engineering Specialist, at the same address or phone at (412) 442-5227.

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

56-00265: Abilene Boot Co., Inc. (841 S. Center Ave. Somerset, PA 15501) for the operation of a western and military boot manufacturing facility located in Somerset Township, **Somerset County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the above mentioned facility.

The subject facility consists of various shoe manufacturing equipment including several spray booths for the application of various glues, cements, adhesives, and other solvents. The facility also contains a cyclone/baghouse system for capturing particulate emissions from trimming/grinding/buffing operations.

The potential emissions from the facility are estimated to be 11.8 tons VOC per year and 9.6 tons of total HAPs per year although actual emissions have historically been less than 3.0 tons each of VOC and HAPs.

The facility is required to conduct a weekly survey of the facility during daylight hours while the facility is operating to ensure compliance with the visible emission, fugitive emission and malodor restrictions. Records of the weekly survey performed must be recorded. Monthly preventative maintenance inspections are to be performed on the control devices and recorded in an on-site log. Particulate matter emissions are not to exceed 0.04 gr/dscf. The proposed authorization is subject to State and Federal Regulations. The permit includes emission limits as well as operation, monitoring, reporting, and recordkeeping requirements.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Nick Waryanka, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (56-00265) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mr. Mark Wayner, Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Mr. Nick Waryanka, Air Quality Engineer, at the same address or phone at (412) 442-4172.

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

63-00400: Larsen Engineering, Inc. (167 Laidley's Run Rd., West Alexander, PA 15376) In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of

Environmental Protection (DEP) gives notice that they intend to issue a State Only Operating Permit (SOOP) to Larsen Engineering, Inc. for the operation of their facility located in West Finley Township, **Washington County**.

The facility unloads and packages iron oxide, and recovers precious metals from waste products such as filter cakes, sludges, etc. Equipment consists of a truck and super sack unloading, storage and bagging operation, a hot grill equipped with a burner rated at 1.0 mmbtu/hr and a sliding bed thermo oxidizer calciner equipped with a primary burner rated at 5.0 mmbtu/hr and two secondary burners rated at 1.5 mmbtu/hr each. Emissions from the calciner are controlled with two cyclones, venturi scrubber, packed tower, inline stack scrubber and a mist eliminator. The facility has the potential to emit up to 11 tons of SO_x, 9 tons of PM₁₀, 5 tons of NO_x, 3 tons CO, 0.4 ton VOCs, less than 1 ton of all HAPs combined and 6,200 tons of CO₂ on a rolling 12-month basis. The proposed SOOP contains conditions relating to applicable emission restrictions, monitoring, recordkeeping, reporting and work practice standards. Conditions were derived from 25 Pa. Code Chapters 121—145.

Arrangements may be made to review the application, proposed permit and supporting materials at our offices by calling 412-442-4000. Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Operating Permit may submit their comments to Barbara Hatch, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222, 412-442-5226 (bhatch@pa.gov). A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify OP-63-00400) and concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if DEP, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where DEP determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Barbara Hatch at the location identified above.

04-00083: Beaver Valley Alloy Foundry Co. (4165 Brodhead Road, Monaca, PA 15061) In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) gives notice that they intend to issue a State Only Operating Permit (SOOP) to Beaver Valley Alloy to authorize the continued operation of their foundry operation located in Monaca Borough, **Beaver County**.

Beaver Valley Alloy Foundry's primary business is for steel industry and also makes casting for mining industry and parts for locomotives. Processes at this facility include mold making, sand reclamation, molten metal pouring, heat treating and finishing. Facility consists of a mold making area, four induction furnaces, core oven, ladle heater, heat-treating activities, shot blasting operations, thermal sand reclamation and four dust collectors to control particulate emissions. Estimated emission from this facility is 3.4 tons per year of particulate matter (PM), 3.3 tons per year of PM₁₀, 9.4 tons per year of NO_x and insignificant amount of other pollutants.

The proposed SOOP contains conditions relating to emission restrictions, monitoring, recordkeeping, reporting and work practice standards.

Arrangements may be made to review the application at our offices. Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Operating Permit renewal may written comments to Barbara Hatch, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222, 412-442-5226 (bhatch@pa.gov). A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify OP-04-00083) and concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if DEP, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where DEP determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Barbara Hatch at the location identified above.

63-00928: Valley Tire Co., Inc. (15 McKean Ave., Charleroi, PA 15022-1436) for the operation of a truck tire retreading facility located in Charleroi Borough, **Washington County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the above mentioned facility.

The subject facility consists of buffing, repair solution application, tire retreading, and curing processes. The facility also contains a cyclone system for capturing particulate emissions from the buffing operation.

The potential emissions from the facility are estimated to be 12.4 tons VOC per year, 1.1 ton of total HAPs per year, 7.9 tons PM per year, and 0.8 ton PM₁₀ per year.

The facility is required to conduct a weekly survey of the facility during daylight hours while the facility is operating to ensure compliance with the visible emission, fugitive emission and malodor restrictions. Records of the weekly survey performed must be recorded. Daily preventative maintenance inspections are to be performed on the control device and recorded in an on-site log. Particulate matter emissions are not to exceed 0.04 gr/dscf. The proposed authorization is subject to State and Federal Regulations. The permit includes emission limits as well as operation, monitoring, reporting, and recordkeeping requirements.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Nick Waryanka, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (63-00928) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mr. Mark Wayner, Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Mr. Nick Waryanka, Air Quality Engineer, at the same address or phone at (412) 442-4172.

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

04-00061: Nalco Company / North Plant (125 Nalco Way, Ellwood City, PA 16117) for the manufacturing of specialty chemicals including liquid polymers, latex emulsion polymers and industrial biocide blends located in the Franklin Township, **Beaver County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the above mentioned facility.

The subject facility consists of two natural gas boilers, various bulk storage tanks including acrylamide tank, blending tanks, batch reactors, and tote and truck wash. The facility has the potential to emit 8.6 tpy NO_x, 7.2 tpy CO, 0.052 tpy SO_x, 4.51 tpy VOC, 0.65 tpy PM and 0.21 tpy HAPs. The facility will be required to conduct a survey of the facility during daylight hours while the facility is operating to ensure compliance with the visible emission, fugitive emission and malodor restrictions. Records of the survey performed must be recorded. Preventative maintenance inspections are to be performed on the control devices and recorded in an on-site log. The visible emissions from the thermal oxidizer shall not exceed 10 percent opacity when in operation and must maintain an average destruction removal efficiency of 97 percent for ammonia vapor. The proposed authorization is subject to State and Federal Regulations. The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Sheila Shaffer, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (04-00061) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mr. Mark Wayner, Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional informa-

tion concerning the permit or the issuance procedure, contact Ms. Sheila Shaffer, Air Quality Engineering Specialist, at the same address or phone at (412) 442-5227.

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

04-00494: Nalco Company / South Plant (125 Nalco Way, Ellwood City, PA 16117) for the manufacturing of specialty chemicals including liquid polymers, latex emulsion polymers and industrial biocide blends located in the North Sewickley Township, **Beaver County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the above mentioned facility.

The subject facility consists of two natural gas boilers, two furnaces for phosphoric acid and soda ash, one reactor, 12 mixing tanks, 32 bulk storage tanks, and tote wash. The facility has the potential to emit 8.14 tpy NO_x, 6.84 tpy CO, 0.714 tpy SO_x, 1.0 tpy VOC, 10.0 tpy PM and 0.21 tpy HAPs. The facility will be required to conduct a survey of the facility during daylight hours while the facility is operating to ensure compliance with the visible emission, fugitive emission and malodor restrictions. Records of the survey performed must be recorded. Preventative maintenance inspections are to be performed on the control devices and recorded in an on-site log. Particulate emissions from the baghouse are limited to 0.02 gr/dscf. The proposed authorization is subject to State and Federal Regulations. The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Sheila Shaffer, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (04-00494) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mr. Mark Wayner, Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Ms. Sheila Shaffer, Air Quality Engineering Specialist, at the same address or phone at (412) 442-5227.

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

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

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

42-00117: Zippo Manufacturing Company (401 Congress Street Extension, Bradford, PA 16701), for renewal of a Natural Minor Permit to operate a fabricated metal

products facility located in Township of Bradford, **McKean County**. The emitting sources associated with this facility included, 1) Two 200 HP and one 100 HP natural gas boilers, 2) Surface imprint operations, 3) New Chrome evaporator, 4) Plating machine, 5) Automatic hoist plating lines (2), 6) Burn off oven, 7) Edge buffing and six polishing lathes, 8) Old & new high polish buffing machine, 9) Acme edge buffing machine, 10) Emergency generators (4), 11) Centrifugal parts washer, 12) Rack coating curing oven and 13) Epoxy ovens 1 & 2 (2). The four existing emergency generators are subject to 40 CFR Part 63 Subpart ZZZZ. All applicable requirements of Subpart ZZZZ have been included in the permit during this renewal. The facility has changed Hexavalent Chrome to Trivalent Chrome in the plating operation. All revised 40 CFR Part 63, Subpart N requirements have been included in the source level. The emissions of pollutants from the facility are less than Title V threshold limits. Thus, the facility is a natural minor.

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

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

S13-004: Cross Connect Solutions, Inc. (at 401 North Broad Street, Philadelphia, PA 19108) for the operation of a network data center in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes four diesel emergency generators with Selective Catalytic Reduction (SCR) each less than 500kW, one 1020kW, one 1000kW and a 1500 kW diesel emergency generators with Selective Catalytic Reduction control device to reduce NO_x emissions from each source. The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

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

PLAN APPROVALS

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

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

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

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to **Dixie Consumer Products**

LLC (605 Kuebler Road, Easton, PA 18040) for their facility to be located in Forks Township, **Northampton County**. This Plan Approval No. 48-00031A will be incorporated into a Synthetic Minor Operating Permit through an administrative amendment at a later date.

Plan Approval No. 48-00031A is for the installation and operation of six (6) additional new cup forming machines. Particulate emissions generated by these machines will be controlled by two (2) existing cyclones. Potential particulate emissions increase from these machines is estimated to be 3.2 tons/year. The addition of these machines will increase VOC emissions from the facility's flexographic operations by 9.0 tons/year. The company shall be subject to and comply with 25 Pa. Code § 123.41 for visible emissions. Particulate emissions from the cyclone will be less than 0.02 grain/dscf and will meet BAT requirements for these sources. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions 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 of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 48-00031A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone # 570-826-2511 within 30 days after publication date.

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to **Letica Corporation (Maui-Cup Division)** (20 Commerce Road, Pittston, PA 18640) for their facility located in Pittston Twp., **Luzerne County**.

Plan Approval No. 40-00124A is for the operation of cup forming machines and printing process at the facility. VOC emissions from the plant will not exceed 50 TPY threshold limit, 12-month rolling sum. Particulate emissions will not exceed 0.02 grains/dscf from the baghouse. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. The company shall be subject to and comply with 25 Pa. Code

§ 123.41 for visible emissions. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 40-00124A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701, Phone 570-826-2511 within 30 days after publication date.

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

56121302 and NPDES No. PA0236187. RoxCOAL, Inc., (PO Box 149, 1576 Stoystown Road, Friedens, PA 15541). To operate the Wells Creek Mine in Somerset Township, **Somerset County** a new underground mine and related NPDES permit. Surface Acres Proposed 64.2, Underground Acres Proposed 3,678.4, Subsidence Control Plan Acres Proposed 3,678.4. Receiving stream: Wells Creek, classified for the following use: CWF. The application was considered administratively complete on May 8, 2013. Application received September 24, 2012.

32111601 and NPDES No. PA0236039, Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To operate the Blairsville Preparation Plant in Burrell Township, **Indiana County** a new coal preparation plant and related NPDES permit with three NPDES outfalls. Application also includes a request for a Section 401 Water Quality Certification. Surface Acres Proposed 44.4. Receiving streams: Unnamed Tributaries to Conemaugh River, classified for the following use: CWF. The application was considered administratively complete on May 26, 2011. Application received January 13, 2011.

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

Permit No. 56120101 and NPDES No. PA0263397. Wilson Creek Energy, LLC, 140 W. Union Street, Somerset, PA 15504, revision of an existing bituminous surface mine to delete 126.9 acres from the existing permit in Jenner Township, **Somerset County**, affecting 183.4. Receiving stream(s): unnamed tributary "A" to/and Hoffman Run classified for the following use: cold water fishery. The first downstream potable water supply intake from the point of discharge is Quemahoning Dam. Application received: April 30, 2013.

Permit No. 56070108 and NPDES No. PA0262323. Hoffman Mining, Inc., 118 Runway Road, P. O. Box 130, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface mine in Paint Township, **Somerset County**, affecting 135.5 acres. Receiving stream(s): unnamed tributaries to/and

Shade Creek classified for the following use: cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Border Dam SWI. Application received: April 26, 2013.

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

2969BSM24 and NPDES Permit No. PA0252018. Potato Ridge, LLC (520 West Short Street, Lexington, KY 40507). Revision application for a stream variance to conduct mining activities which consist of placing AMD treatment facilities within 100 feet of an unnamed tributary to Laurel Run for an existing surface mine, located in Stewart Township, **Fayette County**, affecting 169.8 acres. Receiving stream: unnamed tributary to Laurel Run, classified for the following use: HQ-CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: April 1, 2013.

63020102 and NPDES Permit No. PA0250309. S & K Energy, Inc. (5945 Pudding Stone Lane, Bethel Park, PA 15102). Application received for transfer of permit currently issued to Mulligan Mining, Inc., for continued operation and reclamation of a bituminous surface mine located in Smith Township, **Washington County**, affecting 147.6 acres. Receiving streams: unnamed tributaries to Little Raccoon Run to Little Raccoon Run, to Raccoon Creek to Ohio River; Raccoon Creek and unnamed tributaries to Raccoon Creek to Raccoon Creek to Ohio River, classified for the following use: warm water fishes. The first downstream potable water supply intake from the point of discharge is greater than ten miles from the proposed site. Transfer application received: April 19, 2013.

63090104 and NPDES Permit No. PA0251836. S & K Energy, Inc. (5945 Pudding Stone Lane, Bethel Park, PA 15102). Application received for transfer of permit currently issued to Mulligan Mining, Inc., for continued operation and reclamation of a bituminous surface mine located in Smith Township, **Washington County**, affecting 219.3 acres. Receiving stream: Unnamed tributary to Raccoon Creek, classified for the following use: warm water fishes. The first downstream potable water supply intake from the point of discharge is greater than ten miles from the proposed site. Transfer application received: April 19, 2013.

63090101 and NPDES Permit No. PA0251941. Amerikohl Mining, Inc. (1384 State Route 711, Stahlstown, PA 15687). Revision application to add 32.3 acres and for land use change from forestland to pastureland and/or land occasionally cut for hay to an existing bituminous surface mine, located in Nottingham Township, **Washington County**, affecting 399.3 acres. Receiving streams: unnamed tributaries to Mingo Creek and Sugar Run, classified for the following use: HQ-TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: April 30, 2013.

03940110 and NPDES Permit No. PA0200999. Britt Energies, Inc. (P. O. Box 515, Indiana, PA 15701). Renewal application for continued operation to an existing bituminous surface mine, located in Wayne Township, **Armstrong County**, affecting 55.5 acres. Receiving streams: unnamed tributaries to N. Branch of South Fork Pine Creek, classified for the following use: HQ-CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: April 30, 2013.

02080101 and NPDES Permit No. PA0251461. Quality Aggregates, Inc. (4955 Steubenville Pike, Suite 245, Pittsburgh, PA 15205). Renewal application for reclamation only to an existing bituminous surface mine, located in Findlay Township, **Allegheny County**, affecting 86.2 acres. Receiving stream: unnamed tributary to Potato Garden Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: May 2, 2013.

26840105 and NPDES Permit No. PA0600555. Boyle Land & Fuel Company (P. O. Box 400, Laughlinton, PA 15655). Renewal application for continued treatment to an existing surface mine, located in Wharton Township, **Fayette County**, affecting 69.6 acres. Receiving streams: unnamed tributaries to Stony

Fork, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: May 10, 2013.

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

17100110 and NPDES PA0257427. Horton Coal Company (446 Williams Cemetery Road, Curwensville, PA 16833). Transfer of an existing bituminous surface mine from Allegheny Enterprises, Inc. (3885 Roller Coaster Road, Corsica, PA 15829). This site is located in Brady Township, **Clearfield County** affecting 28.0 acres. Receiving stream(s): Stump Creek classified for the following use(s) Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 25, 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

37970302. Quality Aggregates, Inc. (4955 Steubenville Pike, Suite 245, Pittsburgh, PA 15205) Renewal of NPDES Permit No. PA0227579, Slippery Rock Township, **Lawrence County**. Receiving streams: Unnamed tributaries to Slippery Rock Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: May 3, 2013.

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

39870302C11 and NPDES Permit No. PA0594326. Haines & Kibblehouse, Inc., (PO Box 196, Skippack, PA 19474), renewal of NPDES permit for discharge of treated mine drainage from a quarry operation in South Whitehall Township, **Lehigh County** affecting 63.7 acres, receiving streams: Jordan Creek to Little Lehigh Creek to Lehigh River classified for the following uses: trout stock fishes, HQ and warm water fishes. Application received: April 17, 2013.

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

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

E07-447: Dwayne Ross, 223 Wilt Lane, Altoona, PA 16601-7244 in Logan Township, **Blair County**, ACOE Baltimore District

To construct and maintain (1) 25-foot long 16-foot wide bridge with 8-foot wingwalls on both sides crossing of Homer Gap Run (WWF, MF), (2) Place 500 cubic feet of fill within the floodway, for the purpose of accessing private property. (Altoona, PA Quadrangle Latitude: 40° 33' 38", Longitude -78° 23' 51").

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

E03-459. Freeport Borough, 414 Market Street, Freeport, PA 16229, Freeport Borough, **Armstrong County**; ACOE Pittsburgh District

The applicant proposes to place and maintain approximately 89.4 cubic yards of fill and an access ramp in the floodplain of the Allegheny River, and to construct and maintain a 180' X 8' (1,440 ft²) boat dock and R-4 riprap in the Allegheny River (WWF, N), for the purpose of providing boater access to Freeport Borough and Riverfront Park. The project site is located within a local municipal park, near the intersection of Fifth Street and Water Street, in Freeport Borough, Armstrong County. (Freeport, PA Quadrangle: N: 8.42 inches; W: 8.22 inches; Latitude: 40° 40' 16.94"; Longitude: -79° 41' 3.29"; Sub-basin 18F, Chapter 93, Type WWF, N.)

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335

E43-08-001, Halcon Field Service LLC, 1000 Louisiana Street, Suite 6700, Houston, TX 77002-6003, Greene and West Salem Townships, **Mercer County**, ACOE Pittsburgh District.

The applicant proposes the installation of approximately 2.5 miles of 16 inch diameter natural gas pipeline starting at the Gallagher wellpad and terminating at the Cude wellpad in Greene and West Salem Townships, Mercer County, PA. The project will utilize new rites-of-way (ROWs), and existing public and private roads for construction, operations and maintenance activities. Approximately 0.015 acre of wetland will be permanently impacted due to the horizontal directional drill (HDD) method beneath the wetlands. No temporary wetland impacts, tree-clearing within wetland boundaries, or permanent wetland fill (loss of wetland area) will occur as a result of the project, and no wetland mitigation will be necessary. The project will result in 210 linear feet of temporary stream impacts and 0.0 acre of temporary wetland impacts.

The water obstructions and encroachments for the purposes of installing the pipeline are described below:

1 One (1) 16 inch diameter natural gas gathering line crossing the floodway of an unnamed tributary (UNT) to Shenango River (WWF) using open cut technique. (Greenville West, PA Quadrangle) 41°27'39.546"N -80°24'47.120"W

2 One (1) 16 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to Shenango River (WWF) using Horizontal Directional Drill (HDD) technique and impacting 0 linear feet. (Greenville West, PA Quadrangle) 41°27'21.787"N -80°25'17.479"W

3 One (1) 16 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to Shenango River (WWF) using Horizontal Directional Drill (HDD) technique and impacting 0 linear feet. (Greenville West, PA Quadrangle) 41°27'21.005"N -80°25'18.552"W

4 One (1) 16 inch diameter natural gas gathering line crossing Shenango River (WWF) using Horizontal Directional Drill (HDD) technique and impacting 0 linear feet. (Greenville West, PA Quadrangle) 41°27'19.673"N -80°25'19.988"W

5 One (1) 16 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to Shenango River (WWF) using Horizontal Directional Drill (HDD) technique and impacting 0 linear feet. (Greenville West, PA Quadrangle) 41°27'14.340"N -80°25'26.155"W

6 One (1) 16 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to Shenango River (WWF) using Horizontal Directional Drill (HDD) technique and impacting 0 linear feet. (Greenville West, PA Quadrangle) 41°26'59.872"N -80°25'34.631"W

7 One (1) 16 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to Shenango River (WWF) using Horizontal Directional Drill (HDD) technique and impacting 0 linear feet. (Greenville West, PA Quadrangle) 41°26'58.035"N -80°25'34.526"W

8 One (1) 16 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to Shenango River (WWF) using Horizontal Directional Drill (HDD) technique and impacting 0 linear feet. (Greenville West, PA Quadrangle) 41°26'56.042"N -80°25'34.413"W

9 A temporary road crossing using a wood mat bridge, one (1) 16 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to Shenango River (WWF) using open cut technique and impacting 41 linear feet. (Greenville West, PA Quadrangle) 41°26'48.979"N -80°25'35.575"W

10 A temporary road crossing using a wood mat bridge, one (1) 16 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to Shenango River (WWF) using open cut technique and impacting 59 linear feet. (Greenville West, PA Quadrangle) 41°26'34.869"N -80°25'32.497"W

11 A temporary road crossing using a wood mat bridge, one (1) 16 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to Shenango River (WWF) using open cut technique and impacting 42 linear feet. (Greenville West, PA Quadrangle) 41°26'27.688"N -80°25'33.501"W

12 A temporary road crossing using a wood mat bridge, one (1) 16 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to Shenango River (WWF) using open cut technique and impacting 45 linear feet. (Greenville West, PA Quadrangle) 41°26'25.311"N -80°25'33.991"W

13 A temporary road crossing using a timber mat bridge and crossing an unnamed tributary (UNT) to Shenango River (WWF) impacting 23 linear feet. (Greenville West, PA Quadrangle) 41°26'56.829"N -80°25'20.214"W

14 One (1) 16 inch diameter natural gas gathering line crossing a palustrine emergent (PEM) wetland / palustrine scrub-shrub (PSS) wetland using Horizontal Directional Drill (HDD) technique with no anticipated impacts. (Greenville West, PA Quadrangle) 41°27'21.457"N -80°25'18.065"W

15 One (1) 16 inch diameter natural gas gathering line crossing a palustrine emergent (PEM) wetland / Palustrine unconsolidated bottom (PUB) wetland using Horizontal Directional Drill (HDD) technique with no anticipated impacts (Greenville West, PA Quadrangle) 41°27'19.078"N -80°25'19.078"W

16 One (1) 16 inch diameter natural gas gathering line crossing a palustrine emergent (PEM) wetland / palustrine forested (PFO) wetland using Horizontal Directional Drill (HDD) technique with no anticipated impacts (Greenville West, PA Quadrangle) 41°27'17.987"N -80°25'21.805"W

17 One (1) 16 inch diameter natural gas gathering line crossing a palustrine emergent (PEM) wetland / Palustrine scrub-shrub (PSS) wetland using Horizontal Directional Drill (HDD) technique with no anticipated impacts (Greenville West, PA Quadrangle) 41°27'15.239"N -80°25'24.767"W

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

E5729-058: Carrizo Marcellus, LLC, 251 Drainlick Road, P. O. Box 231, Drifting, PA 16834, Fox Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a permanent access road impacting 70 linear feet of an unnamed tributary to Schrader Creek (EV) and 426 square feet of an exceptional value palustrine scrub shrub (EV-PSS) wetland (Grover, PA Quadrangle 41°34'28"N, 76°47'09"W);

2) a permanent access road impacting 107 linear feet of an unnamed tributary to Schrader Creek (EV) (Grover, PA Quadrangle 41°34'21"N, 76°47'16"W);

3) a permanent access road impacting 65 linear feet of an unnamed tributary to Schrader Creek (EV) and 289 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Grover, PA Quadrangle 41°34'14"N, 76°47'16"W);

4) a permanent access road impacting 74 linear feet of an unnamed tributary to Schrader Creek (EV) and 213 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Grover, PA Quadrangle 41°34'12"N, 76°47'16"W);

5) a permanent access road impacting 66 linear feet of an unnamed tributary to Rock Run (EV) and 508 square feet of an exceptional value palustrine scrub shrub (EV-PSS) wetland (Grover, PA Quadrangle 41°33'51"N, 76°47'11"W);

6) a permanent access road impacting 60 linear feet of an unnamed tributary to Rock Run (EV) (Grover, PA Quadrangle 41°33'47"N, 76°47'09"W);

7) a permanent access road impacting 80 linear feet of Rock Run (EV) (Grover, PA Quadrangle 41°33'40"N, 76°47'12"W);

8) a permanent access road impacting 76 linear feet of an unnamed tributary to Rock Run (EV) (Grover, PA Quadrangle 41°33'28"N, 76°47'31"W);

9) a permanent access road impacting 77 linear feet of an unnamed tributary to Rock Run (EV) (Grover, PA Quadrangle 41°33'28"N, 76°47'35"W);

10) Stream bank stabilization impacting 675 linear feet of an unnamed tributary to Schrader Creek (EV) (Grover, PA Quadrangle 41°34'18"N, 76°47'16"W);

The project will result in 1,010 square feet (0.02 acre) of temporary wetland impacts, 426 square feet of permanent wetland impacts, 1,083 linear feet of permanent stream impacts, and 257 linear feet of temporary stream impacts will result from the stream bank stabilization and the installation of an access road to the Baumunk Lake South Well Pad in Fox Township, Sullivan County.

