

# PENNSYLVANIA BULLETIN

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**No. 463, June 2013**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## *Pennsylvania Bulletin*

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

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

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

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

### **Adoption, Amendment or Repeal of Regulations**

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

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

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

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

### **Citation to the *Pennsylvania Bulletin***

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at [www.pacode.com](http://www.pacode.com).

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

A chronological table of the history of *Pennsylvania Code* sections may be found at [www.legis.state.pa.us](http://www.legis.state.pa.us).

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

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### Printing Format

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

### Fiscal Notes

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

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

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# THE COURTS

## Title 201—RULES OF JUDICIAL ADMINISTRATION

[ 201 PA. CODE CH. 1 ]

**Amendment of Rule 103 of the Rules of Judicial Administration Governing the Procedure for Adoption, Filing and Publishing Rules; No. 403 Judicial Administration Doc.**

### Order

*Per Curiam*

And Now, this 14th day of May, 2013, the proposal having been submitted without publication in the interests of justice and efficient administration, *It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 103 of the Pennsylvania Rules of Judicial Administration is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in 30 days.

### Annex A

#### TITLE 201. RULES OF JUDICIAL ADMINISTRATION

##### CHAPTER 1. GENERAL PROVISIONS

**Rule 103. Procedure for adoption, filing and publishing rules.**

(a) *Notice of proposed rulemaking.*

(1) Except as provided in subdivision (3), the initial recommendation of a proposed Rule, or proposed Rule amendment (including the explanatory note that is to accompany the Rule) shall be distributed by the proposing Rules Committee to the *Pennsylvania Bulletin* for publication therein[ , and shall be recorded in the Administrative Office ]. The publication notification shall contain a statement to the effect that comments regarding the proposed Rule are invited and should be sent directly to the proposing Rules Committee within a specified period of time.

\* \* \* \* \*

(c) *Rules adopted by other courts and by agencies of the system.*

[ (1) After an order adopting a rule has been filed with the prothonotary or clerk of the adopting court or with the secretary of the adopting council, committee, board, commission or other agency of the unified judicial system, the prothonotary, clerk or secretary shall forward ten certified copies of the order and rule to the Administrative Office.

(2) The Administrative Office shall distribute such certified copies as follows:

(i) One copy shall be filed in the Administrative Office, which shall assign thereto and indicate thereon a distinctive serial number and indicate thereon the date and time of filing. Upon such filing the copy shall be immediately available for public inspection and copying.

(ii) Two copies shall be filed in the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(iii) One copy shall be distributed to each of the following committees:

(A) The Advisory Committee on Appellate Court Rules.

(B) Civil Procedural Rules Committee.

(C) Criminal Procedural Rules Committee.

(D) Minor Court Civil Procedural Rules Committee.

(E) Orphans' Court Rules Committee.

(3) A rule or change therein required to be filed in the Administrative Office by this subdivision shall not be valid for any purpose until filed in the Administrative Office, as provided by paragraph (2)(i) of this subdivision.

(4) Any rule which was adopted by a court or agency (other than the Supreme Court, the Superior Court or the Commonwealth Court) prior to May 10, 1973, and which was not filed in the Administrative Office under this subdivision prior to October 1, 1973, is invalid.

(5) As used in this subdivision "rule" means any rule or regulation, or order in the nature of a rule or regulation, regulating practice or procedure before the adopting court of agency or otherwise having the effect of law but shall not include a rule of civil or criminal procedure regulating practice or procedure in a court of common pleas.

*Official Note:* The procedure for adopting, filing and publishing local rules of civil and criminal procedure is governed by Rule of Civil Procedure 239 and Rule of Criminal Procedure 105. Whenever local rules are forwarded to the Administrative Office the adopting court should indicate whether the rules have been distributed to the Legislative Reference Bureau and filed with the Civil or Criminal Procedural Rules Committee under Civil Procedural Rule 239 or Criminal Procedural Rule 105. ]

(1) As used in this subdivision, "rule" shall include every rule, administrative order, regulation, directive, policy, custom, usage, form, or order of general application, however labeled or promulgated, which is adopted or enforced by a court, council, committee, board, commission or other agency of the unified judicial system to govern practice or procedure but shall not include a rule of civil, domestic relations, criminal, or juvenile procedure.