E5829-053; SW Gathering, LLC; 6000 Town Center Blvd., Suite 300, Canonsburg, PA 15317; Liberty Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 12-inch water line, a 12-inch natural gas pipeline, timber bridge crossing impacting 44 lineal feet of unnamed tributary to Rhiney Creek (CWF-MF) (Franklin Forks, PA Quadrangle; N 41° 58' 41" Lat., W - 75° 52' 15" Long.),

2) a 12-inch water line, a 12-inch natural gas pipeline, timber mat crossing impacting 1,802 sq. ft. (0.04 acre) of PEM wetlands (Franklin Forks, PA Quadrangle; N 41° 58' 41" Lat., W - 75° 52' 15" Long.),

3) a 12-inch water line, a 12-inch natural gas pipeline, timber bridge crossing impacting 43 lineal feet of unnamed tributary to Rhiney Creek (CWF-MF) (Franklin Forks, PA Quadrangle; N 41° 58' 40" Lat., W - 75° 52' 15" Long.),

4) a 12-inch water line, a 12-inch natural gas pipeline, timber mat crossing impacting 1,531 sq. ft. (0.04 acre) of PEM wetlands (Franklin Forks, PA Quadrangle; N 41° 58' 40" Lat., W - 75° 52' 15" Long.).

The project consists of constructing approximately 0.5 mile of 12" waterline and 12" natural gas gathering line from the Wooton East Well Pad routed in a Southeasterly direction to the Northeast Phase 3—Line 418 in Liberty Township, Susquehanna County. The project will result in 87 lineal feet of stream impacts and 0.08 acre of wetland impact, all for the purpose of conveying Marcellus Shale natural gas to market.

E4129-072: Anadarko E&P Onshore LLC, 33 West Third Street, Suite 200, Williamsport, PA 17701, McIntyre Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) one 64 x 43-inch elliptical culvert and associated fill for a permanent access road impacting 60 linear feet of an unnamed tributary to Frozen Run (HQ-CWF) (Liberty, PA Quadrangle 41°30'10"N 77°00'31"W);

2) fill impacting 34,204 square feet within the floodway of an unnamed tributary to Frozen Run (HQ-CWF) for wearing surface improvements and widening of an existing access road (Liberty, PA Quadrangle 41°30'12"N 77°00'32"W);

3) fill impacting 2,629 square feet within the floodway of an unnamed tributary to Frozen Run (HQ-CWF) for wearing surface improvements and widening of an existing access road (Liberty, PA Quadrangle 41°30'10"N 77°01'13"W).

The project will result in a total of 60 linear feet of stream impacts and an additional 0.85 acre of floodway impacts for approximately 555 cubic yards of gravel all for the purpose of installing a permanent access roadway to multiple well sites for Marcellus well develop

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

D41-027EA. Joe Reynolds, Grays Run Club, 830

Vallamont Drive, Williamsport, PA 17701, McIntyre Township, **Lycoming County**, USACOE Baltimore District.

Project proposes to remove approximately 1.9 acres of accumulated silts and sediments from the reservoir impounded by the Gray's Run Pond Dam located across Gray's Run (HQ-CWF) (Trout Run, PA Quadrangle, Latitude: 41.4843; Longitude: -77.0282).

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 Renewals	NPDES	
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

I. NPDES Renewal Permit Actions

Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PAS322204 (Storm Water)	Crayola LLC Bethlehem Plant 1100 Church Lane P O Box 431 Easton, PA 18044-0431	Northampton County Bethlehem Township	Unnamed Tributary to Monocacy Creek (2-C) High Quality Cold Water Fishes	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0060721 (Sewage)	Pocono Plateau Treatment Plant 304 Pocono Plateau Road Cresco, PA 18326-7888	Monroe County Barrett Township	Unnamed Tributary to Taylor Creek (1-C) High Quality Cold Water Fishes	N
PA0036439 (Sewage)	White Haven Center WWTP 827 Oley Valley Road White Haven, PA 18661	Luzerne County Foster Township	Linesville Creek (02A)	Y
PA0061310 (Sewage)	Marian High School STP 166 Marion Avenue Tamaqua, PA 18252-9789	Schuylkill County Rush Township	Little Schuylkill River (3-A)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0087866 (IW)	Texas Eastern Transmission LP 5400 Westheimer Court Houston, TX 77056	Huntingdon County Todd Township	UNT to Great Trough Creek / 11-D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0003085 (Industrial Waste)	GrafTech USA 800 Theresia Street St Marys, PA 15857	Elk County Saint Marys City	Unnamed Tributary to Elk Creek (17-A)	Y
PA0101621 (Industrial Waste)	Bradford City WTP West Corydon Street Extension, Bradford, PA 16701	McKean County Bradford Township	Kissem Run and West Branch Tunungwant Creek (16-C)	Y

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

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

NPDES Permit No. PAS312201, Storm Water, SIC Code 1389, **Baker Hughes Oilfield Operations, Inc.**, 17021 Aldine Westfield Road, Houston, TX 77073.

This proposed facility is located in Fell Township, **Lackawanna County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of Storm Water.

NPDES Permit No. PAS212220, Storm Water, SIC Code 3273, **Masters RMC, Inc.**, P. O. Box 25, Kingsley, PA 18826-0025.

This existing facility is located in Eaton Township, **Wyoming County**.

Description of Proposed Action/Activity: Issuance of a new NPDES Permit for an existing discharge of Storm Water.

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

NPDES Permit No. PAS703502, Industrial Waste, **Mifflin County Airport Authority**, 547 Airport Road, PO Box 461, Reedsville, PA 17084.

This proposed facility is located in Brown Township, **Mifflin County**.

Description of Proposed Action/Activity: Authorization to discharge from a facility known as the Mifflin County Airport to a UNT of Kishacoquillas Creek in Watershed 12-A.

NPDES Permit No. PAS803508, Industrial Waste, **YRC Inc.**, 557 East Tallmadge Avenue, Akron, OH 44310.

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

Description of Proposed Action/Activity: Authorization to discharge from a facility known as YRC Freight (135) to a UNT to Letort Spring Run in Watershed 7-B.

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

NPDES Permit No. PA0263516, Industrial Waste, **Amendment No. 1, Fluid Recovery Services, LLC**, P. O. Box 232, Creekside, PA 15732.

This existing facility is located in Cornplanter Township, **Venango County**.

Description of Proposed Action/Activity: Transfer of existing NPDES permit from Pennsylvania Brine Treatment, Inc. to Fluid Recovery Services, LLC.

NPDES Permit No. PA001508, Industrial Waste, **Amendment No. 1, Fluid Recovery Services, LLC**, P. O. Box 232, Creekside, PA 15732.

This existing facility is located in Cranberry Township, **Venango County**.

Description of Proposed Action/Activity: Transfer of existing NPDES permit from Pennsylvania Brine Treatment, Inc. to Fluid Recovery Services, LLC.

NPDES Permit No. PA0031437, Sewage, **Denise & William Olczak**, 67 Penn Drive, Edinboro, PA 16412.

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

Description of Proposed Action/Activity: Cancellation of permit.

NPDES Permit No. PA0100277, Sewerage, **Amendment No. 1, North and South Shenango Joint Municipal Authority**, 3397 Dam Road, Jamestown, PA 16134-4403.

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

Description of Proposed Action/Activity: Amendment rerating sewage treatment plant from 1.3 to 1.7 MGD as a result of plant modifications and additions.

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

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

WQM Permit No. 4813402, Sewage, SIC Code 4952, **Bethlehem City Northampton County**, 10 East Church Street, Bethlehem, PA 18018.

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

Description of Proposed Action/Activity: Waste Water treatment Plant improvements to install two new sludge dewatering centrifuges and to upgrade their existing Emergency Effluent Pump Station.

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

WQM Permit No. 3812403, Sewage, **North Londonderry Township Authority**, 655 East Ridge Road, Palmyra, PA 17078.

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

Description of Proposed Action/Activity: Permit approval for the modification of sewage facilities consisting of the upgrade of the equipment at the Authority's Pump Station #4. The existing pumps will be replaced by three pumps, each with a capacity of 700 gpm at 82 feet of TDH. The new rated capacity of the pumping station with the largest pump out of service will be 870 gpm at 95 feet of TDH. The new pumps will be equipped with variable frequency drives, and a metering system has been proposed that will allow for the recording of individual and simultaneous pump run times on at least an hourly basis. Other upgrades to Pump Station #4 include one 1.5 HP regenerative blower with coarse bubble diffuser, and new primary level control equipment.

WQM Permit No. 3112401, Sewage, **Cromwell Township Huntingdon County**, 10339 Pogue Road, Three Springs, PA 17260.

This proposed facility is located in Cromwell Township, **Huntingdon County**.

Description of Proposed Action/Activity: Permit approval for the construction / modification / operation of sewage facilities consisting of construction of a gravity and low pressure / grinder pumps collection system to serve the existing 88 EDUs in the Pine Tree and Pogue areas of the Township and Southern Huntingdon High School.

Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570-327-0530.

WQM Permit No. 4913404, Sewage, SIC Code 4952, **Northumberland Borough Northumberland County**, 175 Orange Street, Northumberland, PA 17957.

This proposed facility will be located in Northumberland Borough, **Northumberland County**.

Description of Proposed Action/Activity: Permit issued authorizing upgrades to the existing WWTP.

WQM Permit No. 4912402, Sewage **Collection System and Pump Station Modification**, SIC Code 4952, Milton Region Sewer Authority, 5585 State Route 405, Milton, PA 17847.

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

Description of Proposed Action/Activity: The replacement of existing sewage conveyance lines and upgrades to the James Street Pump Station.

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

WQM Permit No. 2498201, Industrial Waste, **Transfer No. 2, GrafTech USA LLC**, 800 Theresia Street, St. Marys, PA 15857-1831.

This existing facility is located in Saint Marys City, **Elk County**.

Description of Proposed Action/Activity: Transfer of ownership from C/G Electrodes LLC to Graftech USA LLC.

WQM Permit No. 1010404, Sewage, **Amendment No. 1, Cranberry Township**, 2525 Rochester Road, Cranberry Township, PA 16066-6420.

This existing facility is located in Cranberry Township, **Butler County**.

Description of Proposed Action/Activity: Amendment to relocate and reconstruct interceptor.

WQM Permit No. 6182201-A1-T4, Industrial Waste, **Fluid Recovery Services, LLC**, P. O. Box 232, Creekside, PA 15732.

This existing facility is located in Cranberry Township, **Venango County**.

Description of Proposed Action/Activity: Transfer of existing WQM permit from Pennsylvania Brine Treatment, Inc. to Fluid Recovery Services, LLC.

WQM Permit No. 2570411, Sewage, **Denise & William Olczak**, 67 Penn Drive, Edinboro, PA 16412.

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

Description of Proposed Action/Activity: Cancellation of permit.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAI134807	PA State University, 101p Physical Plant Building, University Park, PA 16802	Centre	State College Borough	Tributaries to Spring Creek, CWF and HQ-CWF	Yes

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG133647	Jacobus Borough 126 North Cherry Lane Jacobus, PA 17407	York	Jacobus Borough	UNT to East Branch Codorus Creek / CWF and MF
PAG133604	Newry Borough PO Box 245 Newry, PA 16665	Blair	Newry Borough	UNT of Poplar Run / CWF and MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 151229	Lands of Jonas Stoltzfus 290 Oxford Road Oxford, PA 19363	Chester	East Nottingham Township	Unnamed Tributary to West Branch Big Elk Creek HQ-TSF
PAI01 1513004	Kerwin King 200 Faggs Manor Road Cochranville, PA 19330	Chester	Upper Oxford Township	Tributary to East Branch Big Elk Creek HQ-TSF
PAI01 4613004	PPL Electric Utilities 2 North Ninth Street Allentown, PA 18101	Montgomery	Marlborough Township	Unnamed Tributary to Unami Creek HQ-TSF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023907027	Jaindl Land Company 3150 Coffeetown Road Orefield, PA 18069	Lehigh	Upper Macungie Twp.	Schaefer Run, HQ-CWF, MF

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

*General Permit Type—PAG-02**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Lower Southampton Township Bucks County	PAG0200 0912082-1	County Builders, Inc. 76 Griffiths Miles Circle Warminster, PA 18974	Poquessing Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Moreland Township Montgomery County	PAG0200 4613014	Lower Moreland School District 2551 Murray Avenue Huntingdon Valley, PA 19006	Huntingdon Valley Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Hanover Township Montgomery County	PAG0200 4612065	Freedom Valley YMCA 2460 Boulevard of the Generals Norristown, PA 19403	Mocoby Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Hanover Township Montgomery County	PAG0200 4613008	PPL Electric Utilities Two North Ninth Street (GENNE) Allentown, PA 18101	Unnamed Tributary to Stony Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Merion Township Montgomery County	PAG0200 4612093	PA CVS Pharmacy LLC 201 S. Maple Avenue, Suite 100 Ambler, PA 19002	Gully Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Gwynedd Township Montgomery County	PAG0200 4613015	Guidi Homes, Inc. 925 Harvest Drive, Suite 220 Blue Bell, PA 19422	Unnamed Tributary to Wissahickon Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Bethlehem, Northampton County	PAG02004811002R	Freedom Lane Holdings 1489 Willowbrook Drive Bethlehem, PA 18015	Unnamed Tributary to Saucon Creek, CWF, MF	Northampton Co. Cons. Dist. 610-746-1971
West Easton Borough, Northampton County	PAG02004808009	Peter J. Rossi 1105 Apple Blossom Rd. Easton, PA 18040	Lehigh River, WWF, MF	Northampton Co. Cons. Dist. 610-746-1971

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Throop Borough, Lackawanna County	PAG02003513002	Throop Borough 436 Sanderson St. Throop, PA 18512	Unnamed Tributary to Lackawanna River, CWF, MF	Lackawanna Co. Cons. Dist. 570-281-9495
Dickson City Borough, Lackawanna County	PAG02003512021	Alfred Kriger Bell Mtn. Land Development Corp. Dickson City Industrial Park 859 Enterprise St. Dickson City, PA 18519	Unnamed Tributary to Lackawanna River, CWF, MF	Lackawanna Co. Cons. Dist. 570-281-9495

Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lower Paxton Township & Susquehanna Township, Dauphin County	PAG02002213009	Lower Paxton Township Authority 425 Prince St. Harrisburg, PA 17109	Paxton Creek (WWF-MF)	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Londonderry Township, Dauphin County	PAG02002213005	William & Jodi Schnoor 882 S Geyers Church Rd. Middletown, PA 17057	Lynch Run (TSF)	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Upper Paxton Township, Dauphin County	PAG02002210042R	Michael Ricker Ricker Development LLC 6504 Red Top Rd. Harrisburg, PA 17111	Wiconisco Creek (WWF)	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Lower Swatara Township, Dauphin County	PAG02002213004	Brian Soyka Sheetz, Inc 351 Sheetz Way Claysburg, PA 16625	Susquehanna River (WWF)	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
West Hanover Township, Dauphin County	PAG02002213020	August Memmi Dauphin Co Industrial Authority 112 Market St, 7th Fl. Harrisburg, PA 17101	Manada Creek (WWF)	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Tulpehocken Township, Berks County	PAG0200612042	Leonard Martin Mt. Aetna Village, Inc. 595 Stracks Dam Rd. Myertown, PA 17067	UNT to Little Swatara Creek (CWF-MF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Exeter Township, Berks County	PAG02000606034R	John Smith c/o Forino Co. 555 Mountain Home Rd. Sinking Spring, PA 19608	Heisters Creek (WWF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Menno Township, Mifflin County	PAG02004413002	KJH Associates 42 Water St. Allensville, PA 17002	Saddler Creek (TSF)	Mifflin Co. Conservation District 20 Windmill Hill #4 Burnham, PA 17009 717.248.4695

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Center Township Butler County	PAG02001013004	Breakneck Creek Regional Authority PO Box 1180 Mars PA 16046	Breakneck Creek WWF	Butler County Conservation District 724-284-5270
Adams Township Butler County	PAG02001013009	Heaven Farms LLC 115 Heaven Lane Mars PA 16046	Unt Glades Run WWF	Butler County Conservation District 724-284-5270
Adams Township Butler County	PAG02001013010	Myoma Develop Group LP 100 Heaven Lane Mars PA 16045	Unt Brush Creek WWF	Butler County Conservation District 724-284-5270
Clarion Borough Clarion County	PAG02001613006	Seville Finance Inc 320 Highway 77 Italy TX 76651	Clarion River Trout Run CWF	Clarion County Conservation District 814-297-7813
Millcreek Township Erie County	PAG02002511012R	Millcreek Township Sewer Authority 3608 West Street Erie PA 16508	Walnut Creek CWF; MF	Erie County Conservation District 814-825-6403
Harborcreek Township Erie County	PAG02002513008	Hudson Student Housing LP 2450 Shenango Valley Freeway Hermitage PA 16148	Unt Four Mile Creek WWF; MF	Erie County Conservation District 814-825-6403
Pulaski Township Lawrence County	PAG02003712011	Kent and Darrell Mitcheltree 8485 Mercer Street PO Box 16143	Buchanan Run TSF	Lawrence County Conservation District 724-652-4512
Pulaski Township Lawrence County	PAG02003713003	Swank Construction Company Attn: Mr. Josh Sabo 632 Hunt Valley Circle New Kensington PA 15068	Hickory Run TSF	Lawrence County Conservation District 724-652-4512

General Permit Type—PAG-03

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Horsham Township Montgomery County	PAR800120	PA Air National Guard 1051 Fairchild Street Horsham, PA 19044	Park Creek, Unnamed Tributary to Little Neshaminy Creek & Unnamed Tributary to Park Creek—2F	Southeast Region Clean Water Program 484.250.5970
Berks County Kutztown Borough	PAR203569	East Penn Manufacturing Co., Inc. PO Box 147 Lyon Station, PA 19536-0147	Saony Creek / CWF & TSF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County Brecknock Township	PAR803736	Morgan Truck Body LLC dba Morgan Corporation PO Box 588 Morgantown, PA 19543	Little Muddy Creek / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Huntingdon County Porter Township	PAR143507 (Transfer)	ACCO Brands USA 949 Main Street Alexandria, PA 16611-0317	Frankstown Branch Juniata River / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

*Facility Location:
Municipality &
County*

Ellwood City Boro
Beaver Cnty

Permit No.

PAR806247

*Applicant Name &
Address*

First Student, Inc.
110 Perimeter Park
Suite E
Knoxville, TN 37922

*Receiving
Water / Use*

Connoquenessing
Creek

*Contact Office &
Phone No.*

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

General Permit Type—PAG-10

*Facility Location:
Municipality &
County*

Spring Township
Centre County

Permit No.

PAG104841

*Applicant Name &
Address*

Texas Eastern Trans LP
5400 Westheimer Court
5d-65
Houston, TX 77056

*Receiving
Water / Use*

Unnamed Tributary
to Spring Creek—
9-C

*Contact Office &
Phone No.*

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

Mineral Township
Venango County

PAG108315

Halcon Field Services,
LLC 2948 Kirila
Boulevard,
Hermitage, PA 16148

Unnamed Tributary
to South Sandy
Creek

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

General Permit Type—PAG-13 & MS4 Waivers

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

*Facility Location:
Municipality &
County*

Forty Fort Borough
Luzerne County

Permit No.

PAG132225

*Applicant Name &
Address*

Forty Fort Borough
Luzerne County
1271 Wyoming Avenue
Forty Fort, PA 18704

*Receiving
Water / Use*

Abrahams Creek—
CWF, MF
Susquehanna
River—WWF, MF

*Contact Office &
Phone No.*

DEP Northeast
Regional Office
Clean Water Program
2 Public Square,
Wilkes-Barre, PA
18701-1915
570.826.2511

Beaver Meadows
Borough
Carbon County

PAG132302

Beaver Meadows Borough
Carbon County
100 East Broad Street
P O Box 215
Beaver Meadows, PA
18216

Beaver Creek—
CWF, MF

DEP Northeast
Regional Office
Clean Water Program
2 Public Square,
Wilkes-Barre, PA
18701-1915
570.826.2511

WAIVER
Exeter Township
Luzerne County

PAG132299

Exeter Township
Luzerne County
2305 SR 92
Harding, PA 18643

Susquehanna
River—WWF, 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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAG133661	Frankstown Township 2122 Frankstown Road Hollidaysburg, PA 16648	Blair	Frankstown Township	Brush Run, Frankstown Branch Juniata River, Oldtown Run and Unnamed Tributary to Brush Run / WWF & MF	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4707
PAG133585	Duncansville Borough PO Box 308 1146 3rd Avenue Duncansville, PA 16635-0308	Blair	Duncansville Borough	Gillians Run and Blair Gap Run / TSF & CWF	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4707
PAG133607	PA State University 777 West Harrisburg Pike Middletown, PA 17057	Dauphin	Lower Swatara Township	UNT to Susquehanna River / WWF & MF	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4707
PAG133622	Lancaster County 150 N Queen Street Suite 612 Lancaster, PA 17603	Lancaster	Lancaster City	Conestoga River, Mill Creek, Unnamed Tributary to Little Conestoga Creek / WWF, MF	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4707

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

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

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

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

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Lexington Farm PO Box 291 Lititz, PA 17543	Lancaster	48.9	425.18	Swine/Broilers	NA	A
Jay L Bleacher 1173 Breneman Road Conestoga, PA 17516	Lancaster	330	583.27	Swine	HQ	A

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 1513508, Major Amendment. Public Water Supply.

Applicant	Pennsylvania American Water Company 800 West Hershey Park Drive Hershey, PA 17033
Township	City of Coatesville
County	Chester
Type of Facility	PWS
Consulting Engineer	Pennsylvania American Water Company 800 West Hershey Park Drive Hershey, PA 17033

Permit to Construct Issued May 7, 2013

Permit No. 1513509, Major Amendment. Public Water Supply.

Applicant	Pe Pennsylvania American Water Company 800 West Hershey Park Drive Hershey, PA 17033
Township	City of Coatesville
County	Chester
Type of Facility	PWS
Consulting Engineer	Pennsylvania American Water Company 800 West Hershey Park Drive Hershey, PA 17033

Permit to Construct Issued April 25, 2013

Permit No. 1513504, Major Amendment. Public Water Supply.

Applicant	Chatham Acres Nursing Home 315 East London Grove Road West Grove, PA 19390-9239
Township	London Grove
County	Chester
Type of Facility	PWS
Consulting Engineer	Snyder Environmental Engineering Associates 3044 Appledale Road Audubon, PA 19403

Permit to Construct Issued May 07, 2013

Permit No. 1512530, Minor Amendment. Public Water Supply.

Applicant	Valley View MHP—Honey Brook Route 322 Honey Brook, PA 19344
Borough	Honey Brook
County	Chester
Type of Facility	PWS
Consulting Engineer	Cawley Environmental Services, Inc. 637 Jeffers Circle Exton, PA 19341

Permit to Operate Issued May 7, 2013

Permit No. 1512530, Minor Amendment. Public Water Supply.

Applicant **Valley View MHP—Honey Brook**
Route 322
Honey Brook, PA 19344

Borough Honey Brook

County **Chester**

Type of Facility PWS

Consulting Engineer Cawley Environmental Services, Inc.
637 Jeffers Circle
Exton, PA 19341

Permit to Operate Issued May 7, 2013

Permit No. 1512531, Minor Amendment. Public Water Supply.

Applicant **Imperial MHP**
Route 340
West Caln, PA 19320

Township West Chester

County **Chester**

Type of Facility PWS

Consulting Engineer Cawley Environmental Services, Inc.
637 Jeffers Circle
Exton, PA 19341

Permit to Operate Issued May 7, 2013

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

Operation Permit issued to **John A. McMinn and Karen A. McMinn d/b/a Windsor Mobile Home Park**, PWSID #6250021, Washington Township, **Erie County**. Permit Number 2599504-T1-MA1 issued May 8, 2013 for the operation of 4-Log treatment of viruses for Entry Point 100. This action is taken under the requirements of the Groundwater Rule.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Mount Pleasant Township	Mt. Pleasant Township Ms. Caprice Mills, Secretary / Treasurer P. O. Box 158 208 Poker Road Mammoth, PA 15664	Westmoreland County

Plan Description: The Department of Environmental Protection (Department) has reviewed the proposed Official Plan Revision submitted for the Laurelville Mennonite Church Center that proposes to replace and expand their existing wastewater treatment plant. The existing treatment plant has a permitted capacity of 12,000 gpd will be expanded to a capability of treating 20,000 gpd.

The camp is located at 941 Laurelville Lane, Mt. Pleasant Township, Westmoreland County.