(2) Rules shall not be inconsistent with any general rule of the Supreme Court or any Act of Assembly.

(3) When rule under this subdivision corresponds to a statewide rule, the rule shall be given a number that is keyed to the number of the statewide rule.

(4) All rules shall be published in the *Pennsylvania Bulletin* to be effective and enforceable.

(i) The adopting court or agency shall distribute two certified paper copies of the rule and a copy of the rule on a computer diskette or on a CD-ROM that complies with the requirements of 1 Pa. Code

§ 13.11(b) to the Legislative Reference Bureau, or agreed upon alternate format, for publication in the *Pennsylvania Bulletin*.

(ii) The effective date of the rule shall not be less than 30 days after the date of publication of the rule in the *Pennsylvania Bulletin*.

(5) Contemporaneously with publishing the rule in the *Pennsylvania Bulletin*, the adopting court or agency shall file one certified copy of the rule with the Administrative Office of Pennsylvania Courts. The Administrative Office shall assign a serial number to the rule, and shall note on the rule the serial number and the date of filing. A copy of the rule shall be available for public inspection and copying immediately upon filing.

(6) The rules shall be kept continuously available for public inspection and copying in the office of the prothonotary or clerk of courts of the adopting court. Upon request and payment of reasonable costs of reproduction and mailing, the prothonotary or clerk shall furnish to any person a copy of any rule.

(7) No pleading or other legal paper shall be refused for filing by the prothonotary or clerk of courts based on a requirement of a rule. No case shall be dismissed nor request for relief granted or denied because of failure to comply with a rule. In any case of noncompliance with a rule, the court shall alert the party to the specific provision at issue and provide a reasonable time for the party to comply with the rule.

*Official Note:* The caption or other words used as a label or designation shall not determine whether something is or establishes a rule; if the definition in paragraph (c)(1) of this rule is satisfied, the matter is a rule regardless of what it may be called. The provisions of this rule also are intended to apply to any amendments to a rule. Nothing in this rule is intended to apply to case-specific orders.

Pursuant to paragraph (c)(1), local rules of civil, domestic relations, criminal, and juvenile procedure are not included within the scope of this rule. The procedures for adopting, filing, and publishing local rules of criminal, juvenile, domestic relations and civil procedure are governed by Rule of Criminal Procedure 105, Rules of Juvenile Court Procedure 121 and 1121, and Rules of Civil Procedure 239, 239.8 and 239.9.

To simplify the use of rules, paragraph (c)(3) requires rules to be given numbers that are keyed to the number of the general rules to which the rules correspond. This requirement is not intended to apply to rules that govern general business of the court or agency and which do not correspond to a statewide rule.

To further facilitate the statewide practice of law and accessibility by the public, the adopting court or agency should post and update its rules on its website.

Paragraph (c)(4) requires the rule to be published in the *Pennsylvania Bulletin* to be effective. Pursuant to 1 Pa. Code § 13.11(b)—(f), any documents that are submitted for publication must be accompanied by a diskette or CD-ROM formatted in MS-DOS, ASCII, Microsoft Word, or WordPerfect. The diskette or CD-ROM must be labeled with the court's

or agency's name and address and the rule's computer file name. Section 13.11(e) provides that documents may be accepted in an alternate format if it is requested by the court or agency and agreed upon by the Legislative Reference Bureau.

Although under paragraph (c)(4)(ii) a rule shall not be effective until at least 30 days after the date of publication in the *Pennsylvania Bulletin*, when a situation arises that requires immediate action, the court or agency may act by specific orders governing particular matters in the interim before an applicable rule becomes effective.