The treated effluent will continue to discharge into an unnamed tributary of Jacobs Creek, which is classified as a Cold Water Fisheries stream.

Any required NPDES Permits or WQM Permits must be obtained in the name of the applicant as appropriate.

The Department's review of this sewage facilities revision has not identified any significant environmental impacts results from this proposal.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
East Manchester Township	5080 North Sherman Street Extended, Mount Wolf, PA 17347	York County

Plan Description: The Wago Club, DEP Code No. A3-67917-221-3s: The approved plan provides for a small flow treatment facility to replace an existing holding tank at 1095 Wago Road in East Manchester Township, York County. The total estimated sewage average flow will be 400 gpd with a peak flow of 1,500 gpd, and there will be a proposed discharge to Hartman Run. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Susquehanna Township	1900 Linglestown Road, Harrisburg, PA 17110	Dauphin

Plan Description: The approved plan provides for the adoption and implementation of a township-wide on-lot sewage disposal system operation and management program and the extension of municipal sewage service to the Southeast study area and Mountain View Road/Blue Ridge Road study area. The plan also provides for the continued rehabilitation and replacement of the collection system within the Paxton Creek and Asylum Run interceptor basins. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
North Middleton Township	2051 Spring Road, Carlisle, PA 17013	Cumberland

Plan Description: Approval of a revision to the official plan of North Middleton Township, Cumberland County. The project is known as Kendor Summit. The plan provides for three new residential dwellings that will each be served by a small flow treatment facility. The proposed development is located on Shatto and Lamplite Drives. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is B3-21920-177-3s and the APS Id is 806837. Any permits must be obtained in the name of the property owner.

**HAZARDOUS SITES CLEAN-UP
UNDER THE ACT OF
OCTOBER 18, 1988**

**Notice of Proposed Interim Response Landis Creek
Site, Limerick, Upper Providence and Perkiomen
Townships, Montgomery County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.102—6020.1303), is proposing an interim response at the Landis Creek Site, Limerick, Upper Providence and Perkiomen Townships, Montgomery County.

The Landis Creek Site is an area of groundwater contamination located in the vicinity of Ridge Pike, Royersford Road, North Township Line Road and Heffner Road. The Landis Creek Site consists of an area of groundwater contaminated by Trichloroethene (TCE) and Tetrachloroethene (PCE). Although TCE or PCE has been detected in samples collected at nearly 80 private wells within the Site area, concentrations above safe drinking water standards have only been detected in five residential wells. The proposed interim response is intended to provide safe drinking water to these residents.

To address the release and threat of release of hazardous substances at the Site, and corresponding threats to human health and the environment, the Department proposes to implement a response action at the Site under Section 501(a) of HSCA, 35 P. S. § 6020.501(a). The Department proposes the installation of point-of-entry treatment systems with restrictions on the use of groundwater at homes with TCE or PCE levels above safe drinking water standards. This proposed alternative complies with Applicable, Relevant and Appropriate Requirements (ARARs) and is feasible and cost-effective. Other possible alternatives include no action, supplying bottled water with restrictions on the use of groundwater, and the extension and connection of a public water supply to affected residences with groundwater use restrictions.

This notice is being provided pursuant to Section 506(b) of HSCA. The administrative record which contains the information that forms the basis and documents the selection of this response action is available for public review and comment from 8 a.m. until 4 p.m. at the Department's office at 2 East Main Street, Norristown PA 19401. Those interested in examining the administrative record should contact Dustin A. Armstrong at (484) 250-5723 to arrange for an appointment. Additional copies of the administrative record are available for review at the Limerick Township Building, 646 West Ridge Pike, Limerick, PA 19468, at the Upper Providence Township Building, 1286 Black Rock Road, Oaks, PA 19546, and at the Perkiomen Township Building, 1 Trappe Road, Colgeville, PA 19428.

The administrative record will be open for comment from May 25, 2013 until August 22, 2013. Person may submit written comments into the record during this time only, by sending them to Dustin A. Armstrong at the Department's Southeast Regional Office, 2 East Main Street, Norristown, PA 19401 or by delivering them to this office in person.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing. The Department has scheduled the hearing for July 17, 2013 at 7:00 p.m. at the Limerick Township Building, 646 West Ridge Pike, Limerick, PA 19468. Anyone who would like to present formal oral comments regarding

this proposed response may do so by calling DEP Community Relations Coordinator Lynda Rebarchak, at (484) 250-5820 to register.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should call Lynda Rebarchak at the telephone number listed above or through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

Anyone with questions regarding this notice should contact Dustin A. Armstrong at (484) 250-5723.

**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:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401

501 Hannum Avenue, Site, Borough of West Chester, **Chester County**. Dean DeFillipes, Mebert, LLC, P. O. Box 1006, Westtown, PA 19395 on behalf of Michael S.

Welsh, P.E., Welsh Environmental, Inc. 131 Clearview Drive, Downingtown, PA 19335 has submitted a Final Report concerning remediation of site soil contaminated with benze, lead and pyrene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Blvd Plaza, City of Philadelphia, **Philadelphia County**. Jim Mullan, Hoage Consulting, Inc. 987 Haddon Avenue, Collingswood, PA 08108 on behalf of David Lavipor, Lebanon Pad LP, 444 Park Avenue South, Suite 302, New York, PA 10016 has submitted a Cleanup Plan and Final Report concerning remediation of site groundwater contaminated with metals and organic compounds. The report is intended to document remediation of the site to meet the Site Specific Standard.

Mercer Residence Property, West Nantmeal Township, **Chester County**. Angelika Mercer, 25 Barneston Road, Honey Brook, PA 19344 on behalf of Michael P. Raffoni, Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster PA 17602, Mark E. Zunich, Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster PA 17602 has submitted a Cleanup Plan and Remedial Investigation Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Site Specific Standard.

Wilkinson Residence, Abington Township, **Montgomery County**. John Wilkinson, 940 Garfield Avenue, Glenside, PA 19038 on behalf of Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsylvania, PA 18073 has submitted a Final Report concerning remediation of site soil contaminated with fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Former O-Z / Gedney Company LLC Facility, 150 Birch Hill Road, Shoemakersville, Perry Township, **Berks County**. WSP Environment and Energy, 11190 Sunrise Valley Drive, Suite 300, Reston, VA 20191, on behalf of Emerson, 8000 West Florissant Avenue, St. Louis, MO 63136-1415, submitted a Remedial Investigation Report concerning remediation of site soils and groundwater contaminated with PCBs, PAHs and Inorganics from historic operations for the manufacture of electrical fittings and junction boxes. The report is intended to document remediation of the site to meet the Site-Specific standard.

FR & S No. 3 Industrial Waste Site—AOC D, Red Lane and Lincoln Road, Birdsboro, Exeter Township, **Berks County**. Synergy Environmental, Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19508, on behalf of Wood Nursery Corp., Exeter Associates, Inc. and Buddies Nursery, Inc., P. O. Box 264, Birdsboro, PA 19508-0264, submitted a Final Report concerning the remediation of site soils contaminated with metals, VOCs and SVOCs. The report is intended to document remediation of the site to meet Residential and Nonresidential Statewide Health Standards. Groundwater and other soil areas will be addressed in separate reports.

Millersville University Lancaster Campus / former PA Academy of Music, 42 North Prince Street, Lancaster, PA 17603, City of Lancaster, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of Union Community Bank, 570 Lausch Lane, Lancaster, PA 17601, sub-

mitted a Remedial Investigation and Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific standard.

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

Covan World-Wide Moving, Interstate @ 80 MM207E, White Deer Township, **Union County** Northridge Group, Inc., 1172 Ridge Road, Northumberland, Pa 17857 on behalf of Covan World-Wide Moving, P. O. Box 960, Midland City, Al 36350 submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl Tertiary Butyl Ether. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on April 9, 2013.

Covan World-Wide Moving, Interstate @ 80 MM207E, White Deer Township, **Union County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, Pa 17857, on behalf of Covan World-Wide Moving, P. O. Box 960, Midland City, Al 36350, submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl Tertiary Butyl Ether. The Final Report is intended to document remediation of the site to meet the Statewide Health Standard.

Dawn Trucking Company, US Route 15N, Lewis Township, **Lycoming County**, on behalf of Mr. David A. Bogovich, President, Northridge Group, Inc., 1172 Ridge Road, Northumberland, Pa 17857, submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl Tertiary Butyl Ether. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Dawn Trucking Company, US Route 15N, Lewis Township, **Lycoming County**. On behalf of Mr. David A. Bogovich, President, Northridge Group, Inc., 1172 Ridge Road, Northumberland, Pa 17857 submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl Tertiary Butyl Ether. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on April 9, 2013.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document

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

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

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401

PECO Energy Oregon Maintenance Shop, City of Philadelphia, **Philadelphia County**. Georg Horvat, PECO Energy Company, 2301 Market Street, S7-2, Philadelphia, PA 19103 on behalf of Bruce Middleman, P.G., Stantec Consulting Services, Inc. 400 Davis Drive, Suite 400, Plymouth Meeting, PA 19462 has submitted a Final Report concerning the remediation of site groundwater contaminated with lead. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 7, 2013.

Emico Property, Perkasio Borough **Bucks County**. Christopher French, Central Buck Associates, LP., P. O. Box 252, Bedminster, PA 18910 on behalf of Andre Fetterman, Synergy Environmental, Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19468 has submitted a Remedial Investigation, Cleanup Plan and Final Report concerning the remediation of site groundwater and soil contaminated with chlorinated solvents. The Remedial Investigation, Cleanup Plan and Final Report were disapproved by the Department on May 9, 2013.

(Remediation ID No. 42641) Rohm & Haas Company, Bristol Township **Bucks County**. Robert Caselberry, Rohm and Haas Company, 3100 State Road, Croydon, PA 19021 on behalf of Paul Brandt Butler, URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, PA 19034-2623 has submitted a Cleanup Plan concerning the remediation of site groundwater and soil contaminated with other organics. The Cleanup Plan was approved by the Department on April 15, 2013.

(Remediation ID No. 42641) Rohm & Haas Company, Bristol Township **Bucks County**. Robert Caselberry, Rohm and Haas Company, 3100 State Road, Croydon, PA 19021 on behalf of Paul Brandt Butler, URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, PA 19034-2623 has submitted a Remedial Investigation Report concerning the remediation of site groundwater and soil contaminated with other organics. The Remedial Investigation Report was approved by the Department on March 26, 2013.

Melograna Residence, Tinicum Township **Bucks County**. Anita Melograna, 22 Ervin Road, Pipersville, PA 18947 on behalf of Dean Duckenmiller, Synergy Environmental, Inc., 15 Railroad Plaza, Royersford, PA 19468 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 16, 2013.

McMahon Residence, Haycock Township **Bucks County**. Edith McMahon, 161 Perkasio Avenue, Quakertown, PA 18951 on behalf of Richard D Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 25, 2013.

Bromberg Residence, Springfield Township **Montgomery County**. Jodi Bromberg, 7846 Flourtown Avenue, Wyndmoor, PA 19038 on behalf of Staci Cottone, J&J Environmental, P. O. Box 370, Blue Bell, PA 19422 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department on April 30, 2013.

Bristol Dry Cleaners, Bristol Township **Bucks County**. Michel Fingerma, CPR Restoration & Cleaning Services, 8421 Hegerman Street, Philadelphia, PA 19136 on behalf of Steven F. Coe, Brown Environmental Services, 1020 Grenoble Road, Suite B, Ivyland, PA 18974 has submitted a Final Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 30, 2013.

Conshohocken Rail Site, Plymouth Township **Montgomery County**. Craig Herr, RT Environmental Services, Inc. 215 West Church Road, King of Prussia, PA 19406, Andrew Cahill, First City Crestone, LLC, 45347 South Valentia Way, Suite 340, Greenwood Village, CO 80111 on behalf of Robert Parker, Conshohocken Recycling and Rail Transfer, LLC 50 South Broad Street, Kennett Square, PA 19348 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with leas and inorganics. The Final report

demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 23, 2013.

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

Carol Millhouse Residence, 2722 Royal Road, Lancaster, PA 17603, Manor Township, **Lancaster County**. Reliance Environmental, Inc., 130 E. Chestnut Street, Lancaster, PA 17602, on behalf of Carol Millhouse, 109 Arrowwood Court, Lancaster, PA 17603, submitted a combined Remedial Investigation Report and Cleanup Plan concerning the remediation of site soils contaminated with No. 2 fuel oil released from an aboveground storage tank. The combined report was disapproved by the Department on May 9, 2013. The applicant intends to remediate the site to the Site Specific and Statewide Health standards.

Ara Seropian Property, 253-257 North Prince Street, City of Lancaster, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of Ara Seropian, 104 Blossom Hill Drive, Lancaster, PA 17603, submitted a Remedial Investigation and Final Report concerning the remediation of site soils and groundwater contaminated with petroleum hydrocarbons released from an unregulated underground gasoline storage tank. The combined report was disapproved by the Department on May 9, 2013. The applicant intends to remediate the site to the Site Specific and Statewide Health standards.

Conestoga River Plaza/Miguel's Nightclub, City of Lancaster, **Lancaster County**. GCE Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of Conestoga River Plaza/Miguel's Nightclub, 902 South Duke Street, Lancaster, PA 17602-4661 and SACA Development Corporation, 453 South Lime Street, Suite B, Lancaster, PA 17602-3652, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soils contaminated with heavy metals and SVOCs from historic fill. The Remedial Investigation Report and Cleanup Plan were disapproved by the Department on May 8, 2013. The combined report was intended to demonstrate remediation of the site to the Site Specific Standard.

Millersville University Lancaster Campus / former PA Academy of Music, 42 North Prince Street, Lancaster, PA 17603, City of Lancaster, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of Union Community Bank, 570 Lausch Lane, Lancaster, PA 17601, submitted a Remedial Investigation and Final Report concerning remediation of site groundwater contaminated with chlorinated solvents to the Site-Specific Standard. The combined report was administratively incomplete and disapproved by the Department on May 8, 2013. The applicant intends to remediate the site to the Site Specific Standard.

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

Ridgway Substation, 927 North Broad Street, Borough of Ridgway, **Elk County**. SE Technologies, LLC., 98 Vanadium Road, Building D, 2nd Floor, Bridgeville, PA 15017, on behalf of West Penn Power Company, 800 Cabin Hill Drive, Greensburg, PA 15601 submitted a Remedial Investigation/Final Report concerning the remediation of site soils contaminated with PCB Aroclor

1242, PCB Aroclor 1248, PCB Aroclor 1254, PCB Aroclor 1260, Benzene, Toluene, Ethylbenzene, Xylenes and site groundwater contaminated with PCB Aroclor 1242, PCB Aroclor 1248, PCB Aroclor 1254, and PCB Aroclor 1260. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on April 30, 2013.

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

Kaukonen Residence, 653 Greenhills Road, Sewickley Township, **Westmoreland County**. Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Dale Kaukonen, 653 Greenhills Road, Irwin, PA 15642, submitted a final report to remediate site soil and groundwater contaminated with No. 2 heating oil from a storage tank release. The Report was approved by the Department on May 9, 2013

McCullough Farm Site, Imperial, Findlay Township, **Allegheny County**. Civil and Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, Pennsylvania 15205, on behalf of Terry Mamone, 434 Route 30, Imperial, Pa 15216; Robert McCullough, Hebron Road, Imperial, PA 15126 and Beaver East, Inc., One Oxford Center, Pittsburgh, PA 15219, c/o Three Rivers Management, Inc., submitted a Final Report concerning the remediation of site soils and groundwater contaminated with volatile organic and semi-volatile organic chemicals for the McCullough Farm Site. The Report was approved by the Department on May 9, 2013.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.

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

PAD5213820892. Tobyhanna Army Depot, 11 Hap Arnold Boulevard, Tobyhanna, PA 18466. A permit renewal for the continued operation of the hazardous waste storage facility at Tobyhanna Army Depot located in Coolbaugh Township, **Monroe County**. Permit issued on May 10, 2013.

Persons interested in reviewing the permit may contact William Tomayko, Regional Waste Management Program Manager, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

RESIDUAL WASTE GENERAL PERMITS

Permit(s) Renewed Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

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

General Permit Number WMGR086. Howes Leather Corporation, 101 Meadow Street, Curwensville PA 16833; site address 50 Cooper Road, Curwensville PA 16833. General Permit Number WMGR086 authorizes the beneficial use of wastewater treatment sludge generated by a leather manufacturing facility to be used as a soil conditioner for agricultural and/or mine reclamation purposes by land application. The permit was renewed by Central Office on May 13, 2013.

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

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Smith Kline Beecham Corporation, 900 River Road, Conshohocken PA 19428-2647, located in Upper Merion Township, **Montgomery County**, has requested a final closure certification of the noninfectious pathological waste incinerators in Buildings 3 and 21 at the Upper Merion Campus of Smith Kline Beecham Corporation (d.b.a. GlaxoSmithKline, LLC (GSK)) located in Upper Merion Township, Montgomery County. The above-referenced incinerators were operating under the permit-by-rule (PBR) provisions to process captive noninfectious pathological waste. The final closure certification is warranted for this site by the Southeast Regional Office on April 4, 2013.

Permit No. 400510. Smith Kline Beecham Corporation, 900 River Road, Conshohocken PA 19428-2647, located in Upper Merion Township, **Montgomery County**, has requested a final closure certification for the residual and infectious waste processing operation conducted in the facility known as Building 26 Incinerator located at the Upper Merion Campus of Smith Kline Beecham Corporation (d.b.a. GlaxoSmithKline, LLC (GSK)). The final closure certification is warranted for this site by the Southeast Regional Office on April 4, 2013.

Permit(s) issued under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southwest Regional Office, Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412.442.4000.

Permit ID No. 101439. Joseph J. Brunner, Inc., 211 Brunner Road, Zelienople, PA 16063. Permit renewal for operation of the Brunner Landfill located in New Sewickley Township, **Beaver County**. Permit renewal of the existing municipal waste landfill was issued in the Regional Office on May 8, 2013.

AIR QUALITY

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

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

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

GP2-39-001: Allentown Terminals Corp. (P O Box 2621, Harrisburg, PA 17105) on May 3, 2013, for installation and operation of a storage tank for volatile organic liquids at their facility in Allentown City, **Lehigh County**.

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

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

GP3-08-312C: DeCristo, Inc. (9070 Route 414, Canton, PA 17724) on May 8, 2013, to construct and operate a Terex Pegson XA400S, a Terex Pegson 1000 Maxtrak crusher, Powerscreen Chieftain 2100 screener, a Powerscreen Chieftain 1800 screener, a Powerscreen Chieftain 1400 screener and three (3) Telestacker TC421 conveyor stackers portable non-metallic mineral mobile crushing plants with associated water spray dust suppression system pursuant to the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3)) at DeCristo's LeRoy Quarry No. 1 in LeRoy Township, **Bradford County**.

GP9-08-312C: DeCristo, Inc. (9070 Route 414, Canton, PA 17724) on May 8, 2013, to construct and operate a Caterpillar C-9 diesel-fired engine rated at 300 bhp, a Scania DC9 diesel-fired engine rated at 345 bhp, a Caterpillar C4.4 diesel-fired engine rated at 129.4 bhp, and a Deutz BF4M2012 diesel-fired engine rated at 100 bhp, pursuant to the General Plan Approval and/or General Operating Permit for Diesel or No. 2 fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9) at DeCristo's LeRoy Quarry #1 located in LeRoy Township, **Bradford County**.

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

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

GP9-10-021G: INDSPEC Chemical Corp. (133 Main Street, Petrolia, PA 16050) on May 8, 2013, for operation of a 307 bhp diesel-fired generator engine, Deutz AG, Model # CDZXL07.1005 (BAQ-GPA/GP-9) in Petrolia, **Butler County**.

GP5-10-367C: MarkWest Liberty Bluestone, LLC—Voll Compressor Station (Off Woodlands Road, Connoquenessing, PA 16027) on April 29, 2013, for operation of two (2) natural gas fired compressor engines (Waukesha 7042 GSI), and 2.1 MMBtu/hr capacity flare (BAQ-GPA/GP-5) in Connoquenessing Township, **Butler County**.

GP5-16-143B: EXCO Resources, LLC—New Bethlehem NE Compressor Station (Idle Road, New Bethlehem, PA 16242) on May 6, 2013, for operation of one (1)

rich burn four stroke natural gas engine, Caterpillar Model No. G379ASI, one (1) lean burn two stroke natural gas engine, Ajax Model No. DCP-2802 LE, one (1) 8,820 gallon produced water storage tank, two (2) 4,200 gallon produced water storage tanks, and one (1) Natco natural gas dehydrator (BAQ-GPA/GP-5) in Redbank Township, **Clarion County**.

GP5-16-145B: EXCO Resources, LLC, Shumaker Compressor Station (Route 861 & Curlsville Road, New Bethlehem, PA 16242) on May 6, 2013, for operation of one (1) lean burn four stroke natural gas engine, Waukesha Model No. FAS001023, one (1) 8,820 gallon water storage tank, and one (1) 4,620 gallon produced water storage tank (BAQ-GPA/GP-5) in Porter Township, **Clarion County**.

GP4-25-1031B: Pennsylvania Electric Motor Service (4693 Iroquois Avenue, Erie, PA 16511) on May 8, 2013, for operation of a burnoff oven, 1900 lb/hr capacity unit, manufactured by Steelman Industries in Harborcreek Township, **Erie County**. The proposed burnoff oven will replace a Maxon unit previously permitted by General Plan Approval/General Operating Permit No. GP4-25-1031A (BAQ-GPA/GP-4).

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

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

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

58-399-051: Roundtop Energy LLC (301 Oxford Valley Road, Yardley, PA 19067-7706) on May 6, 2013, for installation and operation of two (2) Wartsila IC engines with OxCat/SCR at their site in Auburn Township, **Susquehanna County**.

45-318-035: Tobyhanna Army Depot (11 Hap Arnold Blvd. Tobyhanna, PA 18466) on May 06, 2013, for their new paint booth with panel filters at their facility in Coolbaugh Township, **Monroe County**.

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

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

59-00025B: EQT Gathering, LLC (625 Liberty Drive, Suite 1700, Pittsburgh, PA 15222) on March 22, 2013, to construct and operate construct two (2) Caterpillar Model G3616, 4-stroke lean burn (4SLB), natural gas fired engine, each with a power rating of 4,735 brake-horsepower (Source IDs P104 and P105) and a 120 million cubic foot per day Exterran triethylene glycol dehydration unit (Source ID P302) at their Tioga Compressor Station in Duncan Township, **Tioga County**. The air contaminant emissions from Source IDs P104 and P105 will be controlled by independent Miratech model SP-RESIGA-72S3624x41-20x2/30-XH4B0 oxidation catalysts (IDs C104 and C105). The air contaminant emissions from Source ID P302 will be controlled by an 11.45 million Btu per hour enclosed flare (Control Device ID C302).

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

65-00865C: New Four (4) Station Coating Line, DNP IMS America Corporation (1001 Technology Drive Mount Pleasant, PA 15666-1782) on May 07, 2013, to allow installation and operation of a second coating line with four (4) coating units at their facility in East Huntingdon Township, **Westmoreland County**.

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

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

24-016H: Keystone Powdered Metal Co. (251 State Street, Saint Marys, PA 15857) on May 8, 2013, issued a plan approval for an increase in emissions from greater utilization of an existing immersion cold cleaning degreaser machine used to deposit dry lubricant on parts at their Facility in Saint Marys City, **Elk County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

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

15-0061A: Phoenixville Hospital Co., LLC. (140 Nutt Road, Phoenixville, PA 19460) on May 8, 2013, for operation of a 300-hp dual-fired boiler located in Phoenixville Borough, **Chester County**.

15-0060D: Southeastern Chester County Refuse Authority (P. O. Box 221, Kennett Square, PA 19348) on May 8, 2013, for operation of an enclosed flare in London Grove Township, **Chester County**.

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

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

06-05069S: East Penn Manufacturing Co., Inc. (Deka Road, PO Box 147. Lyon Station, PA 19536) on May 10, 2013, for modifications to their A-3 facility formation operations at the lead-acid battery assembly facility in Richmond Township, **Berks County**. The plan approval was extended.

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

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

41-00078C: PVR NEPA Gas Gathering, LLC (101 West Third Street, Williamsport, PA 17701) on May 9, 2013, to extend the authorization for construction of four natural-gas fired compressor engines (Source IDs P107-P110) each equipped with oxidation catalysts (C107-C110). The plan approval also incorporates two existing natural-gas fired compressor engines (Source IDs P105 and P106), each equipped with oxidation catalysts (C105 and C106), two existing glycol dehydrators (Source IDs

P201 and P202) and three existing natural-gas fired compressor engines (Source IDs P101-P103) each equipped with oxidation catalysts (C101-C103) at the Barto Compressor Station in Penn Township, **Lycoming County** to November 9, 2013. The plan approval has been extended.

18-00011H: Croda, Inc. (8 Croda Way, Mill Hall, PA 17751) on May 10, 2013, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from May 23, 2013 to November 19, 2013 at their facility in Bald Eagle Township, **Clinton County**. The plan approval has been extended.

59-00017C: Hitachi Metals Automotive Components USA, LLC (18986 Route 287, Tioga, PA 16946-8815) on May 11, 2013, to extend the authorization to operate an iron foundry at their facility in Lawrenceville Township, **Tioga County** on a temporary basis to November 7, 2013. The plan approval has been extended.

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

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

30-00182B: CNX Marine Terminals, Inc. (1000 Consol Energy Drive, Canonsburg, PA 15317) on May 10, 2013, to extend the plan approval, with an expiration date of November 10, 2013, to authorize temporary operation of the Robena Barge Cleaning Facility in Monongahela Township, **Greene County**. The plan approval has been extended.

30-00182B: CNX Marine Terminals, Inc. (1000 Consol Energy Drive, Canonsburg, PA 15317) on May 9, 2013, for a minor modification to the plan approval to change the responsible official and plan approval contact associated with the Robena Barge Cleaning Facility Monongahela Township, **Greene County**.

32-00055H: NRG Homer City Services, LLC (1750 Power Plant Road, Homer City, PA 15748) on May 14, 2013, for a minor modification to the plan approval, to correct a typographical error in the combined Units 1, 2, and 3 SO₂ emissions limitation added to the previous authorization for Homer City Generating Station in Black Lick and Center Townships, **Indiana County**.

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

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

10-325A: Butler VA Medical Center (325 New Castle Road, Butler, PA 16001) on May 7, 2013, to be effective May 31, 2013, to issue a plan approval extension for three (3) existing 25.4 MMBtu/hr capacity gas and #2 fuel oil fired boilers at their facility in Butler Township, **Butler County**. The plan approval has been extended.

62-141F: National Fuel Gas Supply Corp. (1100 State Street Erie, PA 16512) on May 9, 2013, effective May 31, 2013, to issue a plan approval extension for the installation of oxidation catalysts on five (5) existing natural gas compressor engines at their Roystone Compressor Station facility in Sheffield Township, **Warren County**. This is a Title V facility. 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.

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.

38-05019: PPL Ironwood, LLC (305 Prescott Road, Lebanon, PA 17042-9178) on May 7, 2013, for their electric generating facility in South Lebanon Township, **Lebanon County**. The Title V permit was renewed.

67-05024: Lehig Cement Co., LLC (200 Hokes Mill Road, York, PA 17404-5540) on May 8, 2013, for their white cement manufacturing facility in West Manchester Township, **York County**. The Title V permit was renewed.

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

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

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

40-00050: Pioneer Aggregates, Inc. (202 Main Street, Laffin, PA 18702) on May 8, 2013, for operation of a stone crushing and screening operation in Dennison Township, **Luzerne County**. The operation consists of a one (1) jaw crusher and three (3) 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.

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 (3031 Industry Drive, Lancaster, PA 17603-4025) on May 7, 2013, for their wood furniture manufacturing facility in East Hempfield Township, **Lancaster County**. The State-only permit was renewed.

22-03065: PA Department of Agriculture (2305 North Cameron Street, Harrisburg, PA 17110-9405) on May 7, 2013, for the pathological/infectious waste incinerator at the Pennsylvania Veterinary Laboratory in Susquehanna Township, **Dauphin County**. The State-only permit was renewed.

28-05020: T.B. Wood's, Inc. (440 North 5th Avenue, Chambersburg, PA 17201-1778) on May 7, 2013 for their gray and ductile iron foundry in Chambersburg Borough, **Franklin County**. The State-only permit was renewed.

21-03101: Hoffman Roth Funeral Home, Inc. (219 N. Hanover Street, Carlisle, PA 17013-2424) on May 10, 2013 for the human crematory at their Carlisle Borough, **Cumberland County** facility.

38-03009: Regal Cast, Inc. (PO Box 1170, Lebanon, PA 17046) on May 9, 2013, for their ferrous and non-ferrous foundry in Lebanon City, **Lebanon 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

14-00030: Wetzler Funeral Service (206 North Spring Street, Bellefonte, PA 16823) on May 9, 2013, to issue a renewal state only operating permit for their facility in Bellefonte Borough, **Centre County**. The facility's only source is a Crematory Incinerator. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

55-00012: Wood-Mode, Inc. (1 2nd Street PO Box 250, Kreamer, PA 17833) on May 9, 2013, to issue a renewal state only synthetic minor operating permit for their facility in Selinsgrove Borough, **Snyder County**. The facility's main sources include woodworking sources, surface coating of products, and natural gas/#2 fuel oil-fired combustion units. The state only synthetic minor operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

Contact: Matthew M. Williams, Environmental Program Manager—Telephone: 814-332-6636

10-00303: CUE Inc. (11 Leonberg Road, Cranberry Township, PA 16066-3601) on May 13, 2013, for renewal of the Synthetic Minor permit in 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.

16-00134: Car Mate Trailers, Inc. (32591 Route 66, Leeper, PA 16233) on May 14, 2013, for renewal of the Natural Minor Operating Permit in Farmington Township, **Clarion County**. The facility is manufacturing motor homes, trailers and transportation equipment. The facility's emitting sources include: 1) Natural gas boiler,

2) Natural gas heating furnace, 3) Paint Booth (AA-200-HS GRACO), 4) Paint Booth (Silver Airless), and, 5) Manual surface coating application, 6) Welding operation, 7) Plasma cutting operation, and 8) Oxy Acetylene operation. The facility has taken a restriction of VOC emissions of no more than 20 tons per year. Actual emission of VOC are less than 10 Tons per year. The NAICS code of the facility is 336213: Motor Home manufacturing. This code is not included in Table 1—Regulated categories and entities potentially affected of the preamble to Subpart XXXXXX (see FR July 23, 2008 page 42979). Thus, the facility is not subject to 40 CFR, Part63, Subpart XXXXXX—National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.

25-00918: MMC Sterilization Services Group, Inc. (2205 E. 33rd Street, Erie, PA 16510-2555) on May 8, 2013, issued the renewal of the State Only Operating Permit for the facility operating to perform sterilization of medical devices; in the City of Erie, **Erie County**. The primary sources at the facility include 4 ethylene oxide (EtO) sterilization chambers and 2 aeration rooms. Emissions from the sterilization chambers are controlled by an acid scrubber; emissions from the aeration rooms are controlled by EtO absorbent. The facility is a Natural Minor. EtO Potential emissions are less than 1 tpy. The facility is subject to 40 CFR Part 63 Subpart O, National Emission Standards for Hazardous Air Pollutants: Ethylene Oxide Emissions Standards for Sterilization Facilities. The applicable requirements are included in this renewal. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

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

62-00017: United Refining Co. (15 Bradley Street, Warren, PA 16365) for its facility in City of Warren, **Warren County**. The De minimis emission increase is for the processing of 300 BPD of purchased Alky feed. In addition, this source is exempt from plan approval as they comply with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 PA Code 127.449(i). This list includes the De minimis emission increases since the facility Operating Permit issuance on December 14, 2012.

Date	Source	PM ₁₀ (tons)	SO _x (tons)	NO _x (tons)	VOC (tons)	CO (tons)
5-8-13	Alky Feed	0.07	0.01	0.79	0.05	0.81
Total Reported Increases		0.07	0.01	0.79	0.05	0.81
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Permits Actions

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

56110110 and NPDES No. PA0263389. Coal Loaders, Inc., 210 East Main Street, Ligonier, PA 15658 commencement, operation and restoration of a bituminous surface mine in Quemahoning Township, **Somerset County**, affecting 86.2 acres. Receiving stream: unnamed tributaries to/and Higgins Run classified for the following use: high quality cold water fishery. The first downstream potable water supply intake from the point of discharge is greater Johnstown Water Authority and Cambria Somerset Authority. Application received: December 1, 2011. Permit issued: May 2, 2013.

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

33080101. MSM Coal Company, Inc. (P. O. Box 243, DuBois, PA 15801) Renewal of an existing bituminous surface mine in Pine Creek Township, **Jefferson County** affecting 23.4 acres. Receiving streams: Cable Run. This renewal is issued for reclamation only. Application received: March 4, 2013. Permit Issued: May 13, 2013.

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

17970114 and NPDES No. PA0220701. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849). Permit renewal for reclamation only to an existing bituminous surface mine located in Goshen Township, **Clearfield County**, affecting 70.0 acres. Receiving stream(s): Little Trout Run to the West Branch of the Susquehanna River. There is no potable water supply intakes within 10 miles downstream. Application received: April 25, 2013. Permit issued: May 3, 2013.

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

40940203R3 and NPDES Permit No. PA0223441. Northampton Fuel Supply Co., Inc., (1 Horwith Drive, Northampton, PA 18067), renewal of an existing anthracite coal refuse reprocessing operation for reclamation activities only in Hanover Township, **Luzerne County** affecting 124.0 acres, receiving stream: Nanticoke Creek. Application received: June 8, 2010. Renewal issued: May 9, 2013.

49861303R5 and NPDES Permit No. PA0225029. Bear Gap Coal Co., (PO Box 64, Spring Glen, PA 17978), renewal of an existing anthracite underground mine operation in Zerbe Township, **Northumberland County** affecting 2.8 acres, receiving stream: North Franklin Mine Pool. Application received: May 31, 2011. Renewal issued: May 9, 2013.

22070201R. Meadowbrook Coal Co., Inc., (PO Box 1, Wiconisco, PA 17097), renewal of an existing anthracite coal refuse reprocessing operation for reclamation activities only in Williams Township, **Dauphin County** affecting 23.5 acres, receiving stream: none. Application received: March 26, 2013. Renewal issued: May 9, 2013.

Noncoal Permits Actions

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

Permit No. 01930301 and NPDES Permit No. PA0595591, Valley Quarries, Inc., P. O. Box 2009, Chambersburg, PA 17201, renewal of NPDES Permit, Hamiltonban Township, **Adams County**. Receiving stream(s): Middle Creek, classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 4, 2013. Permit issued: May 6, 2013.

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

10980302-GP-104. I.A. Construction Corporation (P. O. Box 568, Franklin, PA 16323) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 10980302 in Cherry & Slippery Rock Townships, **Butler County**. Application received: March 7, 2013. Permit Issued: April 30, 2013.

25132801. Raymond D. Showman & Sons, Inc. (12851 Sharp Road, Edinboro, PA 16412) Commencement, operation and restoration of a small industrial minerals mine in LeBoeuf Township, **Erie County** affecting 7.0 acres. Receiving streams: French Creek. Application received: February 11, 2013. Permit Issued: April 29, 2013.

25132801-GP-104. Raymond D. Showman & Sons, Inc. (12851 Sharp Road, Edinboro, PA 16412) Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 25132801 in LeBoeuf Township, **Erie County**. Application received: February 11, 2013. Permit Issued: April 29, 2013.

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

08120305. Bishop Brothers Construction Company, Inc. (P. O. Box 289, Ulster, PA 18850). Commencement, operation and restoration of a large non-coal surface mine (topsoil, sand and gravel) operation in Wysox Township, **Bradford County** affecting 20.0 acres. Receiving streams: Susquehanna River classified for Warm Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 1, 2012. Permit issued: May 6, 2013.

08120305GP-104. Bishop Brothers Construction Company, Inc. (P. O. Box 289, Ulster, PA 18850). Hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater associated with NPDES permit to the following surface water in Wysox Township, **Bradford County**. Receiving streams: Susquehanna River classified for Warm Water Fishes. Application received: August 1, 2012. Permit issued: May 6, 2013.

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

40130801. Piacenti Trucking & Excavating, Inc., (Rear 538 Putnam Street, West Hazleton, PA 18202), commencement, operation and restoration of a topsoil operation in Sugarloaf Township, **Luzerne County** affecting 5.0 acre, receiving stream: none. Application received: March 11, 2013. Permit issued: May 7, 2013.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

Blasting Permits Actions

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

37134001. Discovery Acquisition Services, Inc. (4141 Katy Hockley Road, Katy, TX 77493) Blasting activity permits for seismic exploration in Lawrence, **Mercer & Butler Counties**. This blasting activity permit expires May 4, 2014. Permit Issued: May 10, 2013.

33134003. Discovery Acquisition Services, Inc. (4141 Katy Hockley Road, Katy, TX 77493) Blasting activity permit for seismic exploration in Porter, Perry, Young, Bell, Henderson, Gaskill, Brady and Bell Townships, Big Run and Punxsutawney Boroughs, **Jefferson**

and **Clearfield Counties**. This blasting activity permit will expire on May 4, 2014. Permit Issued: May 10, 2013.

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

08134001. Brainard Explosives LLC (3978 SR 2073, Kingsley, PA 18826-0980). Blasting for VW Pad located in Stevens Township, **Bradford County** with an expiration date of October 31, 2013. Permit issued: April 30, 2013.

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

58134003. John Brainard/Brainard Explosives, (3978 State Route 2073, Kingsley, PA 18826), construction blasting the R. Thomas Pad in Lenox Township, **Susquehanna County** with an expiration date of October 31, 2013. Permit issued: May 7, 2013.

58134004. John Brainard/Brainard Explosives, (3978 State Route 2073, Kingsley, PA 18826), construction blasting for Range Unit #5 in New Milford Township, **Susquehanna County** with an expiration date of October 31, 2013. Permit issued: May 7, 2013.

36134119. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Zimmerman Masonry in Clay Township, **Lancaster County** with an expiration date of August 30, 2013. Permit issued: May 9, 2013.

38134113. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Shadow Creek in North Cornwall Township, **Lebanon County** with an expiration date of May 31, 2014. Permit issued: May 10, 2013.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

Effluent Limits for Coal Mining Activities

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

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

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

* The parameter is applicable at all times.

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

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

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

Effluent Limits for Noncoal Mining Activities

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

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

* The parameter is applicable at all times.

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

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

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

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

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

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

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal NPDES Draft Permits

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

NPDES No. PA0002780 (Mining Permit No. 10841312), ArcelorMittal Pristine Resources, Inc., (PO Box 36, 129 Bethlehem Road, Revloc, PA 15948). A renewal to the NPDES and mining activity permit for the Fawn Mine #91 in Clinton Township, **Butler County** for reclamation/water treatment only. Surface Acres Affected 18.53, Underground Acres Affected 6080. Receiving stream: Lardintown Run, classified for the following use: TSF. The application was considered administratively complete on June 22, 2012. Application received November 1, 2011.

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

Outfall 001 discharges to: Lardintown Run

The proposed effluent limits for *Outfall 001* (Lat: 40° 41' 39" Long: 79° 48' 37") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	0.225	-
Iron (mg/l)		2.6	5.2	6.5
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.9	1.8	2.45
Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (mos/kg)		50	76	95
Sulfates (mg/l)		-	-	REPORT
Total Dissolved Solids (mg/l)		-	-	REPORT
Chlorides (mg/l)		-	-	REPORT

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

NPDES No. PA0269051 (Mining permit no. 56120111), PBS Coals, Inc., P. O. Box 260, 1576 Stoystown Road, Friedens, PA 15541 of a new NPDES permit for a surface coal mine operation in Stonycreek Township, **Somerset County**, affecting 91.1 acres. Receiving stream(s): unnamed tributaries to/and Schrock Run, classified for the following use: cold water fishery. This receiving stream is included in the Kiskiminetas—Conemaugh River TMDL. Application received: May 30, 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 coal mining activities.

The outfall(s) listed below discharge to unnamed tributaries to/and Schrock Run.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
003—Treatment Pond 1	Y
004—Treatment Pond 2	Y

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	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			50.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001—Sediment Pond A	Y
002—Sediment Pond B	Y

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	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0

Noncoal NPDES Draft Permits

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

NPDES No. PA0258423 (Permit No. 37070302). Quality Aggregates, Inc. (4955 Steubenville Pike, Suite 245, Pittsburgh, PA 15205) Renewal of an NPDES permit for a large industrial minerals surface mine in Slippery Rock Township, **Lawrence County**, affecting 101.0 acres. Receiving streams: Unnamed tributary to Slippery Rock Creek and Slippery Rock Creek, classified for the following uses: CWF. TMDL: None. Application received: January 29, 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 unnamed tributary No. 2 to Slippery Rock Creek and Slippery Rock Creek:

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

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		2.4	4.8	6.0
Manganese (mg/l)		1.7	3.4	4.3
Aluminum (mg/l)		1.1	2.2	2.8
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35.0	70.0	90.0

¹The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributary No. 2 to Slippery Rock Creek:

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

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

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

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

NPDES No. PA 0220248 (Mining Permit No. 1474301), Graymont (PA) Inc., 965 East College Avenue, State College, PA 16823. Proposed revision to a renewal of an NPDES permit for large (surface/deep) noncoal operation in Spring Township, **Centre County**, affecting 1110.3 acres. Receiving stream(s): Logan Branch (Spring Creek) classified for the following use(s): Cold Water Fishes. Application received: April 16, 2011.

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

The outfall(s) listed below discharge to Logan Branch:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
010-B Logan Branch pipeline	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		1.5	3.0	3.75
Manganese (mg/l)		1.0	2.0	2.5
Total Suspended Solids (mg/l)		35	70	90

* As measured at pipeline monitoring port located between the holding tank near the Whiterock sinkhole and the final pipeline discharge

<i>Parameter</i>	<i>Period</i>	<i>Measurement Frequency</i>	<i>Instant. Maximum</i>
Temperature (°F)**	June 1-15	Once per hour when discharging at outfall at Logan Branch	60°
	June 16-30	"	64°
	July 1-31	"	66°
	August 1-30	"	66°
	September 1-15	"	64°
	September 16-30	"	60°

** As measured once per hour by electronic meter when discharging at outfall at Logan Branch. Additionally, these waters may not result in a change by more than 2° F during a 1-hour period.

There is no proposed surface discharge from the above listed facilities to the receiving stream due to the implementation of Best Management Practices.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once.

Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-1915, Telephone 570-826-2511.

E39-519. Lehigh County, Department of General Services, 17 South Seventh Street, Allentown, PA 18101-2400. Lowhill Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To construct and maintain an 8-foot wide single span pedestrian suspension bridge across Jordan Creek, having an 80-foot span and a 12-foot minimum underclearance. The project is located in the Trexler Nature Preserve on the west side of SR 4007 (Game Preserve Road) approximately 2.0 miles southwest of its intersection with SR 309 (Slatedale Quadrangle Latitude: 40°39'16"; Longitude: -75°38'0").

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

F22-595: Lower Swatara Township, 1499 Spring Garden Drive, Middletown, PA 17057 in Lower Swatara Township, **Dauphin County**, ACOE Baltimore District.

To demolish and remove obstructions that were damaged by flooding from the floodplain of the Susquehanna River and Swatara Creek at the following locations listed. The projects propose to temporarily impact a total of 0.75 acre of floodplain. 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	1292 Fries Grove Road, Middletown, PA 17057	Swatara Creek	WWF, MF	Middletown, PA	40° 12' 52.8"	-76° 43' 26.4"
2	1296 Fries Grove Road, Middletown, PA 17057	Swatara Creek	WWF, MF	Middletown, PA	40° 12' 54.6"	-76° 43' 26.8"
3	1300 Swatara Park Road, Middletown, PA 17057	Swatara Creek	WWF, MF	Middletown, PA	40° 12' 45.7"	-76° 43' 17.6"
4	1360 Swatara Park Road, Middletown, PA 17057	Swatara Creek	WWF, MF	Middletown, PA	40° 12' 46.4"	-76° 43' 17.6"
5	1497 Swatara Park Road, Middletown, PA 17057	Swatara Creek	WWF, MF	Middletown, PA	40° 13' 4.6"	-76° 43' 29.7"
6	1356 Vine Street, Middletown, PA 17057	Swatara Creek	WWF, MF	Middletown, PA	40° 12' 39.4"	-76° 43' 11.8"
7	1425 Vine Street, Middletown, PA 17057	Swatara Creek	WWF, MF	Middletown, PA	40° 13' 3.3"	-76° 43' 29.3"
8	107 Bradford Avenue, Middletown, PA 17057	Susquehanna River	WWF, MF	Steelton, PA	40° 12' 6.8"	-76° 45' 50.2"
9	148 Bradford Avenue, Middletown, PA 17057	Susquehanna River	WWF, MF	Steelton, PA	40° 12' 7.7"	-75° 45' 48.1"
10	1996 Locust Avenue, Middletown, PA 17057	Susquehanna River	WWF, MF	Steelton, PA	40° 12' 6.2"	-76° 45' 53.4"
11	124 Wayne Avenue, Middletown, PA 17057	Susquehanna River	WWF, MF	Steelton, PA	40° 12' 7.6"	-76° 45' 52.2"
12	165 Wayne Avenue, Middletown, PA 17057	Susquehanna River	WWF, MF	Steelton, PA	40° 12' 9.9"	-76° 45' 52.5"
13	166 Wayne Avenue, Middletown, PA 17057	Susquehanna River	WWF, MF	Steelton, PA	40° 12' 8.7"	-76° 45' 51.5"
14	1301 Swatara Park Road, Middletown, PA 17057	Swatara Creek	WWF, MF	Middletown, PA	40° 12' 47.4"	-76° 43' 48.7"

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

E02-79797-A3. Fox Chapel Marine, 1366 Old Freeport Road, Pittsburgh, PA 15238, O'Hara Township, **Allegheny County**; ACOE Pittsburgh District

Applicant has been given consent to amend Permit No. E02-79797-A2 to operate and maintain additional extensions to the existing boat docking facility located just upstream from the confluence of Squaw Run and the Allegheny River (Braddock, PA Quadrangle N: 19.9 inches; W: 16.5 inches; Latitude: 40° 29' 04"; Longitude: 79° 52' 07") in O'Hara Township, Allegheny County.

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335

E10-08-001, SWEPI LP, 190 Thorn Hill Road, Warrendale, PA 15086, Slippery Rock and Mercer Townships, **Butler County**, ACOE Pittsburgh District.

The applicant proposes to construct and maintain approximately 4.5 miles of oil/natural gas gathering lines, a fiber optic cable, and associated access roadways, in Slippery Rock and Mercer Townships, Butler County. The project will result in 553 linear feet of temporary stream impacts and 2.055 acres of wetland impacts. Wetland impacts consist of 1.43 acres of temporary impacts to PEM and PSS wetlands, and 0.625 acre of impacts to PFO wetlands. To compensate for impacts to forested wetlands, wetland enhancements of tree and shrub plantings are proposed to 1.25 acres of existing wetland, along with 0.625 acre of tree planting upon completion of pipeline construction within impacted forested wetlands. The aforementioned forested wetlands shall not be maintained by the operator of the proposed pipeline.