Paragraph (c)(5) requires one copy of the rule to be filed with the Administrative Office of Pennsylvania Courts. When rules are forwarded to the Administrative Office, the adopting court or agency should indicate whether the rules have been distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* and, if appropriate, submitted to the Criminal, Juvenile, Domestic Relations or Civil Procedural Rules Committees pursuant to their respective rules.

The Administrative Office of the Pennsylvania Courts maintains a website containing local court rules at: <http://www.pacourts.us/courts/supremecourt/committees/rules-committees/local-rules-for-common-pleas-and-magisterial-district-courts/>

The Administrative Office of the Pennsylvania Courts also maintains a website containing all local criminal rules adopted or amended after February 1, 2009, local juvenile rules, and local civil rules adopted pursuant to Pa.R.C.P. 239.8 and 239.9 at: <http://ujportal.pacourts.us/localrules/ruleselection.aspx>

[Pa.B. Doc. No. 13-985. Filed for public inspection May 31, 2013, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### LYCOMING COUNTY

Amendments to the Rules of Civil Procedure; Doc. No. 13 01152

#### Order

And Now, this 30th day of April, 2013, it is hereby *Ordered and Directed* as follows:

1. Lycoming County Rule of Civil Procedure L1915.13-1 shall be amended as set forth as follows. (Deleted text is bold and in brackets and new text is bold.)

2. The Prothonotary is directed to:

a. File seven (7) certified copies of this order with the Administrative Office of the Pennsylvania Courts.

b. Forward two (2) certified copies of this order and a computer disk containing the text of the local rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

c. Forward one (1) certified copy of this order to the Pennsylvania Civil Procedural Rules Committee.

d. Forward one (1) copy of this order to the chairman of the Lycoming County Customs and Rules Committee.

3. The revisions shall become effective 30 days after the publication of this order in the *Pennsylvania Bulletin*.

*By the Court*

NANCY L. BUTTS,  
*President Judge*

**L1915.13-1. Petition for Emergency Custody Relief. Ex Parte Hearing and Temporary Order.**

A. Where a party believes there is an **immediate** clear and present danger to the child(ren), that party may file a petition for emergency relief. The petition for emergency relief must be presented as a separate document headed "Petition for Emergency Custody Relief." The petition shall conform to the requirements of Pa.R.C.P. No. 1915.15, as may be applicable, and must allege facts which clearly specify the clear and present danger to the welfare of the child(ren).

B. Upon filing, the petitioning party or counsel must present the petition to the court administrator, who shall immediately present the petition for emergency custody relief to a judge for consideration of the allegations. The judge shall either:

1. refer the petition to a hearing officer for an immediate ex parte hearing, which shall be held within two (2) business days of the presentation of the petition to the family court office; or,

2. direct that an initial conference be scheduled before a hearing officer pursuant to Rule L1915.3-1; or,

3. if it is ascertained that an initial conference has already been held and an interim order already issued under Rule L1915.3-3:

a. direct that the hearing officer consider the petition for emergency custody relief as a reconsideration request under Rule L1915.3-2; or

b. direct that the issues raised be disposed of at the pre-trial conference or trial.

C. If an ex parte hearing is ordered, the petitioning party or counsel shall present the order to the family court office for scheduling of the ex parte hearing. The party seeking emergency relief must appear before the hearing officer at the time scheduled for the ex parte hearing **to present testimony. [ Testimony will be to whether relief is warranted because of ] The hearing officer shall determine if probable cause exists** to believe **there is an immediate [ a ]** clear and present danger to the welfare of the child(ren) involved.

D. Upon making a determination that ex parte relief is warranted, the hearing officer shall forward to the court for approval a recommended temporary emergency order, which will include a provision scheduling a full hearing before the court, to be held within **[ five (5) ] ten (10)** business days of the ex parte hearing. Prior to the full hearing before the court, the petition for emergency custody relief and the temporary emergency order containing notice of the **[ 5-day ] 10-day** hearing shall be served on the opposing party by the petitioning party in the same manner as original process. In addition to service on the opposing party, the petitioner shall make reasonable efforts to provide a copy of the documents to any attorney whom the petitioning party reasonably believes may be representing the interests of the other party.

E. Upon making a determination that ex parte relief is not warranted, the hearing officer shall forward to the court for approval a recommended order denying the petition for emergency custody relief. Such order may schedule the matter for disposition at: an initial conference under Rule L1915.3-1; as a reconsideration request under Rule L1915.3-2; or, if already scheduled for a pre-trial conference or trial on other issues, direct that the emergency issues be determined with all other issues at the pre-trial conference or trial.

[Pa.B. Doc. No. 13-986. Filed for public inspection May 31, 2013, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

[ 49 PA. CODE CH. 42 ]

#### Referrals by Certified Registered Nurse Practitioners and Physician Assistants

The State Board of Occupational Therapy Education and Licensure (Board) amends § 42.25 (relating to orders) to read as set forth in Annex A.

##### *Background and Purpose*

Section 14 of the Occupational Therapy Practice Act (act) (63 P.S. § 1514) formerly provided that licensed occupational therapists were authorized to treat individual patients based on a referral from a licensed physician, licensed optometrist or a licensed podiatrist. The act of July 20, 2007 (P.L. 318, No. 48) (Act 48) amended section 8.2 of The Professional Nursing Law (63 P.S. § 218.2) to provide that certified registered nurse practitioners may “make respiratory and occupational therapy referrals.” Section 4 of Act 48 repealed section 14 of the act “insofar as [it is] inconsistent with the amendment of section 8.2” of The Professional Nursing Law. The Board interpreted this “repealer” language to mean that licensed occupational therapists could accept referrals from certified registered nurse practitioners, although section 14 of the act was not amended to expressly provide that authority.

Subsequently, the act of July 4, 2008 (P.L. 580, No. 45) (Act 45) amended section 13 of the Medical Practice Act of 1985 (63 P.S. § 422.13) and the act of July 4, 2008 (P.L. 589, No. 46) (Act 46) amended section 10 of the Osteopathic Medical Practice Act (63 P.S. § 271.10) to provide similar authority with regard to physician assistants. Act 45 and Act 46 contained the same “repealer” language, repealing section 14 of the act “insofar as inconsistent” with the amendments to the Medical Practice Act and the Osteopathic Medical Practice Act. Again, the Board construed this language to mean that licensed occupational therapists could accept referrals from physician assistants, in spite of the fact that the text of section 14 of the act remained unchanged. Many licensed occupational therapists were confused about the effect of this “repealer” language and were unsure whether they could accept referrals from certified registered nurse practitioners and physician assistants.

Finally, the act of July 5, 2012 (P.L. 1132, No. 138) (Act 138) amended section 14 of the act to expressly permit licensed occupational therapists to accept referrals from certified registered nurse practitioners and physician assistants. Although the Board is undertaking a comprehensive proposed rulemaking package to implement the remainder of Act 138, the Board determined that it can, and should, promulgate a final-omitted rulemaking to amend its regulations to expressly include the statutory authority to accept referrals from certified registered nurse practitioners and physician assistants to conform to the amendments to the act and to end any remaining confusion among licensees.

##### *Omission of Proposed Rulemaking*

Under section 204 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. § 1204), known as the Commonwealth Documents Law (CDL), the Board is authorized to omit the procedures for proposed rulemaking in sections 201 and 202 of the CDL (45 P.S. §§ 1201 and 1202) if the Board finds that the specified procedures are impracticable, unnecessary or contrary to the public interest. The Board determined that publication of proposed rulemaking is unnecessary under the circumstances because the Board is amending § 42.25 to conform to the amendments to The Professional Nursing Law, the Medical Practice Act of 1985, the Osteopathic Medical Practice Act and the act which permit licensed occupational therapists to accept referrals from certified registered nurse practitioners and physician assistants.