The water obstructions and encroachments for the purposes of installing the gathering lines, fiber optic cable, and associated access roadways are described below:

1 two (2) 8 inch diameter oil/natural gas gathering lines, a 4 inch diameter oil/natural gas gathering line, and a fiber optic cable, as well as a temporary road crossing using a timber mat bridge or an 18 inch diameter corrugated metal pipe crossing an unnamed tributary (UNT) to Wolf Creek (CWF) impacting 52 linear feet (Slippery Rock, PA Quadrangle) 41°05'22.70"N -80°02'03.79"W

2 two (2) 8 inch diameter oil/natural gas gathering lines, a 4 inch diameter oil/natural gas gathering line, and a fiber optic cable, as well as a temporary road crossing using a timber mat bridge or two (2) 18 inch diameter corrugated metal pipes crossing an unnamed tributary (UNT) to Wolf Creek (CWF) impacting 117 linear feet (Slippery Rock, PA Quadrangle) 41°05'23.16"N -80°02'35.10"W

3 two (2) 8 inch diameter oil/natural gas gathering lines, a 4 inch diameter oil/natural gas gathering line, and a fiber optic cable, as well as a temporary road crossing using a timber mat bridge or four (4) 24 inch diameter corrugated metal pipes crossing an unnamed tributary (UNT) to Wolf Creek (CWF) impacting 28 linear feet (Slippery Rock, PA Quadrangle) 41°06'10.57"N -80°02'02.55"W

4 two (2) 8 inch diameter oil/natural gas gathering lines, a 4 inch diameter oil/natural gas gathering line, and a fiber optic cable, as well as a temporary road crossing using a timber mat bridge or five (5) 15 inch diameter corrugated metal pipes crossing an unnamed tributary (UNT) to Wolf Creek (CWF) impacting 107 linear feet (Slippery Rock, PA Quadrangle) 41°06'13.10"N -80°02'02.63"W

5 two (2) 8 inch diameter oil/natural gas gathering lines, a 4 inch diameter oil/natural gas gathering line, and a fiber optic cable, as well as a temporary road crossing using a timber mat bridge or an 18 inch diameter corrugated metal pipe crossing an unnamed tributary (UNT) to Wolf Creek (CWF) impacting 51 linear feet (Slippery Rock, PA Quadrangle) 41°06'14.08"N -80°02'02.45"W

6 two (2) 8 inch diameter oil/natural gas gathering lines, a 4 inch diameter oil/natural gas gathering line,

and a fiber optic cable, as well as a temporary road crossing using a timber mat bridge or three (3) 30 inch diameter corrugated metal pipes, crossing an unnamed tributary (UNT) to Wolf Creek (CWF) impacting 130 linear feet (Slippery Rock, PA Quadrangle) 41°06'23.35"N -80°02'16.55"W

7 two (2) 8 inch diameter oil/natural gas gathering lines, a 4 inch diameter oil/natural gas gathering line, and a fiber optic cable, as well as a temporary road crossing using timber mat bridge or three (3) 18 inch diameter corrugated metal pipes, crossing an unnamed tributary (UNT) to Wolf Creek (CWF) impacting 68 linear feet (Slippery Rock, PA Quadrangle) 41°06'22.67"N -80°02'16.90"W

8 temporary road crossings using wood mat bridges, two (2) 8 inch diameter oil/natural gas gathering lines, a 4 inch diameter oil/natural gas gathering line, and a fiber optic cable crossing an exceptional value palustrine scrub-shrub/palustrine forested (EV-PSS/PFO) wetland impacting 17,301 square feet (Slippery Rock, PA Quadrangle) 41°05'58.38"N -80°02'34.82"W

9 a temporary road crossing using a wood mat bridge, two (2) 8 inch diameter oil/natural gas gathering lines, a 4 inch diameter oil/natural gas gathering line, and a fiber optic cable crossing a palustrine emergent/palustrine forested (PEM/PFO) wetland impacting 4,708 square feet (Slippery Rock, PA Quadrangle) 41°05'57.18"N -80°02'04.78"W

10 two (2) 8 inch diameter oil/natural gas gathering lines, a 4 inch diameter oil/natural gas gathering line, and a fiber optic cable crossing a palustrine forested (PFO) wetland impacting 348 square feet (Slippery Rock, PA Quadrangle) 41°06'00.88"N -80°01'57.24"

11 a temporary road crossing using a wood mat bridge, two (2) 8 inch diameter oil/natural gas gathering lines, a 4 inch diameter oil/natural gas gathering line, and a fiber optic cable crossing a palustrine forested (PFO) wetland impacting 339 square feet (Slippery Rock, PA Quadrangle) 41°06'03.10"N -80°01'57.20"W

12 two (2) 8 inch diameter oil/natural gas gathering lines, a 4 inch diameter oil/natural gas gathering line, and a fiber optic cable crossing a palustrine emergent (PEM) wetland impacting 371 square feet (Slippery Rock, PA Quadrangle) 41°06'03.53"N -80°01'49.71"W

13 temporary road crossings using wood mat bridges, two (2) 8 inch diameter oil/natural gas gathering lines, a 4 inch diameter oil/natural gas gathering line, and a fiber optic cable crossing a palustrine emergent (PEM) wetland impacting 969 square feet (Slippery Rock, PA Quadrangle) 41°05'19.88"N -80°01'51.15"W

14 two (2) 8 inch diameter oil/natural gas gathering lines, a 4 inch diameter oil/natural gas gathering line, and a fiber optic cable crossing a palustrine emergent (PEM) wetland impacting 61 square feet (Slippery Rock, PA Quadrangle) 41°05'20.33"N -80°01'52.37"W

15 a temporary road crossing using a wood mat bridge, two (2) 8 inch diameter oil/natural gas gathering lines, a 4 inch diameter oil/natural gas gathering line, and a fiber optic cable crossing a palustrine emergent/palustrine forested (PEM/PFO) wetland impacting 2,408 square feet (Slippery Rock, PA Quadrangle) 41°05'20.55"N -80°01'58.80"W

16 a temporary road crossing using a wood mat bridge, two (2) 8 inch diameter oil/natural gas gathering lines, a 4 inch diameter oil/natural gas gathering line, and a fiber optic cable crossing a palustrine forested (PFO) wetland

impacting 1,351 square feet (Slippery Rock, PA Quadrangle) 41°05'22.48"N -80°02'04.26"W

17 two (2) 8 inch diameter oil/natural gas gathering lines, a 4 inch diameter oil/natural gas gathering line, and a fiber optic cable crossing a palustrine forested (PFO) wetland impacting 250 square feet (Slippery Rock, PA Quadrangle) 41°05'22.69"N -80°02'04.39"W

18 temporary road crossings using wood mat bridges, two (2) 8 inch diameter oil/natural gas gathering lines, a 4 inch diameter oil/natural gas gathering line, and a fiber optic cable crossing a palustrine emergent/palustrine forested (PEM/PFO) wetland impacting 8,103 square feet (Slippery Rock, PA Quadrangle) 41°05'23.03"N -80°02'32.18"W

19 two (2) 8 inch diameter oil/natural gas gathering lines, a 4 inch diameter oil/natural gas gathering line, and a fiber optic cable crossing a palustrine emergent (PEM) wetland impacting 5 square feet (Slippery Rock, PA Quadrangle) 41°05'24.65"N -80°02'33.29"W

20 temporary road crossings using wood mat bridges, two (2) 8 inch diameter oil/natural gas gathering lines, a 4 inch diameter oil/natural gas gathering line, and a fiber optic cable crossing a palustrine emergent (PEM) wetland impacting 2,874 square feet (Slippery Rock, PA Quadrangle) 41°05'22.55"N -80°02'36.30"W

21 temporary road crossings using wood mat bridges, two (2) 8 inch diameter oil/natural gas gathering lines, a 4 inch diameter oil/natural gas gathering line, and a fiber optic cable crossing a palustrine forested (PFO) wetland impacting 3,992 square feet (Slippery Rock, PA Quadrangle) 41°06'07.51"N -80°02'00.97"W

22 two (2) 8 inch diameter oil/natural gas gathering lines, a 4 inch diameter oil/natural gas gathering line, and a fiber optic cable crossing a palustrine forested (PFO) wetland impacting 338 square feet (Slippery Rock, PA Quadrangle) 41°06'10.98"N -80°02'03.25"W

23 temporary road crossings using wood mat bridges, two (2) 8 inch diameter oil/natural gas gathering lines, a 4 inch diameter oil/natural gas gathering line, and a fiber optic cable crossing a palustrine emergent/palustrine scrub-shrub (PEM/PSS) wetland impacting 34,244 square feet (Slippery Rock, PA Quadrangle) 41°06'24.07"N -80°02'04.21"W

24 a temporary road crossing using a wood mat bridge crossing a palustrine emergent/palustrine scrub-shrub (PEM/PSS) wetland impacting 672 square feet (Slippery Rock, PA Quadrangle) 41°06'21.16"N -80°02'15.06"W

25 temporary road crossings using wood mat bridges, two (2) 8 inch diameter oil/natural gas gathering lines, a 4 inch diameter oil/natural gas gathering line, and a fiber optic cable crossing a palustrine emergent/palustrine scrub-shrub (PEM/PSS) wetland impacting 6,041 square feet (Slippery Rock, PA Quadrangle) 41°06'24.45"N -80°02'17.48"W

26 a temporary road crossing using a wood mat bridge crossing a palustrine emergent (PEM) wetland impacting 5,104 square feet (Slippery Rock, PA Quadrangle) 41°06'31.85"N -80°02'53.60"W

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

E0829-067: Appalachia Midstream, LLC, 100 IST Center, Horseheads, NY 14845, Wilmot Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 6 inch diameter natural gas line and a temporary timber mat bridge impacting 95 linear feet of an unnamed tributary to Sugar Run (CWF, MF) (Laceyville, PA Quadrangle, Latitude: 41°37'46", Longitude: -76°14'48");

2. a 6 inch diameter natural gas line and a temporary timber mat bridge impacting 370 square feet of a Palustrine Emergent Wetland (Laceyville, PA Quadrangle, Latitude: 41°37'46", Longitude: -76°14'48");

The project will result in 95 linear feet or 1,900 square feet of temporary stream impacts and 370 square feet (0.01 acre) of PEM 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.

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701

ESCGP-1 # ESX13-115-0044

Applicant Name Cabot Oil & Gas Corporation

Contact Person Kenneth Marcum

Address 5 Penn Center West, Suite 401

City, State, Zip Pittsburgh, PA 15276

County Susquehanna County

Township(s) Jessup Township

Receiving Stream(s) and Classification(s) Snell Creek

(CWF/MF), East Branch Wyalusing Creek (CWF/MF)

ESCGP-1 # ESG13-081-0019

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 Lycoming County

Township(s) Cogan House Township

Receiving Stream(s) and Classification(s) Flicks Run

(EV/MF);

Secondary: Blockhouse Creek (EV)

ESCGP-1 # ESX13-115-0010 (01)
 Applicant Name Chief Oil & Gas LLC
 Contact Person Jeffrey Deegan
 Address 6051 Wallace Road Ext., Suite 300
 City, State, Zip Wexford, PA 15090
 County Susquehanna County
 Township(s) Auburn Township
 Receiving Stream(s) and Classification(s) UNT to Riley Creek

ESCGP-1 # ESX13-131-0013
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Wyoming County
 Township(s) Mehoopany Township
 Receiving Stream(s) and Classification(s) Little Mehoopany Creek, Mehoopany Creek (Both CWF);
 Secondary: Susquehanna River (WWF)

ESCGP-1 # ESX13-015-0029
 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 Rummerfield Creek (WWF/MF);
 Secondary: Rummerfield Creek drains to North Branch Susquehanna River

ESCGP-1 # ESX13-015-0031
 Applicant Name Appalachia Midstream Services, LLC
 Contact Person Randy DeLaune
 Address 100 IST Center
 City, State, Zip Horseheads, NY 14845
 County Bradford County
 Township(s) Wilmot Township
 Receiving Stream(s) and Classification(s) UNT to Sugar Run, Sugar Run, Susquehanna River Watershed (CWF)

ESCGP-1 # ESX13-115-0047
 Applicant Name SW Gathering, LLC
 Contact Person David Freudenrich
 Address 6000 Town Center Blvd., Suite 300
 City, State, Zip Canonsburg, PA 15317
 County Susquehanna County
 Township(s) Liberty Township
 Receiving Stream(s) and Classification(s) Rhiney Creek (CWF/MF)

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

<i>ESCGP -1 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
1013802	Dominion Transmission Inc 445 W Main Street Clarksburg WV 26301	Butler	Connoquenessing Borough and Forward Township	Unt Connoquenessing Creek WWF

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.

The following Well Permits have been issued with a waiver pursuant to Section 3215(b)(4) of the 2012 Oil and Gas Act:

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 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.

Southwest District Oil and Gas Operations, Program Manager, 400 Waterfront Drive Pittsburgh, PA 15222-4739

Well Permit #: 059-26113-00-01, 01-01
 Well Farm Name: Miller Unit 77H
 Applicant Name: Chevron Appalachia, LLC
 Contact Person: Jeremy Hirtz
 Address: 800 Mountain View Drive Smithfield, PA 15478
 County: Greene
 Municipality Name/City, Borough, Township: Dunkard
 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: Unnamed Tributary to Meadow Run

Well Permit #: 059-26114-00-01
 Well Farm Name: Miller Unit 78H
 Applicant Name: Chevron Appalachia, LLC
 Contact Person: Jeremy Hirtz
 Address: 800 Mountain View Drive Smithfield, PA 15478
 County: Greene
 Municipality Name/City, Borough, Township: Dunkard
 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: Unnamed Tributary to Meadow Run

SPECIAL NOTICES

Request to Renew and Modify NPDES Stormwater Permit

NPDES Permit PAI012306006RA-1 Stormwater, Sentinel Ridge Development, LLC, 110 North Phoenixville Pike, Suite 100, Malvern, PA 19355. The Department of Environmental Protection (Department) approves the request of Sentinel Ridge Development, LLC to renew and modify National Pollutant Discharge Elimination System (NPDES) Stormwater Permit No. PAI012306006R-1 to conduct earth disturbance activities and discharge stormwater associated with construction activities from its Ravenscliff development located in Marple Township, **Delaware County**, into Holland Run (a.k.a. Hotland Run) (EV-CWF), Holland Run (WWF), and Crum Creek (WWF). The Department also approves the request to lift the remaining NPDES permit suspension imposed by the October 22, 2009 Order of the Environmental Hearing Board (EHB) in the matter of *Crum Creek Neighbors v. DEP and Pulte Homes of PA, L.P.*, EHB Docket No. 2007-287-L, to allow Sentinel Ridge Development, LLC, to conduct earth disturbance activities and discharge stormwater associated with construction activities to Holland Run (EV-CWF) from Phase III of its development.

The NPDES permit suspension was previously lifted for Phases I and II of the project. In approving the above requests, the Department evaluated the application, documentation, and plans in support thereof, and concluded that the requests satisfy all applicable legal and regulatory requirements.

The Department's approval authorizes earth disturbance activities in, and the discharge of stormwater associated with construction activities from, the Phase III Limit of Disturbance Area of the development. Phase III is situated in the northeasterly portion of the development and consists of 18.86 acres of total area (11.84 acres disturbed area), as depicted on plans by Wilkinson & Associates dated February 1, 2012 and last revised July

11, 2012. 13.71 acres of the Phase III total area (7.60 acres disturbed area) are located in the Holland Run Watershed. Permanent work for the Phase III area is authorized to consist of the construction of 73 units encompassing 146 townhouses and associated site improvements. Activities in Phase III will also include several additional Post-Construction Stormwater Best Management Practices to address changes in the rate, volume and quality of runoff resulting from a net increase of disturbed area of 4.1 acres and a net increase in impervious area of 3.2 acres. Construction phases for the project are clearly depicted on the Erosion and Sedimentation Control Plan Drawings, dated February 1, 2012, last revised March 20, 2013, submitted by the developer and approved by the Department and the Delaware County Conservation District. These plans are available for public inspection and review at the District's offices.

The Best Management Practices and the Antidegradation Analysis Module for the project site set forth in NPDES Permit No. PAI012306006R-A1, as modified, along with supporting documentation and plans thereto, constitute the effluent limitations for Phase III of the development.

The Department's approval is subject to the limitation that all earth disturbance activities and related work, and any discharge of stormwater from the site, must be in accordance with applicable regulations and the terms of the NPDES permit, including supporting documentation and plans that include a Hydrologic and Water Quality Evaluation of Stormwater Impacts on Holland Run, a Hydrogeologic Evaluation Report, and other information, that examine the effect of the project on the base flow to Holland Run, and the effect of certain modeled basin overflows, on Holland Run.

The authorization does not relieve the applicant from applying for and obtaining any and all additional permits or approvals from local, state, or federal agencies for the construction activity.

[Pa.B. Doc. No. 13-958. Filed for public inspection May 24, 2013, 9:00 a.m.]

Alternative Fuels Incentive Grant Program Opportunity

The Department of Environmental Protection (Department), Office of Pollution Prevention and Energy Assistance, Bureau of Energy, Innovations and Technology Deployment announces an opportunity to apply for grants under the Alternative Fuels Incentive Grant Program to improve this Commonwealth's air quality and reduce consumption of imported oil through the use of home-grown alternative fuels that will help the economy and environment in this Commonwealth. The Department is seeking applications for innovative, advanced fuel and vehicle technology projects resulting in cleaner advanced alternative transportation within this Commonwealth.

Approximately \$10 million in grants will be available for school districts, municipal authorities, political subdivisions, nonprofit entities, corporations, limited liability companies or partnerships incorporated or registered in this Commonwealth to retrofit vehicles to operate on alternative fuels or support next-phase advanced research, development and training related to alternative fuels and alternative fuel vehicles.

The grant funds available will include an opportunity to propose projects which will convert or purchase natural gas vehicles weighing less than 14,000 pounds as well as convert or purchase electric, propane or other alternative fuel vehicles of any size.

As with the recent Act 13 Natural Gas Vehicle Deployment Program, applicants interested in purchasing or converting one or two alternative fuel vehicles will be encouraged to aggregate into a single application to satisfy the five-vehicle minimum required for application.

Key elements of the purchase or conversion to alternative fuel vehicles are as follows:

- Each project must propose to receive funding for five or more eligible vehicles.
- The vehicles utilizing incremental purchase or retrofit cost funding must be registered in this Commonwealth.
- Each grant will cover no more than 50% of the incremental purchase or retrofit cost of eligible vehicles.
- Grants will not provide more than \$25,000 for each eligible vehicle.
- Eligible vehicles include purchased or retrofitted new and used vehicles.
- Grantees may not receive incremental costs for a vehicle purchased or retrofitted prior to September 1, 2013.
- Grant funds awarded under this program may not be used in place of available Federal funds.
- Project must be completed within the grant period of performance which will end June 30, 2015.

The program guidelines and application instructions are available on the Department web site at <http://www.depweb.state.pa.us> (click on "DEP Programs" and then "Alternative Fuels"). Applications will be accepted online through the eGrants system. Visit <https://www.grants.dcnr.state.pa.us/> (click on "Find a Grant" scroll down to "AFIG" and click "Apply for this grant").

The application period will open on Saturday, May 25, 2013. Applications must be submitted no later than 4 p.m. on Friday, July 26, 2013. Hardcopy applications will not be accepted.

E. CHRISTOPHER ABRUZZO,
Acting Secretary

[Pa.B. Doc. No. 13-959. Filed for public inspection May 24, 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—Substantive Revision

DEP ID: 021-0200-001. *Title:* Policy for Pennsylvania Natural Diversity Inventory (PNDI) Coordination During Permit Review and Evaluation. *Description:* The Department is revising its existing policy to clarify PNDI coordination within the permit review process. PNDI coordination will be conducted in a manner consistent with the requirements of the rules and regulations implemented by the Department. The Department and County Conservation District staff will follow this policy during the permit application review process.

The prior version of this document, dated April 18, 2009, was published under DEP ID 400-0200-001. By this notice, that document is rescinded and replaced with this version.

A draft of this document was published for public comment at 42 Pa.B. 7060 (November 10, 2012). Comments were accepted until December 31, 2012. A detailed Comment/Response document will be available through the Department's eLibrary.

Contact: Patricia Allan at (717) 783-8727 or RA-EPTG_Comments@pa.gov.

Effective Date: Upon publication as final in the *Pennsylvania Bulletin*.

E. CHRISTOPHER ABRUZZO,
Acting Secretary

[Pa.B. Doc. No. 13-960. Filed for public inspection May 24, 2013, 9:00 a.m.]

Bid Opportunity

OOGM 13-2, Cleaning Out and Plugging Two Abandoned and Orphan Gas Wells (4074 L.R. Associates, LLC and Mr. and Mrs. David A. Werner Properties), Forward and Elizabeth Townships, Allegheny County. The principal items of work and approximate quantities are to clean out and plug two abandoned and orphan gas wells, estimated to be 3,500 feet in depth, to Department of Environmental Protection specifications; to prepare and restore well sites/site; and to mobilize and demobilize plugging equipment. This project issues on May 24, 2013, and bids will be opened on July 9, 2013, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid conference is planned for June 11, 2013, at 10 a.m. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@pa.gov for more information on this bid.

E. CHRISTOPHER ABRUZZO,
Acting Secretary

[Pa.B. Doc. No. 13-961. Filed for public inspection May 24, 2013, 9:00 a.m.]

Clean Air Interstate Rule; Final 2017 Annual and Ozone Season CAIR Nitrogen Oxides Allowance Allocations and Final 2017 New Unit Allowance Allocations; Correction

The Department of Environmental Protection (Department) provided notice of finalization of the 2017 annual and ozone season Clean Air Interstate Rule (CAIR) nitrogen oxides (NO_x) allowance allocations, final 2017 new unit allowance allocations, final redistribution of 2011 allowances for certain facilities, and extension of the CAIR NO_x set aside program for sulfur dioxide emissions at 43 Pa.B. 2678 (May 11, 2013). The following tables were inadvertently omitted from that notice.

For each new unit receiving a CAIR NO_x allocation, Table 1 lists the following information: facility name; county; ORIS code; unit ID; 2012 annual NO_x emission; 2012 ozone season NO_x emission; operation date; 2017 annual new unit allowance allocation; and 2017 new unit ozone season allowance allocation.

For each CAIR unit and qualifying resource that is being allocated 2017 NO_x allowances, Tables 2 and 3 list the following: facility name; county; ORIS code; unit ID; either the gross loading, steam loading, useful thermal energy and/or total heat energy of steam, converted heat input from the base year, and 2017 annual allowance allocation or 2017 ozone season allowance allocation.

Owners and operators of units should be aware that CAIR NO_x allowances and CAIR NO_x Ozone Season allowances do not constitute property rights, and that actions at the Federal or State level, including possible court action in *EME Homer City Generation, L.P. v EPA*, D.C. Cir. 11-1302, could affect these allocations, once final.

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 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 AT&T 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 of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

Important legal rights are at stake, 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.

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

E. CHRISTOPHER ABRUZZO,
Acting Secretary

Table 1: Final 2017 CAIR New Unit Allocations

<i>Facility Name</i>	<i>County</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>2012 Annual NO_x Emission (tons)</i>	<i>2012 Ozone Season NO_x Emission (tons)</i>	<i>Operation Date (EPA Data)</i>	<i>2017 CAIR New Unit Annual NO_x Allowance Allocation</i>	<i>2017 CAIR New Unit Ozone Season NO_x Allowance Allocation</i>
Hunlock Creek Energy Center	Luzerne	3176	CT5	8.2	4.131	6/2/2011	8	4
Hunlock Creek Energy Center	Luzerne	3176	CT6	22.4	20.427	5/27/2011	22	20
York Energy Center	York	55524	1	25.97	11.02	3/2/2011	25	11
York Energy Center	York	55524	2	28.231	11.506	3/2/2011	28	11
York Energy Center	York	55524	3	27.314	11.265	3/2/2011	27	11
Total							110	57

Table 2: Final 2017 CAIR NO_x Allowance Allocation

<i>Facility Name</i>	<i>County</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>Gross Load (Megawatt Hours)</i>	<i>Steam Load (Thousand Lbs. of Steam)</i>	<i>Useful Thermal Energy (mmBTU)</i>	<i>Total Heat Energy of Steam Produced (mmBTU)</i>	<i>2011 Converted Heat Input (mmBTU)</i>	<i>Calculated 2017 CAIR NO_x Allowance Allocation</i>
AES Beaver Valley LLC	Beaver	10676	32		-	3,587,296.65		4,484,120.81	319
AES Beaver Valley LLC	Beaver	10676	33		-	3,814,579.37		4,768,224.21	339
AES Beaver Valley LLC	Beaver	10676	34		-	3,564,327.94		4,455,409.93	317
AES Beaver Valley LLC	Beaver	10676	35		-	1,920,072.04		2,400,090.05	171
Allegheny Energy Units 1 & 2 (Springdale)	Allegheny	55196	1	27,885.00				186,132.38	13
Allegheny Energy Units 1 & 2 (Springdale)	Allegheny	55196	2	26,438.00				176,473.65	13
Allegheny Energy Units 3, 4 & 5 (Springdale)	Allegheny	55710	3	127,601.00				851,736.68	61
Allegheny Energy Units 3, 4 & 5 (Springdale)	Allegheny	55710	4	225,664.00				1,506,307.20	107
Allegheny Energy Units 8 & 9 (Gans)	Fayette	55377	8	26,523.00				177,041.03	13
Allegheny Energy Units 8 & 9 (Gans)	Fayette	55377	9	26,524.00				177,047.70	13
Armstrong Energy Ltd Partnership, LLP	Armstrong	55347	1	43,272.00				288,840.60	21
Armstrong Energy Ltd Partnership, LLP	Armstrong	55347	2	24,103.00				160,887.53	11
Armstrong Energy Ltd Partnership, LLP	Armstrong	55347	3	37,756.00				252,021.30	18
Armstrong Energy Ltd Partnership, LLP	Armstrong	55347	4	46,287.00				308,965.73	22
Armstrong Power Station	Armstrong	3178	1	900,475.00				7,113,752.50	506
Armstrong Power Station	Armstrong	3178	2	970,469.00				7,666,705.10	546

<i>Facility Name</i>	<i>County</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>Gross Load (Megawatt Hours)</i>	<i>Steam Load (Thousand Lbs. of Steam)</i>	<i>Useful Thermal Energy (mmBTU)</i>	<i>Total Heat Energy of Steam Produced (mmBTU)</i>	<i>2011 Converted Heat Input (mmBTU)</i>	<i>Calculated 2017 CAIR NO_x Allowance Allocation</i>
Bethlehem Power Plant (Calpine)	Northampton	55690	1	650,960.16				4,345,159.07	309
Bethlehem Power Plant (Calpine)	Northampton	55690	2	774,681.94				5,171,001.95	368
Bethlehem Power Plant (Calpine)	Northampton	55690	3	782,267.38				5,221,634.76	372
Bethlehem Power Plant (Calpine)	Northampton	55690	5	672,452.29				4,488,619.04	319
Bethlehem Power Plant (Calpine)	Northampton	55690	6	637,077.08				4,252,489.51	303
Bethlehem Power Plant (Calpine)	Northampton	55690	7	676,098.66				4,512,958.56	321
Bruce Mansfield	Beaver	6094	1	6,760,608.00				53,408,803.20	3,800
Bruce Mansfield	Beaver	6094	2	7,016,218.00				55,428,122.20	3,944
Bruce Mansfield	Beaver	6094	3	5,892,876.00				46,553,720.40	3,312
Brunner Island	York	3140	1	2,150,589.00				16,989,653.10	1,209
Brunner Island	York	3140	2	2,827,095.00				22,334,050.50	1,589
Brunner Island	York	3140	3	5,241,898.00				41,410,994.20	2,947
Brunot Island Power Station	Allegheny	3096	2A	2,182.44				14,567.79	1
Brunot Island Power Station	Allegheny	3096	2B	1,327.43				8,860.60	1
Brunot Island Power Station	Allegheny	3096	3	2,310.62				15,423.39	1
Cambria Cogen	Cambria	10641	1		-	4,998,461.75		6,248,077.19	445
Cambria Cogen	Cambria	10641	2		-	4,974,512.10		6,218,140.13	442
Chambersburg Units 12 & 13	Franklin	55654	12	42,215.00				281,785.13	20
Chambersburg Units 12 & 13	Franklin	55654	13	41,745.00				278,647.88	20
Cheswick	Allegheny	8226	1	2,790,035.80				22,041,282.82	1,568
Colver Power Project	Cambria	10143	AAB01	1,019,521.00				8,054,215.90	573
Conemaugh	Indiana	3118	1	5,255,947.10				41,521,982.09	2,954
Conemaugh	Indiana	3118	2	6,293,907.60				49,721,870.04	3,538
Cromby	Chester	3159	1	146,141.00				1,154,513.90	82
Cromby	Chester	3159	2	34,696.00				231,595.80	16

<i>Facility Name</i>	<i>County</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>Gross Load (Megawatt Hours)</i>	<i>Steam Load (Thousand Lbs. of Steam)</i>	<i>Useful Thermal Energy (mmBTU)</i>	<i>Total Heat Energy of Steam Produced (mmBTU)</i>	<i>2011 Converted Heat Input (mmBTU)</i>	<i>Calculated 2017 CAIR NO_x Allowance Allocation</i>
Croydon Generating Station	Bucks	8012	11	1,978.00				13,203.15	1
Croydon Generating Station	Bucks	8012	12	1,989.00				13,276.58	1
Croydon Generating Station	Bucks	8012	21	1,546.00				10,319.55	1
Croydon Generating Station	Bucks	8012	22	1,697.00				11,327.48	1
Croydon Generating Station	Bucks	8012	31	1,030.00				6,875.25	0
Croydon Generating Station	Bucks	8012	32	1,287.00				8,590.73	1
Croydon Generating Station	Bucks	8012	41	1,296.00				8,650.80	1
Croydon Generating Station	Bucks	8012	42	1,525.00				10,179.38	1
Duke Energy Fayette, II LLC	Fayette	55516	CTG1	1,697,680.00				11,332,014.00	806
Duke Energy Fayette, II LLC	Fayette	55516	CTG2	1,708,155.00				11,401,934.63	811
Ebensburg Power Company	Cambria	10603	31			4,588,487.00		5,735,608.75	408
Eddystone Generating Station	Delaware	3161	1	165,284.00				1,305,743.60	93
Eddystone Generating Station	Delaware	3161	2	231,549.00				1,829,237.10	130
Eddystone Generating Station	Delaware	3161	3	76,778.00				512,493.15	36
Eddystone Generating Station	Delaware	3161	4	68,403.00				456,590.03	32
Elrama	Washington	3098	1	15,569.40				122,998.26	9
Elrama	Washington	3098	2	36,625.10				289,338.29	21
Elrama	Washington	3098	3	30,850.90				243,722.11	17
Elrama	Washington	3098	4	120,099.60				948,786.84	68
FPL Energy Marcus Hook, LP	Delaware	55801	1	883,448.30			1,579.1	3,017,182.92	215
FPL Energy Marcus Hook, LP	Delaware	55801	2	941,386.80			15,330.7	3,232,116.52	230

<i>Facility Name</i>	<i>County</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>Gross Load (Megawatt Hours)</i>	<i>Steam Load (Thousand Lbs. of Steam)</i>	<i>Useful Thermal Energy (mmBTU)</i>	<i>Total Heat Energy of Steam Produced (mmBTU)</i>	<i>2011 Converted Heat Input (mmBTU)</i>	<i>Calculated 2017 CAIR NO_x Allowance Allocation</i>
FPL Energy Marcus Hook, LP	Delaware	55801	3	903,929.00			35,180.7	3,129,085.55	223
Fairless Energy, LLC	Bucks	55298	1A	1,884,566.23				12,579,479.59	895
Fairless Energy, LLC	Bucks	55298	1B	1,783,008.75				11,901,583.41	847
Fairless Energy, LLC	Bucks	55298	2A	1,832,034.12				12,228,827.75	870
Fairless Energy, LLC	Bucks	55298	2B	1,842,067.88				12,295,803.10	875
Fairless Hills Generating Station	Bucks	7701	PHBLR4	78,729.00	-			525,516.08	37
Fairless Hills Generating Station	Bucks	7701	PHBLR5	153,213.00	-			1,022,696.78	73
G F Weaton	Beaver	50130	34	184,850.00				1,460,315.00	104
G F Weaton	Beaver	50130	35	172,510.00				1,362,829.00	97
Gilberton Power Company	Schuylkill	10113	31		3,132,619.38			3,779,701.07	269
Gilberton Power Company	Schuylkill	10113	32		3,093,412.60			3,732,395.64	266
Grays Ferry Cogen Partnership	Philadelphia	54785	2	743,038.07			3,684,020.87	7,141,015.02	508
Grays Ferry Cogen Partnership	Philadelphia	54785	25			701,364.90		876,706.13	62
Handsome Lake Energy	Venango	55233	EU-1A	4,841.00				32,313.68	2
Handsome Lake Energy	Venango	55233	EU-1B	4,833.00				32,260.28	2
Handsome Lake Energy	Venango	55233	EU-2A	4,582.00				30,584.85	2
Handsome Lake Energy	Venango	55233	EU-2B	4,586.00				30,611.55	2
Handsome Lake Energy	Venango	55233	EU-3A	4,183.00				27,921.53	2
Handsome Lake Energy	Venango	55233	EU-3B	4,163.00				27,788.03	2
Handsome Lake Energy	Venango	55233	EU-4A	4,383.00				29,256.53	2

<i>Facility Name</i>	<i>County</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>Gross Load (Megawatt Hours)</i>	<i>Steam Load (Thousand Lbs. of Steam)</i>	<i>Useful Thermal Energy (mmBTU)</i>	<i>Total Heat Energy of Steam Produced (mmBTU)</i>	<i>2011 Converted Heat Input (mmBTU)</i>	<i>Calculated 2017 CAIR NO_x Allowance Allocation</i>
Handsoma Lake Energy	Venango	55233	EU-4B	4,378.00				29,223.15	2
Handsoma Lake Energy	Venango	55233	EU-5A	4,502.00				30,050.85	2
Handsoma Lake Energy	Venango	55233	EU-5B	4,446.00				29,677.05	2
Hatfield's Ferry Power Station	Greene	3179	1	4,101,628.00				32,402,861.20	2,306
Hatfield's Ferry Power Station	Greene	3179	2	3,835,676.00				30,301,840.40	2,156
Hatfield's Ferry Power Station	Greene	3179	3	3,722,111.00				29,404,676.90	2,092
Hazleton Generation	Luzerne	10870	TURB2	1,438.73				9,603.52	1
Hazleton Generation	Luzerne	10870	TURB3	1,746.54				11,658.15	1
Hazleton Generation	Luzerne	10870	TURB4	1,665.83				11,119.42	1
Hazleton Generation	Luzerne	10870	TURBIN	3,117.71				20,810.71	1
Homer City	Indiana	3122	1	3,066,907.32				24,228,567.83	1,724
Homer City	Indiana	3122	2	2,775,664.77				21,927,751.68	1,560
Homer City	Indiana	3122	3	4,283,093.19				33,836,436.20	2,408
Hunlock Creek Energy Center	Luzerne	3176	CT5	45,142.00				301,322.85	21
Hunlock Creek Energy Center	Luzerne	3176	CT6	22,004.00				146,876.70	10
Hunlock Unit 4	Luzerne	56397	4	8,341.00				55,676.18	4
Hunterstown Combined Cycle	Adams	55976	CT101	1,406,448.21				9,388,041.80	668
Hunterstown Combined Cycle	Adams	55976	CT201	1,445,412.33				9,648,127.30	686
Hunterstown Combined Cycle	Adams	55976	CT301	1,441,473.47				9,621,835.41	685
Keystone	Armstrong	3136	1	5,545,564.40				43,809,958.76	3,117
Keystone	Armstrong	3136	2	6,452,559.60				50,975,220.84	3,627
Liberty Electric Power Plant	Delaware	55231	1	1,584,965.39				10,579,643.98	753

<i>Facility Name</i>	<i>County</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>Gross Load (Megawatt Hours)</i>	<i>Steam Load (Thousand Lbs. of Steam)</i>	<i>Useful Thermal Energy (mmBTU)</i>	<i>Total Heat Energy of Steam Produced (mmBTU)</i>	<i>2011 Converted Heat Input (mmBTU)</i>	<i>Calculated 2017 CAIR NO_x Allowance Allocation</i>
Liberty Electric Power Plant	Delaware	55231	2	1,594,887.61				10,645,874.80	757
Lower Mount Bethel Energy	Northampton	55667	CT01	1,810,639.16				12,086,016.39	860
Lower Mount Bethel Energy	Northampton	55667	CT02	1,774,243.74				11,843,076.96	843
Martins Creek	Northampton	3148	3	430,044.00				2,870,543.70	204
Martins Creek	Northampton	3148	4	286,859.00				1,914,783.83	136
Mitchell Power Station	Washington	3181	1	552.00				3,684.60	0
Mitchell Power Station	Washington	3181	2	0.00				-	0
Mitchell Power Station	Washington	3181	3	575.00				3,838.13	0
Mitchell Power Station	Washington	3181	33	828,142.00				6,542,321.80	466
Montour	Montour	3149	1	4,524,270.00				35,741,733.00	2,543
Montour	Montour	3149	2	5,138,579.00				40,594,774.10	2,888
Mountain	Cumberland	3111	31	4,001.00				26,706.68	2
Mountain	Cumberland	3111	32	2,961.00				19,764.68	1
Mt. Carmel Cogeneration	Northumberland	10343	SG-101	-		1,110,346.00		1,387,932.50	99
New Castle	Lawrence	3138	3	168,116.80				1,328,122.72	95
New Castle	Lawrence	3138	4	214,427.90				1,693,980.41	121
New Castle	Lawrence	3138	5	235,302.60				1,858,890.54	132
North East Cogeneration Plant	Erie	54571	1	0.00			0	-	0
North East Cogeneration Plant	Erie	54571	2	0.00			0	-	0
Northampton Generating Plant	Northampton	50888	NGC01	1,033,241.00				8,162,603.90	581
Northeastern Power Company	Schuylkill	50039	31	470,413.00				3,716,262.70	264
Ontelaunee Energy Center	Berks	55193	CT1	1,466,989.00				9,792,151.58	697
Ontelaunee Energy Center	Berks	55193	CT2	1,306,723.00				8,722,376.03	621

<i>Facility Name</i>	<i>County</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>Gross Load (Megawatt Hours)</i>	<i>Steam Load (Thousand Lbs. of Steam)</i>	<i>Useful Thermal Energy (mmBTU)</i>	<i>Total Heat Energy of Steam Produced (mmBTU)</i>	<i>2011 Converted Heat Input (mmBTU)</i>	<i>Calculated 2017 CAIR NO_x Allowance Allocation</i>
PEI Power Corporation	Lackawanna	50279	2	27,012.00			0	180,305.10	13
PPL Ironwood, LLC	Lebanon	55337	1	2,412,838.20				16,105,694.99	1,146
PPL Ironwood, LLC	Lebanon	55337	2	2,415,360.70				16,122,532.67	1,147
Panther Creek Energy Facility	Carbon	50776	1	387,926.00				3,064,615.40	218
Panther Creek Energy Facility	Carbon	50776	2	386,265.00				3,051,493.50	217
Piney Creek Power Plant	Clarion	54144	31	303,706.06				2,399,277.87	171
Portland	Northampton	3113	1	418,368.90				3,305,114.31	235
Portland	Northampton	3113	2	815,932.00				6,445,862.80	459
Portland	Northampton	3113	5	5,290.20				35,312.09	3
Richmond	Philadelphia	3168	91	860.00				5,740.50	0
Richmond	Philadelphia	3168	92	887.00				5,920.73	0
Schuylkill	Philadelphia	3169	1	16,253.00				108,488.78	8
Scrubgrass Generating Plant	Venango	50974	1	389,483.65	-			3,076,920.84	219
Scrubgrass Generating Plant	Venango	50974	2	389,519.35	-			3,077,202.87	219
Seward	Indiana	3130	1	1,899,502.88				15,006,072.75	1,068
Seward	Indiana	3130	2	1,699,739.62				13,427,943.00	955
Shawville	Clearfield	3131	1	345,030.60				2,725,741.74	194
Shawville	Clearfield	3131	2	307,146.40				2,426,456.56	173
Shawville	Clearfield	3131	3	591,066.40				4,669,424.56	332
Shawville	Clearfield	3131	4	579,529.80				4,578,285.42	326
St. Nicholas Cogeneration Project	Schuylkill	54634	1	812,548.00	-			6,419,129.20	457
Sunbury	Snyder	3152	1A	152,694.50				1,206,286.55	86
Sunbury	Snyder	3152	1B	121,778.30				962,048.57	68
Sunbury	Snyder	3152	2A	132,019.70				1,042,955.63	74
Sunbury	Snyder	3152	2B	-				-	0
Sunbury	Snyder	3152	3	233,411.60				1,843,951.64	131
Sunbury	Snyder	3152	4	355,558.40				2,808,911.36	200
Titus	Berks	3115	1	139,685.90				1,103,518.61	79

<i>Facility Name</i>	<i>County</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>Gross Load (Megawatt Hours)</i>	<i>Steam Load (Thousand Lbs. of Steam)</i>	<i>Useful Thermal Energy (mmBTU)</i>	<i>Total Heat Energy of Steam Produced (mmBTU)</i>	<i>2011 Converted Heat Input (mmBTU)</i>	<i>Calculated 2017 CAIR NO_x Allowance Allocation</i>
Titus	Berks	3115	2	123,422.70				975,039.33	69
Titus	Berks	3115	3	145,876.00				1,152,420.40	82
Tolna	York	3116	31	902.00				6,020.85	0
Tolna	York	3116	32	1,217.00				8,123.48	1
Veolia Energy Philadelphia—Schuylkill	Philadelphia	50607	23			593,687.00		742,108.75	53
Veolia Energy Philadelphia—Schuylkill	Philadelphia	50607	24			7,057.00		8,821.25	1
Veolia Energy Philadelphia—Schuylkill	Philadelphia	50607	26			244,570.00		305,712.50	22
WPS Westwood Generation, LLC	Schuylkill	50611	31	210,119.00				1,659,940.10	118
Warren	Warren	3132	5	2,830.00				18,890.25	1
Wheelabrator—Frackville	Schuylkill	50879	GEN1		3,500,770.60			4,223,898.53	301
York Energy Center	York	55524	1	288,209.33				1,923,797.28	137
York Energy Center	York	55524	2	288,215.33				1,923,837.33	137
York Energy Center	York	55524	3	282,277.33				1,884,201.18	134
Total								1,143,403,244.25	81,358

Table 3: Final 2017 CAIR NO_x Ozone Season Allowance Allocations

<i>Facility Name</i>	<i>County</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>Gross Load (Megawatt Hours)</i>	<i>Steam Load (Thousand Lbs. of Steam)</i>	<i>Useful Thermal Energy (mmBTU)</i>	<i>Total Heat Energy of Steam Produced (mmBTU)</i>	<i>2011 Converted Heat Input (mmBTU)</i>	<i>2017 CAIR NO_x Ozone Allowance Allocation</i>
AES Beaver Valley LLC	Beaver	10676	32		0	1,545,595.60		1,931,994.50	130
AES Beaver Valley LLC	Beaver	10676	33		0	1,567,845.80		1,959,807.25	132
AES Beaver Valley LLC	Beaver	10676	34		0	1,351,145.35		1,688,931.69	114
AES Beaver Valley LLC	Beaver	10676	35		0	806,138.25		1,007,672.81	68

<i>Facility Name</i>	<i>County</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>Gross Load (Megawatt Hours)</i>	<i>Steam Load (Thousand Lbs. of Steam)</i>	<i>Useful Thermal Energy (mmBTU)</i>	<i>Total Heat Energy of Steam Produced (mmBTU)</i>	<i>2011 Converted Heat Input (mmBTU)</i>	<i>2017 CAIR NO_x Ozone Season Allowance Allocation</i>
Allegheny Energy Units 1 & 2 (Springdale)	Allegheny	55196	1	19,679.00				131,357.33	9
Allegheny Energy Units 1 & 2 (Springdale)	Allegheny	55196	2	19,414.00				129,588.45	9
Allegheny Energy Units 3, 4 & 5 (Springdale)	Allegheny	55710	3	65,677.00				438,393.98	29
Allegheny Energy Units 3, 4 & 5 (Springdale)	Allegheny	55710	4	69,442.00				463,525.35	31
Allegheny Energy Units 8 & 9 (Gans)	Fayette	55377	8	20,358.00				135,889.65	9
Allegheny Energy Units 8 & 9 (Gans)	Fayette	55377	9	19,753.00				131,851.28	9
Armstrong Energy Ltd Partnership, LLP	Armstrong	55347	1	20,660.00				137,905.50	9
Armstrong Energy Ltd Partnership, LLP	Armstrong	55347	2	21,535.00				143,746.13	10
Armstrong Energy Ltd Partnership, LLP	Armstrong	55347	3	25,802.00				172,228.35	12
Armstrong Energy Ltd Partnership, LLP	Armstrong	55347	4	28,676.00				191,412.30	13
Armstrong Power Station	Armstrong	3178	1	408,818.00				3,229,662.20	217
Armstrong Power Station	Armstrong	3178	2	392,616.00				3,101,666.40	209
Bethlehem Power Plant (Calpine)	Northampton	55690	1	341,300.15				2,278,178.50	153
Bethlehem Power Plant (Calpine)	Northampton	55690	2	352,464.27				2,352,699.00	158
Bethlehem Power Plant (Calpine)	Northampton	55690	3	348,589.96				2,326,837.98	157
Bethlehem Power Plant (Calpine)	Northampton	55690	5	308,100.37				2,056,569.97	138

<i>Facility Name</i>	<i>County</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>Gross Load (Megawatt Hours)</i>	<i>Steam Load (Thousand Lbs. of Steam)</i>	<i>Useful Thermal Energy (mmBTU)</i>	<i>Total Heat Energy of Steam Produced (mmBTU)</i>	<i>2011 Converted Heat Input (mmBTU)</i>	<i>2017 CAIR NO_x Ozone Season Allowance Allocation</i>
Bethlehem Power Plant (Calpine)	Northampton	55690	6	342,840.32				2,288,459.14	154
Bethlehem Power Plant (Calpine)	Northampton	55690	7	331,118.09				2,210,213.25	149
Bruce Mansfield	Beaver	6094	1	2,858,510.00				22,582,229.00	1,519
Bruce Mansfield	Beaver	6094	2	2,941,391.00				23,236,988.90	1,563
Bruce Mansfield	Beaver	6094	3	2,904,904.00				22,948,741.60	1,544
Brunner Island	York	3140	1	829,930.00				6,556,447.00	441
Brunner Island	York	3140	2	1,193,038.00				9,425,000.20	634
Brunner Island	York	3140	3	2,175,473.00				17,186,236.70	1,156
Brunot Island Power Station	Allegheny	3096	2A	2,182.44				14,567.79	1
Brunot Island Power Station	Allegheny	3096	2B	1,327.43				8,860.60	1
Brunot Island Power Station	Allegheny	3096	3	2,310.62				15,423.39	1
Cambria Cogen	Cambria	10641	1		0	2,140,101.40		2,675,126.75	180
Cambria Cogen	Cambria	10641	2		0	2,112,813.85		2,641,017.31	178
Chambersburg Units 12 & 13	Franklin	55654	12	25,308.00				168,930.90	11
Chambersburg Units 12 & 13	Franklin	55654	13	24,999.00				166,868.33	11
Cheswick	Allegheny	8226	1	1,507,989.70				11,913,118.63	802
Colver Power Project	Cambria	10143	AAB01	448,825.00				3,545,717.50	239
Conemaugh	Indiana	3118	1	2,452,460.00				19,374,434.00	1,303
Conemaugh	Indiana	3118	2	2,857,656.60				22,575,487.14	1,519
Cromby	Chester	3159	1	8,221.00				64,945.90	4
Cromby	Chester	3159	2	29,308.00				195,630.90	13
Croydon Generating Station	Bucks	8012	11	1,630.00				10,880.25	1
Croydon Generating Station	Bucks	8012	12	1,630.00				10,880.25	1
Croydon Generating Station	Bucks	8012	21	1,000.00				6,675.00	0
Croydon Generating Station	Bucks	8012	22	1,416.00				9,451.80	1

<i>Facility Name</i>	<i>County</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>Gross Load (Megawatt Hours)</i>	<i>Steam Load (Thousand Lbs. of Steam)</i>	<i>Useful Thermal Energy (mmBTU)</i>	<i>Total Heat Energy of Steam Produced (mmBTU)</i>	<i>2011 Converted Heat Input (mmBTU)</i>	<i>2017 CAIR NO_x Ozone Season Allowance Allocation</i>
Croydon Generating Station	Bucks	8012	31	1,005.00				6,708.38	0
Croydon Generating Station	Bucks	8012	32	1,281.00				8,550.68	1
Croydon Generating Station	Bucks	8012	41	1,275.00				8,510.63	1
Croydon Generating Station	Bucks	8012	42	1,504.00				10,039.20	1
Duke Energy Fayette, II LLC	Fayette	55516	CTG1	760,353.00				5,075,356.28	341
Duke Energy Fayette, II LLC	Fayette	55516	CTG2	755,277.00				5,041,473.98	339
Ebensburg Power Company	Cambria	10603	31			2,012,802.00		2,516,002.50	169
Eddystone Generating Station	Delaware	3161	1	-				-	0
Eddystone Generating Station	Delaware	3161	2	-				-	0
Eddystone Generating Station	Delaware	3161	3	73,912.00				493,362.60	33
Eddystone Generating Station	Delaware	3161	4	68,403.00				456,590.03	31
Elrama	Washington	3098	1	10,457.10				82,611.09	6
Elrama	Washington	3098	2	29,636.50				234,128.35	16
Elrama	Washington	3098	3	22,828.80				180,347.52	12
Elrama	Washington	3098	4	65,964.10				521,116.39	35
FPL Energy Marcus Hook, LP	Delaware	55801	1	426,013.60			250.90	1,454,298.04	98
FPL Energy Marcus Hook, LP	Delaware	55801	2	444,270.10			6,645.60	1,524,600.85	103
FPL Energy Marcus Hook, LP	Delaware	55801	3	433,203.13			6,420.20	1,486,547.53	100
Fairless Energy, LLC	Bucks	55298	1A	934,364.17				6,236,880.83	420
Fairless Energy, LLC	Bucks	55298	1B	925,383.83				6,176,937.07	416
Fairless Energy, LLC	Bucks	55298	2A	905,409.16				6,043,606.14	407

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Fairless Energy, LLC	Bucks	55298	2B	904,885.84				6,040,112.98	406
Fairless Hills Generating Station	Bucks	7701	PHBLR4	56,916.00	0			379,914.30	26
Fairless Hills Generating Station	Bucks	7701	PHBLR5	41,898.00	0			279,669.15	19
G F Weaton	Beaver	50130	34	105,560.00				883,924.00	56
G F Weaton	Beaver	50130	35	94,910.00				749,789.00	50
Gilberton Power Company	Schuylkill	10113	31		1,405,263.6			1,695,538.33	114
Gilberton Power Company	Schuylkill	10113	32		1,383,375			1,669,128.39	112
Grays Ferry Cogen Partnership	Philadelphia	54785	2	312,263.67		1,195,369.58		2,084,360.00	140
Grays Ferry Cogen Partnership	Philadelphia	54785	25		158,525.2			191,270.56	13
Handsomen Lake Energy	Venango	55233	EU-1A	3,986.00				26,606.55	2
Handsomen Lake Energy	Venango	55233	EU-1B	3,976.00				26,539.80	2
Handsomen Lake Energy	Venango	55233	EU-2A	3,821.00				25,505.18	2
Handsomen Lake Energy	Venango	55233	EU-2B	3,804.00				25,391.70	2
Handsomen Lake Energy	Venango	55233	EU-3A	3,501.00				23,369.18	2
Handsomen Lake Energy	Venango	55233	EU-3B	3,481.00				23,235.68	2
Handsomen Lake Energy	Venango	55233	EU-4A	3,574.00				23,856.45	2
Handsomen Lake Energy	Venango	55233	EU-4B	3,574.00				23,856.45	2
Handsomen Lake Energy	Venango	55233	EU-5A	3,495.00				23,329.13	2
Handsomen Lake Energy	Venango	55233	EU-5B	3,439.00				22,955.33	2
Hatfield's Ferry Power Station	Greene	3179	1	1,770,958.00				13,990,568.20	941