##### *Description of the Amendment*

Section 14 of the act originally provided that an occupational therapist could provide occupational therapy to an individual upon referral by a licensed physician, podiatrist or optometrist. Amendments to The Professional Nursing Law, the Medical Practice Act of 1985, the Osteopathic Medical Practice Act and the act allow a licensed occupational therapist to accept referrals from certified registered nurse practitioners and physician assistants. Therefore, the Board is amending § 42.25 to add certified registered nurse practitioners and licensed physician assistants to the list of authorized referring health care providers.

##### *Statutory Authority*

Section 5(b) of the act (63 P.S. § 1505(b)) authorizes the Board to promulgate and adopt rules and regulations not inconsistent with law as it deems necessary for the performance of its duties and the proper administration of the act.

##### *Fiscal Impact and Paperwork Requirements*

The amendments will not have a fiscal impact on, or create additional paperwork for, the regulated community, the Commonwealth or its political subdivisions. There may be savings to the general public because prior to these amendments when a certified registered nurse practitioner or physician assistant determined that a patient would benefit from occupational therapy, the certified registered nurse practitioner or physician assistant had to first obtain the referral from a physician or refer the patient back to the physician to obtain a referral. Savings may result from the direct referral. Commonwealth agencies whose regulations and policy statements limit implementation of direct occupational therapy to situations in which a physician has made a referral or order may want to consider revising their regulations.

##### *Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P.S. § 745.5a(c)), on April 8, 2013, the Board submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee, and the House Professional Licensure Committee. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P.S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on April 24, 2013, the final-omitted rulemaking was approved by the House Committee. On May 15, 2013, the final-omitted rulemaking was deemed approved by the Senate Committee. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 16, 2013, and approved the final-omitted rulemaking.

#### *Additional Information*

For additional information about the final-omitted rulemaking, submit inquiries to Judy Harner, State Board of Occupational Therapy Education and Licensure, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-1389, ST-OCCUPATIONAL@state.pa.us.

#### *Findings*

The Board finds that:

(1) Public notice of the Board's intention to amend its regulations under the procedures in sections 201 and 202 of the CDL has been omitted under section 204 of the CDL because public comment is unnecessary in that the amendments merely implement amendments to the act.

(2) The amendment of the Board's regulations in the manner provided in this order is necessary and appropriate for the administration of the act.

#### *Order*

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 42, are amended by amending § 42.25 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to form and legality as required by law.

(c) The Board shall certify this order and Annex and deposit them with the Legislative Reference Bureau as required by law.

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

ELLEN L. KOLODNER,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 3067 (June 1, 2013).)*

**Fiscal Note:** 16A-678. No fiscal impact; (8) recommends adoption.

#### **Annex A**

### **TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

#### **PART I. DEPARTMENT OF STATE**

#### **Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

#### **CHAPTER 42. STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE**

#### **MINIMUM STANDARDS OF PRACTICE**

#### **§ 42.25. Orders.**

(a) *Written orders.* An occupational therapist shall accept a referral in the form of a written order from a licensed physician, licensed optometrist, licensed podiatrist, certified registered nurse practitioner or licensed physician assistant.

#### (b) *Oral orders.*

(1) An occupational therapist may accept a referral in the form of an oral order if it is impractical for the licensed physician, licensed optometrist, licensed podiatrist, certified registered nurse practitioner or licensed physician assistant to provide the order in writing.

(2) An occupational therapist receiving an oral order shall immediately transcribe the order in the patient's medical record, including the date and time the order was received, and sign the medical record.

(3) The occupational therapist in a private office setting who has received an oral order shall obtain the countersignature of the licensed physician, licensed optometrist, licensed podiatrist, certified registered nurse practitioner or physician assistant who issued the order within 5 days of receiving the order.