<i>Facility Name</i>	<i>County</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>Gross Load (Megawatt Hours)</i>	<i>Steam Load (Thousand Lbs. of Steam)</i>	<i>Useful Thermal Energy (mmBTU)</i>	<i>Total Heat Energy of Steam Produced (mmBTU)</i>	<i>2011 Converted Heat Input (mmBTU)</i>	<i>2017 CAIR NO_x Ozone Season Allowance Allocation</i>
Hatfield's Ferry Power Station	Greene	3179	2	1,754,586.00				13,861,229.40	933
Hatfield's Ferry Power Station	Greene	3179	3	1,413,650.00				11,167,835.00	751
Hazleton Generation	Luzerne	10870	TURB2	1,307.38				8,726.76	1
Hazleton Generation	Luzerne	10870	TURB3	1,620.81				10,818.91	1
Hazleton Generation	Luzerne	10870	TURB4	1,566.89				10,458.99	1
Hazleton Generation	Luzerne	10870	TURBIN	2,809.41				18,752.81	1
Homer City	Indiana	3122	1	1,649,626.94				13,032,052.83	877
Homer City	Indiana	3122	2	1,340,115.99				10,586,916.32	712
Homer City	Indiana	3122	3	1,845,939.18				14,582,919.52	981
Hunlock Creek Energy Center	Luzerne	3176	CT5	20,196.00				134,808.30	9
Hunlock Creek Energy Center	Luzerne	3176	CT6	22,004.00				146,876.70	10
Hunlock Unit 4	Luzerne	56397	4	5,422.00				36,191.85	2
Hunterstown Combined Cycle	Adams	55976	CT101	603,761.07				4,030,105.14	271
Hunterstown Combined Cycle	Adams	55976	CT201	625,644.16				4,176,174.77	281
Hunterstown Combined Cycle	Adams	55976	CT301	613,720.37				4,096,583.47	276
Keystone	Armstrong	3136	1	2,761,902.40				21,819,028.96	1,468
Keystone	Armstrong	3136	2	2,924,352.40				23,102,383.96	1,554
Liberty Electric Power Plant	Delaware	55231	1	779,461.83				5,202,907.72	350
Liberty Electric Power Plant	Delaware	55231	2	755,980.17				5,046,167.63	340
Lower Mount Bethel Energy	Northampton	55667	CT01	813,894.21				5,432,743.85	366
Lower Mount Bethel Energy	Northampton	55667	CT02	775,107.39				5,173,841.83	348
Martins Creek	Northampton	3148	3	257,650.00				1,719,813.75	116
Martins Creek	Northampton	3148	4	213,967.00				1,428,229.73	96

<i>Facility Name</i>	<i>County</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>Gross Load (Megawatt Hours)</i>	<i>Steam Load (Thousand Lbs. of Steam)</i>	<i>Useful Thermal Energy (mmBTU)</i>	<i>Total Heat Energy of Steam Produced (mmBTU)</i>	<i>2011 Converted Heat Input (mmBTU)</i>	<i>2017 CAIR NO_x Ozone Season Allowance Allocation</i>
Mitchell Power Station	Washington	3181	1	552.00				3,684.60	0
Mitchell Power Station	Washington	3181	2	-				-	0
Mitchell Power Station	Washington	3181	3	575.00				3,838.13	0
Mitchell Power Station	Washington	3181	33	484,075.00				3,824,192.50	257
Montour	Montour	3149	1	2,285,974.00				18,059,194.60	1,215
Montour	Montour	3149	2	2,357,615.00				18,625,158.50	1,253
Mountain	Cumberland	3111	31	696.00				4,645.80	0
Mountain	Cumberland	3111	32	612.00				4,085.10	0
Mt. Carmel Cogeneration	Northumberland	10343	SG-101	-		466,402.00		583,002.50	39
New Castle	Lawrence	3138	3	113,714.40				898,343.76	60
New Castle	Lawrence	3138	4	125,513.30				991,555.07	67
New Castle	Lawrence	3138	5	171,421.30				1,354,228.27	91
North East Cogeneration Plant	Erie	54571	1	-				-	0
North East Cogeneration Plant	Erie	54571	2	-				-	0
Northampton Generating Plant	Northampton	50888	NGC01	428,091.00				3,381,918.90	228
Northeastern Power Company	Schuylkill	50039	31	191,708.00				1,514,493.20	102
Ontelaunee Energy Center	Berks	55193	CT1	701,343.00				4,681,464.53	315
Ontelaunee Energy Center	Berks	55193	CT2	661,826.00				4,417,688.55	297
PEI Power Corporation	Lackawanna	50279	2	21,442.00				143,125.35	10
PPL Ironwood, LLC	Lebanon	55337	1	1,006,533.00				6,718,607.78	452
PPL Ironwood, LLC	Lebanon	55337	2	903,507.80				6,030,914.57	406
Panther Creek Energy Facility	Carbon	50776	1	159,965.00				1,263,723.50	85
Panther Creek Energy Facility	Carbon	50776	2	159,371.00				1,259,030.90	85

<i>Facility Name</i>	<i>County</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>Gross Load (Megawatt Hours)</i>	<i>Steam Load (Thousand Lbs. of Steam)</i>	<i>Useful Thermal Energy (mmBTU)</i>	<i>Total Heat Energy of Steam Produced (mmBTU)</i>	<i>2011 Converted Heat Input (mmBTU)</i>	<i>2017 CAIR NO_x Ozone Season Allowance Allocation</i>
Piney Creek Power Plant	Clarion	54144	31	123,730.75				977,472.93	66
Portland	Northampton	3113	1	235,714.00				1,862,140.60	125
Portland	Northampton	3113	2	438,794.50				3,466,476.55	233
Portland	Northampton	3113	5	4,850.70				32,378.42	2
Richmond	Philadelphia	3168	91	841.00				5,613.68	0
Richmond	Philadelphia	3168	92	861.00				5,747.18	0
Schuylkill	Philadelphia	3169	1	15,156.00				101,166.30	7
Scrubgrass Generating Plant	Venango	50974	1	153,381.68	0			1,211,715.27	82
Scrubgrass Generating Plant	Venango	50974	2	157,273.32	0			1,242,459.23	84
Seward	Indiana	3130	1	833,317.50				6,583,208.25	443
Seward	Indiana	3130	2	740,877.00				5,852,928.30	394
Shawville	Clearfield	3131	1	164,989.70				1,303,418.63	88
Shawville	Clearfield	3131	2	120,804.60				954,356.34	64
Shawville	Clearfield	3131	3	254,327.80				2,009,189.62	135
Shawville	Clearfield	3131	4	225,396.90				1,780,635.51	120
St. Nicholas Cogeneration Project	Schuylkill	54634	1	340,338.00	0			2,688,670.20	181
Sunbury	Snyder	3152	1A	76,144.50				601,541.55	40
Sunbury	Snyder	3152	1B	64,108.00				506,453.20	34
Sunbury	Snyder	3152	2A	74,585.00				589,221.50	40
Sunbury	Snyder	3152	2B	-				-	0
Sunbury	Snyder	3152	3	123,417.20				974,995.88	66
Sunbury	Snyder	3152	4	185,380.30				1,464,504.37	99
Titus	Berks	3115	1	85,264.60				673,590.34	45
Titus	Berks	3115	2	75,942.40				599,944.96	40
Titus	Berks	3115	3	87,369.10				690,215.89	46
Tolna	York	3116	31	616.00				4,111.80	0
Tolna	York	3116	32	867.00				5,787.23	0
Veolia Energy Philadelphia—Schuylkill	Philadelphia	50607	23					-	0

<i>Facility Name</i>	<i>County</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>Gross Load (Megawatt Hours)</i>	<i>Steam Load (Thousand Lbs. of Steam)</i>	<i>Useful Thermal Energy (mmBTU)</i>	<i>Total Heat Energy of Steam Produced (mmBTU)</i>	<i>2011 Converted Heat Input (mmBTU)</i>	<i>2017 CAIR NO_x Ozone Season Allowance Allocation</i>
Veolia Energy Philadelphia—Schuylkill	Philadelphia	50607	24			-		-	0
Veolia Energy Philadelphia—Schuylkill	Philadelphia	50607	26			10.00		12.50	0
WPS Westwood Generation, LLC	Schuylkill	50611	31	86,042.00				679,731.80	46
Warren	Warren	3132	5	2,478.00				16,540.65	1
Wheelabrator—Frackville	Schuylkill	50879	GEN1		1494695.1			1,803,443.06	121
York Energy Center (Calpine)	York	55524	1	232,002.67				1,548,617.82	104
York Energy Center (Calpine)	York	55524	2	230,192.67				1,536,536.07	103
York Energy Center (Calpine)	York	55524	3	226,488.67				1,511,811.87	102
Total								521,431,940.99	35,086

[Pa.B. Doc. No. 13-962. Filed for public inspection May 24, 2013, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Hanover Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hanover Hospital has requested an exception to the requirements of 28 Pa. Code § 138.15 (relating to high-risk cardiac catheterizations).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-963. Filed for public inspection May 24, 2013, 9:00 a.m.]

Application of Jameson Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Jameson Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-3.1.3.6(5)(a) (relating to treatment room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-964. Filed for public inspection May 24, 2013, 9:00 a.m.]

Health Research Advisory Committee Meeting

The Health Research Advisory Committee (Committee) of the Department of Health will hold a public meeting on May 28, 2013, from 10 a.m. to 12 p.m. The meeting will be held in Room 129, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

There are two primary aims for the meeting:

1. Review and approve the minutes from the February 28, 2013, Committee meeting and discuss and vote upon State Fiscal Year 2013-2014 Formula Grant health research priorities for the Commonwealth Universal Research Enhancement Program.

2. Receive a final report presentation from Oak Ridge Associated Universities, Inc. regarding the outcomes of the Health Research Program review. The Committee will then discuss the results and possible future actions based upon the review.

This meeting is open to the public. No reservations are required. The meeting is not a public hearing and therefore public testimony or comments, or both, are not part of the meeting agenda.

For additional information, contact Marina O. Matthew, RHIA, Director, Bureau of Health Statistics and Research or Violet Witmer, Administrative Officer, Bureau of Health Statistics and Research, 555 Walnut Street, 6th Floor, Harrisburg, PA 17101-1914 or (717) 783-2548.

Persons with disabilities who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Violet Witmer at (717) 783-2548, or for speech and/or hearing impaired persons at V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 13-965. Filed for public inspection May 24, 2013, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Federal Poverty Income Guidelines for 2013

The Department of Public Welfare (Department) announces the implementation in this Commonwealth of the 2013 Federal Poverty Income Guidelines (FPIGs) which were issued by the Department of Health and Human Services and published at 78 FR 5182 (January 24, 2013).

The FPIGs are the basis for the income eligibility limits for several categories of Medicaid whose regulations are published in 55 Pa. Code (relating to public welfare) and administered by the Department. These categories include Healthy Beginnings for Pregnant Women and Qualified Children (55 Pa. Code Chapter 140, Subchapter A), Healthy Horizons for the Elderly and Disabled (55 Pa. Code Chapter 140, Subchapter B) and Extended Medical Coverage under Categorically Needy TANF-Related Categories (55 Pa. Code Chapter 140, Subchapter C).

The percentages for the Medicaid categories of Healthy Beginnings and Healthy Horizons are set forth as follows:

These percentages apply as follows:

Healthy Beginnings:

- a. 185% for pregnant women and infants up to 1 year of age
- b. 133% for children 1 through 5 years of age
- c. 100% for children 6 years of age and older

Healthy Horizons:

- a. 100% for persons eligible for the categorically needy, Medicare Buy-In and Medicare cost-sharing benefits
- b. 120% for persons eligible for the Specified Low-Income Medicare Beneficiaries
- c. 135% for persons eligible for the Qualifying Individuals Beneficiaries benefits

There are different resource limits for each of the Healthy Horizons programs.

Persons	100% of FPIG		120% of FPIG		133% of FPIG		135% of FPIG	
	Month	Annual	Month	Annual	Month	Annual	Month	Annual
1	\$958	\$11,490	\$1,149	\$13,788	\$1,274	\$15,282	\$1,293	\$15,512
2	\$1,293	\$15,510	\$1,551	\$18,612	\$1,720	\$20,629	\$1,745	\$20,939
3	\$1,628	\$19,530	\$1,953	\$23,436	\$2,165	\$25,975	\$2,198	\$26,366
4	\$1,963	\$23,550	\$2,355	\$28,260	\$2,611	\$31,322	\$2,650	\$31,793
5	\$2,298	\$27,570	\$2,757	\$33,084	\$3,056	\$36,669	\$3,102	\$37,220
6	\$2,633	\$31,590	\$3,159	\$37,908	\$3,502	\$42,015	\$3,554	\$42,647
7	\$2,968	\$35,610	\$3,561	\$42,732	\$3,947	\$47,362	\$4,007	\$48,074
8	\$3,303	\$39,630	\$3,963	\$47,556	\$4,393	\$52,708	\$4,459	\$53,501
Each Additional Person	\$335	\$4,020	\$402	\$4,824	\$446	\$5,347	\$453	\$5,427

Persons	185% of FPIG		200% of FPIG		235% of FPIG		250% of FPIG	
	Month	Annual	Month	Annual	Month	Annual	Month	Annual
1	\$1,772	\$21,257	\$1,915	\$22,980	\$2,251	\$27,002	\$2,394	\$28,725
2	\$2,392	\$28,694	\$2,585	\$31,020	\$3,038	\$36,449	\$3,232	\$38,775
3	\$3,011	\$36,131	\$3,255	\$39,060	\$3,825	\$45,896	\$4,069	\$48,825
4	\$3,631	\$43,568	\$3,925	\$47,100	\$4,612	\$55,343	\$4,907	\$58,875
5	\$4,251	\$51,005	\$4,595	\$55,140	\$5,400	\$64,790	\$5,744	\$68,925
6	\$4,871	\$58,442	\$5,265	\$63,180	\$6,187	\$74,237	\$6,582	\$78,975
7	\$5,490	\$65,879	\$5,935	\$71,220	\$6,974	\$83,684	\$7,419	\$89,025
8	\$6,110	\$73,316	\$6,605	\$79,260	\$7,761	\$93,131	\$8,257	\$99,075
Each Additional Person	\$620	\$7,437	\$670	\$8,040	\$788	\$9,447	\$838	\$10,050

Additional information on the programs is available at the county assistance offices.

This notice shall take effect upon publication in the *Pennsylvania Bulletin* and apply retroactively to January 24, 2013.

Public Comments

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Income Maintenance, Edward J. Zogby, Director, Bureau of Policy, Room 431, Health and Welfare

Building, Harrisburg, PA 17120, (717) 787-4081. Comments received within 30 calendar 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-819. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 55. PUBLIC WELFARE
PART II. PUBLIC ASSISTANCE MANUAL
Subpart C. ELIGIBILITY REQUIREMENTS
CHAPTER 140. SPECIAL MA ELIGIBILITY PROVISIONS
Subchapter C. ELIGIBILITY PROVISIONS FOR EMC UNDER THE CATEGORICALLY NEEDY PROGRAM FOR TANF-RELATED CATEGORIES
APPENDIX A
EXTENDED MEDICAL COVERAGE (EMC) MONTHLY INCOME LIMITS
185% OF THE 2013 FEDERAL POVERTY INCOME GUIDELINES

<i>Family Size</i>	<i>185% of the Federal Poverty Income Guidelines</i>
1	\$1,772
2	\$2,392
3	\$3,011
4	\$3,631
5	\$4,251
6	\$4,871
7	\$5,490
8	\$6,110
Each Additional Person	\$620

[Pa.B. Doc. No. 13-966. Filed for public inspection May 24, 2013, 9:00 a.m.]

Income Limits for the Categorically Needy Non-money Payment Medicaid Program

The Department of Public Welfare (Department) increased the income limits codified in 55 Pa. Code § 181.1(f)(1), (2) and (4) (relating to general policy on MA income common to all categories of MA) effective January 1, 2013.

Section 181.1(f)(1), (2) and (4) of 55 Pa. Code establishes that the income limits for the Categorically Needy Nonmoney Payment Medical Assistance Program (program) for aged, blind and disabled persons are based on the Federal benefit rate payable under Title XVI of the Social Security Act (42 U.S.C.A. §§ 1381—1383f). Effective January 1, 2013, the Federal benefit rate was increased due to the Federal cost-of-living increase.

As required under 55 Pa. Code § 181.1(f), the Department revised the income limits for the program for aged, blind and disabled persons effective January 1, 2013. Those limits are set forth in Appendices A, B and D, which are recommended for codification in 55 Pa. Code Chapter 181 (relating to income provisions for categorically needy NMP-MA and MNO-MA). Appendix A is the Federal benefit rate plus the State supplement payable under Title XVI. Appendix B is 300% of the Federal benefit rate payable under Title XVI. Appendix D is the Federal benefit rate payable under Title XVI. Item 1 of Appendix D is 1/2 of the Federal benefit rate for one

person. Item 2 of Appendix D is 1/2 of the Federal benefit rate for two persons.

BEVERLY D. MACKERETH,
Acting Secretary

Fiscal Note: 14-NOT-820. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 55. PUBLIC WELFARE
PART II. PUBLIC ASSISTANCE MANUAL
Subpart D. DETERMINATION OF NEED AND AMOUNT OF ASSISTANCE
CHAPTER 181. INCOME PROVISIONS FOR CATEGORICALLY NEEDY NMP-MA AND MNO-MA
APPENDIX A

Categorically Needy Nonmoney Payment Monthly Income Limits for the Aged, Blind and Disabled Categories Effective January 1, 2013

1 Person	\$710.00
2 Persons	\$1,066.00

APPENDIX B

Categorically Needy Nonmoney Payment Monthly Income Limits for the Aged, Blind and Disabled Categories Receiving Skilled Care, Heavy Care/Intermediate Services or Intermediate Care Effective January 1, 2013

1 Person	\$2,130.00
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APPENDIX D

Monthly Federal Benefit Rate Effective January 1, 2013

1 Person	\$710.00
2 Persons	\$1,066.00

Percentages of Monthly Federal Benefit Rate Effective January 1, 2013

Item 1) 50% of Federal Benefit Rate for 1 person	= \$355.00
Item 2) 50% of Federal Benefit Rate for 2 persons	= \$533.00

[Pa.B. Doc. No. 13-967. Filed for public inspection May 24, 2013, 9:00 a.m.]

Medical Assistance Program Fee Schedule; Addition of Procedure Code for Vaccine Administration

In accordance with 55 Pa. Code § 1150.61(a) (relating to guidelines for fee schedule changes), the Department of Public Welfare (Department) announces the addition of the following procedure code to the Medical Assistance(MA) Program Fee Schedule for the administration of a cell culture influenza vaccine, effective for dates of service on and after May 28, 2013.

<i>Procedure Code</i>	<i>Description</i>	<i>MA Fee</i>
90661	Influenza virus vaccine, derived from cell cultures, subunit, preservative and antibiotic free, for intramuscular use	\$10

The United States Food and Drug Administration approved use of Flucelvax®, an influenza virus vac-

cinederived from cell cultures, on November 20, 2012. The Department is adding procedure code 90661 to the MA Program Fee Schedule to identify when a practitioner administers Flucelvax®.

The Department will issue an MA Bulletin to providers enrolled in the MA Program specifying the procedures for billing of the administration of the vaccine.

Fiscal Impact

The Department anticipates no fiscal impact as a result of adding procedure code 90661 to the MA Fee Schedule, as there is an existing procedure code on the fee schedule that is being used for the administration of an unspecified vaccine and the addition of this procedure code will not increase utilization.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision to the MA Program Fee Schedule.

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-817. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 13-968. Filed for public inspection May 24, 2013, 9:00 a.m.]

**DEPARTMENT OF
TRANSPORTATION**

**Bureau of Maintenance and Operations; Access
Route Approval**

Under 75 Pa.C.S. § 4908 (relating to operation of certain combinations on interstate and certain other highways), the Department of Transportation approved on April 26, 2013, the following access route for use by the types of truck combinations as indicated:

1. (X) 96" wide twin trailers (28 1/2' maximum length of each trailer).
2. (X) 102" wide 53' long trailer.
3. (X) 102" wide 48' long trailer.
4. (X) 102" wide twin trailers (28 1/2' maximum length-each)
5. () 102" wide maxi-cube.

<i>Route Identification</i>	<i>Route Description</i>	<i>Length Miles</i>
SR 87	From Sullivan/Wyoming County line to SR 187	1.8

Questions should be directed to Matthew Hedge at (717) 772-5462.

BARRY J. SCHOCH, P.E.,
Secretary

[Pa.B. Doc. No. 13-969. Filed for public inspection May 24, 2013, 9:00 a.m.]

**ENVIRONMENTAL
HEARING BOARD**

**Rosebud Mining Company v. DEP; EHB Doc. No.
2013-056-B**

Rosebud Mining Company has appealed the issuance by the Department of Environmental Protection of a renewal NPDES permit to Rosebud Mining Company for the Coal Refuse Disposal No. 2 in Plumcreek Township, Armstrong County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 13-970. Filed for public inspection May 24, 2013, 9:00 a.m.]

**GOVERNOR'S
ALZHEIMER'S DISEASE
PLANNING COMMITTEE**

Meeting Scheduled

The Governor's Alzheimer's Disease Planning Committee will be meeting on Friday, June 7, 2013. The meeting will begin at 9 a.m. at the Rachel Carson State Office Building, Room 105, 1st Floor, 400 Market Street, Harrisburg, PA 17101. Persons interested in attending should register by contacting Amy Comarnitsky, (717) 425-5115, acomarnits@pa.gov.

BRIAN M. DUKE,
*Chairperson
Secretary of Aging*

[Pa.B. Doc. No. 13-971. Filed for public inspection May 24, 2013, 9:00 a.m.]

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.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
16A-4935	State Board of Medicine Perfusionist	5/10/13	6/20/13
16A-5324	State Board of Osteopathic Medicine Perfusionist	5/10/13	6/20/13

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 13-972. Filed for public inspection May 24, 2013, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Acquire Control of OneBeacon Insurance Company and Potomac Insurance Company; Reopening of Public Comment Period

The Insurance Department (Department) published notice at 43 Pa.B. 1157 (February 23, 2013) of receipt of the application of Trebuchet US Holdings, Inc. requesting approval to acquire control of OneBeacon Insurance Company, a domestic stock casualty insurance company, and Potomac Insurance Company, a domestic stock casualty insurance company. The notice afforded persons the opportunity to provide written comments on the filing to the Department for a period that expired on April 24, 2013. The Department is reopening the public comment period for an additional 45 days.

Persons wishing to comment on the acquisition are invited to submit a written statement to the Department within 45 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@pa.gov.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 13-973. Filed for public inspection May 24, 2013, 9:00 a.m.]

MILK MARKETING BOARD

Sunshine Meeting Calendar for Fiscal Year 2013-2014

<i>Date</i>	<i>Room</i>	<i>Time</i>
Wednesday, July 3, 2013	202—Agriculture Building Harrisburg, PA 17110	1 p.m.
Thursday, August 1, 2013*	202—Agriculture Building Harrisburg, PA 17110	1 p.m.
Tuesday, September 3, 2013*	202—Agriculture Building Harrisburg, PA 17110	1 p.m.
Wednesday, October 2, 2013	202—Agriculture Building Harrisburg, PA 17110	1 p.m.
Wednesday, November 6, 2013	202—Agriculture Building Harrisburg, PA 17110	1 p.m.
Wednesday, December 4, 2013	309—Agriculture Building Harrisburg, PA 17110	1 p.m.
Wednesday, January 8, 2014*	202—Agriculture Building Harrisburg, PA 17110	1 p.m.
Wednesday, February 5, 2014	202—Agriculture Building Harrisburg, PA 17110	1 p.m.
Wednesday, March 5, 2014	202—Agriculture Building Harrisburg, PA 17110	1 p.m.

<i>Date</i>	<i>Room</i>	<i>Time</i>
Wednesday, April 2, 2014	202—Agriculture Building Harrisburg, PA 17110	1 p.m.
Wednesday, May 7, 2014	202—Agriculture Building Harrisburg, PA 17110	1 p.m.
Wednesday, June 4, 2014	202—Agriculture Building Harrisburg, PA 17110	1 p.m.

* Not the first Wednesday of the month due to conflicts.

TIM MOYER,
Secretary

[Pa.B. Doc. No. 13-974. Filed for public inspection May 24, 2013, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Railroad Crossing With Hearing

A-2009-2132946. Department of Transportation. Application of the Department of Transportation for the approval to replace the existing superstructure of the bridge carrying SR 0462 over the single track of the Norfolk Southern Railway Company (DOT No. 517 596 W) in Mountville Borough, Lancaster County; and the allocation of the costs incident thereto.

Initial and further hearings on this matter will be held on Monday, June 10, 2013, and Tuesday, June 11, 2013, at 10 a.m. in Hearing Room 2, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, when and where all persons may appear and be heard, if they so desire.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-975. Filed for public inspection May 24, 2013, 9:00 a.m.]

Section 1307(e) Reconciliation Statement Pilot Program

Public Meeting held
May 9, 2013

Commissioners Present: Robert F. Powelson, Chairperson; John F. Coleman, Jr., Vice Chairperson; Wayne E. Gardner; James H. Cawley; Pamela A. Witmer

Section 1307(e) Reconciliation Statement Pilot Program;
Doc. No. M-2013-2345492

Implementation Order

By the Commission:

On February 28, 2013, the Pennsylvania Public Utility Commission (Commission) entered a Tentative Order proposing a one-year pilot program (the Pilot Program or the Pilot) intended to streamline administrative procedures governing the filing and review of Section 1307(e)

reconciliation statements. Before the Commission are comments filed by the Energy Association of Pennsylvania (EAP) and the Office of Consumer Advocate (OCA).

We have carefully considered the comments filed by the parties. For reasons more fully described herein, we have clarified and modified the Tentative Order and will move forward with the Pilot Program in accordance with this Implementation Order.

Background

In an effort to save time and resources for the Commission and interested parties, the Commission issued a Tentative Order on February 28, 2013 proposing a one-year pilot program with streamlined procedures governing the filings of Section 1307(e) reconciliation statements.

Upon receiving a reconciliation statement required by Section 1307(e)(1), the Commission assigns the matter to the Bureau of Audits (Audits) to review the statement and verify mathematical accuracy and compliance with the tariff. Audits prepares a hearing exhibit and summary of the filing for the Bureau of Investigation and Enforcement (I&E). I&E then files a notice of appearance in the Office of Administrative Law Judge (OALJ) proceeding. Parties can object to and challenge the reconciliation statement in writing. OALJ schedules and holds a hearing with an I&E attorney, an Audits witness, and utility attorneys and witnesses. Several hearings are held consecutively on the same day for multiple public utilities. The assigned Administrative Law Judge (ALJ) admits the reconciliation statement into record on motion of the utility or I&E. I&E offers a statement into evidence indicating that acceptance of the statement is subject to further review as to accuracy or reasonableness of the underlying transactions. The ALJ then issues a recommended decision and accepts the filing insofar as it is undisputed, noting that it is subject to further review and revision as may be necessary as a result of an audit or other proceeding. The ALJ also notes that acceptance does not constitute approval of accuracy or reasonableness of underlying transactions. Finally, the Commission adopts the recommended decision through an order at Public Meeting. Since most reconciliation statements are not contested, the Commission finds that current procedures governing uncontested statements need to be streamlined, especially in light of the considerable time and resources expended by the Commission and utilities regarding these uncontested statements.

In its Tentative Order, the Commission proposed eliminating an evidentiary hearing, a recommended decision, and Commission Public Meeting action regarding Section

1307(e) reconciliation statements when there is no material issue of fact in dispute. When there is no material issue of fact in dispute, the Commission proposed foregoing the evidentiary hearing process and instead issuing a Secretarial Letter accepting the reconciliation statement. When there is a material issue of fact in dispute or other challenge that requires an evidentiary hearing, the Commission proposed that OALJ, after hearing and briefing, issue an initial decision rather than a recommended decision. If no exceptions are filed and no Commission review is requested, the initial decision would become final by operation of law. This would eliminate the need for the Commission to act at a subsequent Public Meeting.

Comments

EAP's Comments

While EAP applauds the Commission's goal of streamlining administrative procedures through the Pilot Program, EAP expressed concern that the proposed pilot appears to be inconsistent with the public hearing and order requirements in Sections 1307(e)(2)—(3) of the Public Utility Code. See 66 Pa.C.S. § 1307(e)(2)—(3). EAP Comments at 2. Observing that the proposed procedures appear to run contrary to the plain meaning of Sections 1307(e)(2)—(3), EAP noted that the proposed procedures "may undermine the finality of those reconciliation statements approved during the Pilot and of any refund or recovery of over/under collections by the utility in reliance on the calculations in those statements, particularly with respect to any third party challenges." Id. at 3. EAP therefore recommended that amending the statutory language would be a more certain and lawful measure for the Commission to streamline its procedures as necessary in accordance with the Tentative Order. Id. at 4.

OCA's Comments

In its comments, the OCA stressed that since Section 1307(e) reconciliation statements serve an important role in setting just and reasonable rates, any pilot program intended to streamline the process should ensure that all rights remain protected in accordance with due process and the Public Utility Code. OCA Comments at 2-3. The OCA identified four concerns regarding the Commission's proposed Pilot Program.

First, the OCA sought clarification on the specific Section 1307(e) reconciliation statements that would be covered by the Pilot Program, advising that the Pilot should be limited to a subset of reconciliation filings and not encompass Distribution System Improvement Charges filings at this time. Id. at 4-5.

Second, the OCA requested that the Commission extend the time period for written objections from the 20 days proposed in the Tentative Order to 45 days in order to give parties more time to review the reconciliation statements. Id. at 5.

Third, the OCA sought clarification on the effect of Secretarial Letters on parties when no written objections are filed. Id. at 5. Specifically, the OCA requested that the Commission "clarify that the absence of a written objection is not dispositive as to any person or party in any other proceeding." Id. at 6.

Fourth, the OCA requested the Commission to recognize that the Section 1307(e) reconciliation is part of a rate determination. Id. at 7. Accordingly, the OCA requested that the Commission revise the Tentative Order

to require the ALJ to issue a recommended decision instead of an initial decision when an interested party has filed written objections to a Section 1307(e) reconciliation statement filing. Id. at 8.

Discussion

In their comments, both EAP and OCA express concern that the proposed procedures in the Pilot Program may be inconsistent with Sections 1307(e)(2)—(3) of the Public Utility Code and due process rights of parties. We will first provide a legal framework to demonstrate that the Commission's proposed Pilot Program does not circumvent the Public Utility Code or violate due process. Then, we will respond directly to the concerns raised by the commenters.

Legal Framework For Due Process

Determining the adequacy of particular due process procedures requires a case-by-case analysis balancing the interests of the individual in receiving certain procedural protections against the government's interest in proceeding without those protections. *Pa. Coal Mining Assoc. v. Ins. Dept.*, 370 A.2d 685, 689, 691 (Pa. 1977) (citing *Goldberg v. Kelly*, 397 U.S. 254 (1970); *Morrissey v. Brewer*, 408 U.S. 471, 481 (1972)). The protections already provided by current procedures will be considered in determining whether due process requires more procedures. Id. at 692 (citing *Boddie v. Conn.*, 401 U.S. 371, 378 (1971)). Notice, the most basic requirement of due process, should be reasonably calculated to inform interested parties of the pending action and to provide interested parties with an opportunity to present objections. Id. at 692-93.

In regard to hearings, the Pennsylvania Supreme Court has explained that while oral proceedings may be necessary for determinations likely to turn on witness credibility, written objections may be adequate when economic or statistical questions are at issue. Id. at 693 (citing *Matthews v. Eldridge*, 424 U.S. 319, 342 (1976)). If there is an absence of disputed facts and a lack of specific language in the statute requiring an oral hearing, the Commission's use of a "paper" hearing does not violate due process. *Diamond Energy v. Pa. PUC*, 653 A.2d 1360, 1367 (Pa. Cmwlth. 1995). In *Diamond Energy*, the Commonwealth Court determined that a hearing or trial procedure is only necessary to resolve disputed questions of fact and is not required to decide questions of law, policy, or discretion. Id.

Finally, we note that it is the substance and not the form of a Commission action that determines whether the Commission has entered a final, definitive order. *Dept. of Highways v. Pa. Public Utility Commission*, 149 A.2d 552, 555 (Pa. Super. 1959) (determining that a letter issued by the Commission denying the reopening of a case had the effect of a law of an order); *West Penn Power v. Pa. PUC*, 100 A.2d 110, 113 (Pa. Super. 1953) (finding that a 'release' issued by the Commission had the same force of law as a Commission order based upon the substance of the release). Therefore, so long as a Commission Secretarial Letter orders, directs, or requires a party to do something, a Secretarial Letter will have the same equivalent force of law as a Commission Order. By reverse implication, if a Secretarial Letter does not order, direct, or require a party to do something, the Secretarial Letter will not have the force of law.

*Response to Commenters**Due Process Concerns: Public Hearing Requirement in Section 1307(e)(2)*

OCA and EAP both raise concerns that the Commission's proposed procedures in the Section 1307(e) Reconciliation Statement Pilot Program may run contrary to the Public Utility Code and potentially infringe upon due process rights of interested parties. Because the current process has become one of form with no real substance, the Commission has proposed eliminating a trial-type evidentiary hearing, a recommended decision, and Public Meeting action regarding Section 1307(e) reconciliation statements when there is no material issue of fact in dispute. The Commission has determined that its interest in eliminating those additional procedures is greater than proceeding with those procedures. See *Pa. Coal Mining*, 370 A.2d at 689, 691.

Section 1307(e) does require the Commission to "hold a public hearing" within 60 days of the filing of the reconciliation statement and to issue an "order" within 60 days of that hearing. 66 Pa.C.S. § 1307(e)(2)—(3). The EAP has expressed concern that the statute requires an oral, evidentiary trial-type hearing and the issuance of an order instead of a Secretarial Letter regardless of whether material factual issues have been raised. However, in the Commission's judgment, EAP's reading of Section 1307(e) is overly restrictive and inconsistent with the practical nature and purpose of these proceedings. Moreover, guiding case law precedent demonstrates that the Pilot Program will fulfill the basic due process requirements of providing interested parties with (1) adequate notice and (2) an opportunity to be heard and file objections.

The Rules of Statutory Construction provide that the object of all interpretation and construction of statutes is "to ascertain and effectuate the intention of the General Assembly." 1 Pa.C.S. § 1921(a). Where the words of a statute are clear and free from ambiguity, one must not look beyond the text to glean legislative intent. 1 Pa.C.S. § 1921(b); *Com v. McCoy*, 599 Pa. 599, 610 (2009). Importantly, we note here that, where there is ambiguity, the language should not be interpreted in a manner that would be "absurd, impossible of execution or unreasonable." 1 Pa.C.S. § 1922(1).

The adjective "public" does not necessarily connote a physical, in-person presence. The Commonwealth Court has invoked the common, ordinary definition of "public" as "accessible to or shared by all members of the community."¹ *Council of Middletown Twp. v. Benham*, 496 A.2d 1293, 1296 (Pa. Cmwlth. 1985) (*aff'd* 523 A.2d 311 (Pa. Mar 23, 1987)). *Black's Law Dictionary* similarly defines "public" as "open or available for all to use, share, or enjoy." *Black's Law Dictionary* (9th Ed. 2009). Therefore, as to the Section 1307(e)(2) "public hearing" requirement, the Commission interprets a "public hearing" in Section 1307(e)(2) as an accessible, public forum that provides interested parties with an opportunity to be heard and to file objections, if desired. Indeed, it would be an unreasonable interpretation of Section 1307(e) to require an in-person, oral hearing when no factual issue or even objections have been raised regarding the reconciliation

statement, after adequate notice has been provided to all interested parties. Accordingly, we find that the term "public hearing" in Section 1307(e) does not require an oral hearing in all circumstances.

In the Pilot Program, a public utility must file the reconciliation statement with the Commission and must serve the OCA, the Office of Small Business Advocate, and I&E. The Commission will also publicize the filing online at the Commission's web site. Interested parties will have 30 days to file objections.² Accordingly, public notice has been reasonably calculated to inform interested parties of the filing and provide interested parties with an opportunity to present written objections. See *Pa. Coal Mining*, 370 A.2d at 692-693.

Here, written objections will be sufficient since only arithmetic computations are at issue and not matters of witness credibility. See *Pa. Coal Mining*, 370 A.2d at 693. As in *Diamond Energy*, the Commission does not violate due process by holding a "paper" or electronic hearing since an oral, trial-type hearing is only necessary to resolve disputed questions of fact. 653 A.2d at 1367. Therefore, the Commission's proposed procedures in the Pilot Program satisfy due process requirements.

Effect of Secretarial Letter on Parties When No Written Objections Are Filed

OCA expressed concerns as to the effect of a Commission Secretarial Letter on parties when no written objections are filed. OCA wants the Commission to stress that the "decision on the reconciliation statement is not a substantive determination." OCA Comments at 5. In its comments, EAP raised concerns that issuance of a Secretarial Letter in these non-contested filings "may undermine the finality of those reconciliation statements approved during the Pilot and of any refund or recovery of over/under collections by the utility in reliance on the calculations in those statements." EAP Comments at 3.

The substance and not the form of the Commission action is controlling on whether the Commission has entered a final, definitive order. *Dept. of Highways*, 149 A.2d at 555. If a Commission Secretarial Letter does not order, direct, or require a party to do something, the Secretarial Letter does not contain the substance of an order and will thus not have the same equivalent force of law as a Commission Order.

As in the Commission's current procedures regarding a Section 1307(e) reconciliation statement filings, the Secretarial Letter issued by the Commission regarding a Section 1307(e) statement filing will note that the statement is still subject to further review and revision as may be necessary as a result of an audit or other proceeding. The Commission staff merely reviews the statement for mathematical accuracy and does not evaluate the substantive reasonableness or prudence of the underlying costs incurred. Accordingly, EAP's concerns that the Commission's "proposed procedure may undermine the finality of those reconciliation statements" is misplaced. A utility should only rely on the Commission's review of the mathematical accuracy and not the substantive reasonableness or prudence of any refund or recovery of the over/under collections. Furthermore, this Secretarial Letter does not preclude a party from later filing a complaint on the substance or operation of an adjustment clause rate change filing.

¹ The Court cited Webster's Third New International Dictionary definition of public, which is consistent with the current definition in Merriam-Webster's Online Dictionary. See "public" definition 6(a), available at <http://www.merriam-webster.com/dictionary/public> (last accessed Apr. 22, 2013).

² In response to OCA's comments, the Commission will extend the time to file written objections from 20 days to 30 days, as discussed in more detail later in this Order.

Requiring the Commission to Issue a Recommended Decision and Not an Initial Decision in Disputed Section 1307(e) Reconciliation Statement Filings

In the Tentative Order, the Commission proposed that OALJ, after hearing and briefing, issue an initial decision rather than a recommended decision when there is a material issue of fact in dispute regarding a Section 1307(e) statement or other challenge that requires an evidentiary hearing. In its Comments, OCA contends that a Section 1307(e) reconciliation statement filing is part of the rate determination process, requiring the issuance of a recommended decision instead of an initial decision. The OCA notes that issuing an initial decision in a disputed Section 1307(e) filing is unlikely to have a major impact on streamlining the process since parties may (and will likely) file exceptions to the initial decision, requiring Commission review and a final, recommended decision.

Therefore, OCA requests that the Commission revise the Tentative Order to require the Commission to issue a recommended decision instead of an initial decision when an interested party has filed written objections to a Section 1307(e) reconciliation statement filing. The Commission finds OCA's request persuasive and prudent, and amends the Tentative Order accordingly.

The Pilot Program Will Apply to All Non-Section 1307(f) Adjustment Clause Filings

OCA asked the Commission to clarify which automatic adjustment clause rate mechanisms will be subject to the proposed streamlined processes for review of Section 1307(e) reconciliation statements. OCA Comments at 4. The Commission intends the streamlined processes to apply to all non-Section 1307(f) automatic adjustment clause tariff filings. Since the list and types of adjustment clauses is continually open to change through revisions of old adjustment clauses and additions of new clauses, the Commission intends for the streamlined processes to apply broadly to all non-Section 1307(f) filings. Therefore, the Pilot Program will encompass all non-Section 1307(f) automatic adjustment clause tariff filings, including the newly enacted Section 1358 Distribution System Improvement Charges. See 66 Pa.C.S. § 1358(e).

Extending the Time to File Written Objections to Thirty Days

In the Tentative Order, the Commission proposed that a person or party must file a written objection within twenty days to challenge a Section 1307(e) reconciliation statement. In its comments, OCA requested that the Commission extend the time to file written objections to 45 days to ensure that parties have adequate time to thoroughly review the statement. Since Section 1307(e)(2) directs the Commission to hold a hearing within 60 days of the submission of a reconciliation statement, the Commission would be too time-pressed to schedule hearings if parties had 45 days to file objections. However, since providing interested parties adequate time to thoroughly review a reconciliation statement serves the public interest, the Commission will modify the Tentative Order and extend the time to file objections to 30 days.

Conclusion

Consistent with the above discussion, we amend the Tentative Order and issue this Final Order, implementing the Section 1307(e) Reconciliation Statement Pilot Program. In the Pilot Program, the Commission will eliminate an evidentiary hearing, a recommended decision,

and Commission Public Meeting action regarding Section 1307(e) reconciliation statements when there is no material issue of fact in dispute. When there is no material issue of fact in dispute, the Commission will forego the evidentiary hearing process and issue a Secretarial Letter accepting the reconciliation statement as to the statement's mathematical accuracy, subject to further review and revision as may be necessary as a result of an audit or other proceeding.

When there is a material issue of fact in dispute or other challenge, the OALJ will conduct an evidentiary hearing and briefing. The Commission revises the Tentative Order to require the Commission to issue a recommended decision instead of an initial decision when an interested party has filed written objections to a Section 1307(e) reconciliation statement filing. The recommended decision will then be acted on by the Commission at Public Meeting.

By way of this Order, the Commission will implement these new administrative procedures governing the filing of Section 1307(e) reconciliation statements for a one-year pilot period, effective for statements filed on or after July 1, 2013. In the event the Commission determines that it will continue the new procedures after the initial one-year pilot period, the Commission will notify the appropriate stakeholders, subject to initiation of a proposed rulemaking to reflect such new procedures; *Therefore,*

It Is Ordered That:

1. During a one-year pilot period, the Commission will adopt the above-noted procedures governing the filing and review of Section 1307(e) reconciliation statements as set forth in this Order, subject to initiation of a proposed rulemaking.

2. During the pilot period, in addition to the Section 1307(e) reconciliation statement filings served with the Commission, the Commission will require public utilities to serve the Office of Consumer Advocate, the Office of Small Business Advocate, and the Bureau of Investigation and Enforcement with Section 1307(e) reconciliation statement filings. A person or party must file a written objection within thirty (30) days to challenge a Section 1307(e) reconciliation statement.

3. The effective date for the Pilot Program's new procedures is for Section 1307(e) reconciliation statements filed on or after July 1, 2013.

4. A copy of this Order shall be published in the *Pennsylvania Bulletin* and posted on the Commission's website at www.puc.pa.gov.

5. A copy of this Order be served on the appropriate stakeholders in this matter, including all natural gas, electric, steam, water, and wastewater public utilities, the Bureau of Investigation and Enforcement, the Bureau of Audits, the Office of Administrative Law Judge, the Office of Consumer Advocate, and the Office of Small Business Advocate.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-976. Filed for public inspection May 24, 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 June 10, 2013. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.

A-2013-2347382. Ace Limousine & Airport Service, LLC (1411 Berwyn Paoli Road, Paoli, Chester County, PA 19301)—in limousine service, between points in Pennsylvania, excluding Allegheny County, which is to be a transfer of all rights authorized under the certificate issued at A-00116387, F. 1, to Crystal Limousine, Inc., subject to the same limitations and conditions.

Applicant simultaneously requests the right to begin to transport, by motor vehicle, in limousine service, from points in Allegheny County, to points in Pennsylvania, and return.

A-2013-2347384. Ace Limousine & Airport Service, LLC (1411 Berwyn Paoli Road, Paoli, Chester County, PA 19301)—persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Township of Tinicum, Delaware County, to points in Pennsylvania, and return, excluding areas subject to the jurisdiction of the Philadelphia Parking Authority, which is to be a transfer of all rights authorized under the certificate issued at A-00116387, F. 2, to Crystal Limousine, Inc., subject to the same limitations and conditions.

Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under the application.

A-2013-2348819. Green's Taxi, Inc. (8200 Noblestown Road, McDonald, PA 15057)—a corporation of the Commonwealth—for amendment to its common carrier certificate, which grants the right, to transport, as a common carrier, by motor vehicle, persons in paratransit service: (1) between points in the County of Washington, and from points in said county, to points in Pennsylvania, and return; and (2) from points in the County of Allegheny, to other points in Pennsylvania, and return; *So As To Permit* the transportation of persons in paratransit service, between points in the County of Allegheny. *Attorney:* William Gray, 310 Grant Street, Suite 2310, Pittsburgh, PA 15219-2383.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-977. Filed for public inspection May 24, 2013, 9:00 a.m.]

Telecommunications

A-2013-2362951. South Canaan Telephone Company and Service Electric Telephone Company. Joint petition of South Canaan Telephone Company and Service Electric Telephone Company for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

South Canaan Telephone Company and Service Electric Telephone Company, by its counsel, filed on May 13, 2013, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the South Canaan Telephone Company and Service Electric Telephone Company joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-978. Filed for public inspection May 24, 2013, 9:00 a.m.]

Telecommunications

A-2013-2362091. Verizon North, LLC and Metro PCS Pennsylvania, LLC. Joint petition of Verizon North, LLC and MetroPCS Pennsylvania, LLC for approval of amendment No. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and MetroPCS Pennsylvania, LLC by its counsel, filed on May 8, 2013, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of amendment No. 2 of the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, LLC and MetroPCS Pennsylvania, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-979. Filed for public inspection May 24, 2013, 9:00 a.m.]

Telecommunications

A-2013-2362090. Verizon Pennsylvania, LLC and MetroPCS Pennsylvania, LLC. Joint petition of Verizon Pennsylvania, LLC and MetroPCS Pennsylvania, LLC for approval of amendment No. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Joint petition of Verizon Pennsylvania, LLC and MetroPCS Pennsylvania, LLC by its counsel, filed on May 8, 2013, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of amendment No. 2 of the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, LLC and MetroPCS Pennsylvania, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-980. Filed for public inspection May 24, 2013, 9:00 a.m.]

Telecommunications

A-2013-2362285. Windstream Conestoga, Inc., f/k/a Conestoga Telephone and Telegraph Company and Comcast Business Communications, LLC. Joint petition of Windstream Conestoga, Inc., f/k/a Conestoga Telephone and Telegraph Company and Comcast Business Communications, LLC for approval of amendment No. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Windstream Conestoga, Inc., f/k/a Conestoga Telephone and Telegraph Company and Comcast Business Communications, LLC, by its counsel, filed on May 1, 2013, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Windstream Conestoga, Inc., f/k/a Conestoga Telephone and Telegraph Company and Comcast Business Communications, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-981. Filed for public inspection May 24, 2013, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Alternative Services

Doc. No. C-13-04-174, Citation T-15205, Chestnut Hill Limousine, last known address 4975 Swamp Road, Fountainville, PA 18923.

Under 52 Pa. Code § 1001.51 (relating to service by the Authority), the following citation was issued on April 30, 2013, by first class mail under 52 Pa. Code § 1001.51(b)(1) and returned to the Office of the Clerk as undeliverable on May 6, 2013.

Chestnut Hill Limousine, you have been issued Citation T-15205, citing section § 1033 "Failure to fulfill Annual Filing Requirements." REMARKS: The Chestnut Hill Limousine failed to submit the 2014 CPC Renewal Application by the due date of April 15, 2013. Further this company ignored administrative notice to do so that was sent on April 3, 2013. You have fifteen (15) days to respond to this notice or additional penalties may apply.

Doc. No. C-13-04-175, Citation T-15204, Integrity Trans Service, LLC, t/a Integrity Limousine, last known address 2965 Duttons Mill Road, C#1, Ashton, PA 19014.

Under 52 Pa. Code § 1001.51, the following citation was issued on April 30, 2013, by first class mail under 52 Pa. Code § 1001.51(b)(1) and returned to the Office of the Clerk as undeliverable on May 6, 2013.

Integrity Trans Service LLC t/a Integrity Limousine, you have been issued Citation T-15204, citing section § 1033 "Failure to fulfill Annual Filing Requirements." REMARKS: *Integrity Trans Service LLC t/a Integrity Limousine* failed to submit the 2014 CPC Renewal Application by the due date of April 15, 2013. Further this company ignored administrative notice to do so that was sent on April 3, 2013. You have fifteen (15) days to respond to this notice or additional penalties may apply.

Doc. No. C-13-04-181, Citation T-15136, New Leasing, Inc., last known address 4421 Aramingo Avenue, Philadelphia, PA 19124.

Under 52 Pa. Code § 1001.51, the following citation was issued on April 30, 2013, by first class mail under 52 Pa. Code § 1001.51(b)(1) and returned to the Office of the Clerk as undeliverable on May 6, 2013.

New Leasing, Inc., you have been issued Citation T-15136, citing section § 1033 "Failure to fulfill Annual Filing Requirements." REMARKS: *New Leasing, Inc.* failed to submit the 2014 CPC Renewal Application by the due date of April 15, 2013. Further this company ignored administrative notice to do so that was sent on April 3, 2013. You have fifteen (15) days to respond to this notice or additional penalties may apply.

VINCENT J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 13-982. Filed for public inspection May 24, 2013, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to retirement for school employees), in connection with the Public School Employees' Retirement System's (System) denial of Claimant's request concerning the indicated account.

The hearings will be held before a hearing officer at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

July 24, 2013	Susan S. Osgood (Multiple Service Membership)	1 p.m.
September 25, 2013	Arthur J. Saunders (D) (Change Payment Election Made By Member)	1 p.m.

Persons with a disability, who wish to attend the previously listed hearings, and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Barb Book, Assistant to the Executive Director at (717) 720-4617 to discuss how the System may best accommodate their needs.

Parties 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 22 Pa. Code § 201.1 (relating to applicability of general

rules), procedural matter will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,
Executive Director

[Pa.B. Doc. No. 13-983. Filed for public inspection May 24, 2013, 9:00 a.m.]

STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

Bureau of Professional and Occupational Affairs v. Jeremy L. Wenner; Doc. No. 0527-60-13

On April 3, 2013, Jeremy L. Wenner, license no. MV136358L of Bethlehem, Northampton and Lehigh Counties, was suspended as of April 3, 2013, for failure to pay a \$200 civil penalty.

Individuals may obtain a copy of the adjudication by writing to Christopher K. McNally, Board Counsel, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

FRANK SNYDER,
Chairperson

[Pa.B. Doc. No. 13-984. Filed for public inspection May 24, 2013, 9:00 a.m.]