(4) If the occupational therapist who receives an oral order provides services in a setting that is independent of the prescriber's setting, the occupational therapist may accept the countersignature of the ordering licensed physician, licensed optometrist, licensed podiatrist, certified registered nurse practitioner or physician assistant on a written copy of the order that is mailed or faxed to the occupational therapist.

(5) If an occupational therapist provides services in a facility licensed by the Department of Health, the countersignature of the ordering licensed physician, licensed optometrist, licensed podiatrist, certified registered nurse practitioner or physician assistant shall be obtained in accordance with the applicable regulations of the Department of Health governing the facility, including 28 Pa. Code §§ 211.3 and 601.31 (relating to oral and telephone orders; and acceptance of patients, plan of treatment and medical supervision).

[Pa.B. Doc. No. 13-987. Filed for public inspection May 31, 2013, 9:00 a.m.]

## **Title 52—PUBLIC UTILITIES**

### **PHILADELPHIA PARKING AUTHORITY**

[ 52 PA. CODE CH. 1005 ]

[ Doc. No. 126-2 ]

#### **Electronic Testimony at Administrative Hearings**

The Philadelphia Parking Authority (Authority), on December 17, 2012, adopted a final-form rulemaking order which establishes a regulation permitting electronic (telephonic or audio-visual) testimony at certain administrative hearings, under certain limitations.

*Proposed Rulemaking Order; Philadelphia Taxicab and Limousine Regulations; Electronic Testimony; Doc. No. 126-2*

#### **Final Rulemaking Order**

*By the Authority:*

The Authority is required to carry out the provisions of the act of July 16, 2004, (P. L. 758, No. 94), as amended, 53 Pa.C.S. §§ 5701 et seq., (the "act") relating to the regulation of taxicab and limousine service providers in the City of Philadelphia.<sup>1</sup> Pursuant to this obligation, the Authority issued a proposed regulation at this docket

<sup>1</sup> See Sections 13 and 17 of the Act.

number on February 27, 2012. The initial public comment period for this rulemaking proceeding concluded on June 18, 2012, the Independent Regulatory Review Committee submitted its comments on July 18, 2012. The Authority has completed its review of the comments and now issues the final-form regulation. This final-form regulation will be effective upon publication in the *Pennsylvania Bulletin*.

*Purpose of the Final-form rulemaking*

The Authority is amending its existing regulations by adding a new subsection to 52 Pa. Code Subpart A. (General Provisions), Chapter 1005 (Formal Proceedings), Subchapter B. (Hearings), at § 1005.114. This electronic testimony regulation will permit members of the public to testify at most administrative hearings before the Authority related to enforcement actions, pursuant to specific terms and conditions. This regulation will create tremendous flexibility for the traveling public who would otherwise be constrained to appear and testify in person at these taxicab and limousine administrative hearings, despite busy work schedules, and family, health or travel challenges. This heightened level of participation will result in the development of fuller and more complete hearing records and provide both the Authority and respondents with access to eye witness testimony that might not otherwise be available.

*Discussion*

The Authority has reviewed the comments filed at each stage of this proceeding. Responses to those comments, explanations of the purpose of each subsection of the regulation and references to portions of the regulation that have been altered upon consideration of the comments submitted and additional review as set forth below.

*Subpart A. GENERAL PROVISIONS*

*CHAPTER 1005. FORMAL PROCEEDINGS*

*Subchapter B. HEARINGS*

*§ 1005.114. Electronic testimony.*

(a) *Purpose, scope and definitions.* Subsection (a) of the proposed regulation provided the intent and parameters of the regulation, specifically addressing the witnesses to whom the regulation was to apply. The title of this subsection has been amended to reflect the addition of a definition paragraph.

(1) A new paragraph (1) has been added to provide a definition for the term “electronic testimony witness.” This paragraph specifies which individuals may present electronic testimony and in what circumstance pursuant to this section. The language of proposed paragraph (1) has been reidentified as paragraph (2).

IRRC noted the lack of clarity as to the term “non-party” and questioned its application. We agree with IRRC’s comments and have provided the definition of the term “electronic testimony witness” to address those comments and the comments of the Taxi Workers Alliance of Pennsylvania (hereinafter “TWA”) and an attorney on behalf of the Taxi Workers Alliance of Pennsylvania (hereinafter “TWA Attorney”) that seem to raise this issue as well. The definition of electronic testimony witness will also address IRRC’s concern about the definition of the term “witness” as used in the proposed regulation.

This definition eliminates the use of the undefined term “non-party” in this section. In its place, the definition provides that this section applies to individuals only;

narrowed further to exclude an Authority employee (which is a defined term), a regulated party or any agent or employee of a regulated party. The regulation is not intended to make remote testimony by Authority employees and regulated parties or their agents or employees more convenient, or even possible. Instead, this section is intended to ease the burden upon members of the public whose testimony may be necessary at administrative hearings related to enforcement proceedings. That testimony may be on behalf of the TLD prosecutorial staff or the regulated party respondent.

IRRC questioned if a member of the public who files a complaint with the Authority related to taxicab or limousine service is considered to be a petitioner, triggering a need to appear in person at the administrative hearing to testify. Complaints filed by the public with the Authority are considered “informal complaints”. See 52 Pa. Code § 1003.42 (relating to Authority action on informal complaints). In the event that Trial Counsel or the Enforcement Department, or both, determine that the complained of incident requires regulatory enforcement, either may initiate a formal complaint as provided in 52 Pa.C.S. § 1005.11 (relating to formal complaints generally). The complainant in such cases becomes the Authority’s Taxicab and Limousine Division, not the witnesses to the underlying incident. Therefore, the witness who reported the underlying alleged violation would be eligible to be an electronic testimony witness.

IRRC, TWA and TWA’s Attorney commented that respondents to enforcement proceedings may face significant monetary penalties, including the loss of the right to participate in the taxicab or limousine industry. IRRC asked the Authority to explain “how allowing a witness to testify by telephone against a driver is feasible, reasonable and in the public interest” considering the potential penalties. Preliminarily, we note that this regulation will permit both telephone and internet based two-way audio and video telecommunications. The latter will permit the witness to view the administrative hearing room and those at the hearing to view the witness.

The use of electronic testimony is feasible because of great advances made to the quality and scope of the communication media we use every day. High quality conference call equipment can easily be used to permit everyone in attendance at an administrative hearing to simultaneously hear an electronic testimony witness, and for that witness to hear those at the hearing. Internet based audio and video telecommunications has expanded upon the capability of mere voice communication as referenced above. TWA specifically suggested that lost connections, equipment failures and such things as static on the line could hinder the use of electronic witness testimony. The telephone is a tried and true technology and internet based audio and video telecommunications are now just as common. These means of communication are widely available at little to no cost. To the extent any hearing is interrupted by faulty utilities, including natural gas service or electricity or telephone service, hearings may simply need to be continued. Therefore, electronic testimony is exceedingly feasible. This is now common, everyday technology.

The use of electronic testimony is reasonable because it will permit live, real time testimony subject to cross examination and objections. The creditability, relevance and reliability of the testimony of a particular witness can be raised regardless of whether the witness is in the hearing room or at the other end of a telephone line or audio-visual internet communication protocol.

In several instances IRRC, TWA and TWA's Attorney questioned the viability of an electronic testimony witness in scenarios where in-person identification of an individual, including the witnesses themselves, is important to the case. We recognize and specifically provide in paragraph (2) below that in-person testimony is always preferred to electronic testimony. The Authority will always strive to have witnesses appear in person at hearings because such an appearance will eliminate arguments as to the reduced weight of electronic testimony that will inevitably be made by opposing parties at these hearings.

TWA notes that body language may contribute to the consideration of oral testimony. TWA's Attorney suggests that it will now be easy for any taxicab passenger to be an electronic testimony witness, generally. The use of an electronic testimony witness in scenarios where in-person identification is necessary or important may severely weaken the value of the testimony of an electronic testimony witness and would in such cases create an excellent argument in favor of discounting or disregarding that testimony. The value or relevance of the testimony of individuals who appear in-person at hearings is similarly argued by the parties and weighed by the presiding officer in regard to every single hearing. Credibility, reliability and relevance are common issues that are addressed at the time the witness testifies or after the testimony has been received. There is no reason that the same rules can not apply to electronic testimony witnesses. The value of the electronic witness testimony is as subject to legal argument as any other evidence and may be weighed by the presiding officer in the exercise of delegated discretion.

As the comments of TWA's Attorney suggest, the use of telephone testimony has been in use for some time by the Unemployment Compensation Board of Review. See 43 P. S. § 825 (relating to rules of procedure). Testimony by telephone or other electronic means is also available in other forums. See 20 Pa.C.S. § 5906 (relating to taking testimony in another state; see also 20 Pa.C.S. §§ 4342(j), 5411, 7316(f) and 8311(g) (relating to expedited procedure; taking testimony by telephone; special rules of evidence and procedure; and special rules of evidence and procedure). While the TWA commented that some agencies or traffic courts do not permit electronic testimony, there are a growing number that do. Advancements in technology and the need to fully develop hearing records will inevitably lead to an expanded use of electronic testimony. We also see no reason to expend time and resources compiling data related to the usage of electronic testimony witnesses as suggested by TWA's Attorney because we do not see this as a pilot program, but the use of proven technology in limited circumstances.

The use of electronic testimony is in the public interest because it will close an age old loophole that has contributed to a lower standard of taxicab and limousine service in Philadelphia. For too long, some taxicab and limousine service providers have operated with the knowledge that some passengers will simply not be able to pursue regulatory complaints against them. Often passengers are easily identified as "out of town" travelers who are on their way home or will only be in the Philadelphia area for a brief period. These travelers will clearly not return to Philadelphia to testify at a taxicab or limousine administrative hearing. Contrary to the suggestions of the TWA, the offer of a ride to the administrative hearing

will not secure the in-person testimony of people who are unavailable because they reside in Texas or Japan or for any witness who cannot appear because of non-transportation related challenges. The lack of witness testimony at those hearings is often fatal to an administrative prosecution, if such a prosecution is initiated at all. See *Sule v. Philadelphia Parking Authority*, 26 A.3d 1240 (Pa. Cmwlth 2011).

Similarly, people who live in and around Philadelphia often use taxicabs and limousines. Those people may find it challenging to leave school, work, and childcare responsibilities to attend administrative hearings. Some of those people also have mobility or healthcare issues that prohibit or greatly hinder their ability to appear at administrative hearings. The unavailability of witnesses at administrative hearings can be debilitating to the Authority's goal of providing "a clean, safe, reliable and well-regulated taxicab and limousine industry. . ." 53 Pa.C.S. § 5701.1(2). Unfortunately, some regulated parties will behave badly given the knowledge that the Authority will be unable to advance the prosecution of an enforcement complaint without a witness.

It is worth remembering that the use of electronic testimony witnesses is a two-way street. Respondents who believe that the testimony of a witness may be necessary to properly defend an enforcement proceeding currently have no recourse if the witness is unable to appear at the administrative hearing. This regulation will correct that problem as well. Contrary to the comment of TWA, the use of an electronic testimony witness does not insinuate that the opposing party is "already guilty." The mere participation of a witness is not dispositive or even suggestive of the liability or non-liability of a respondent.

The public interest is clearly advanced by additional, efficient, cost effective and reliable modes of allowing a narrow, but crucial, classification of witnesses to participate in administrative hearings. TWA's Attorney commented that the Authority should only grant electronic testimony witness status to individuals with "compelling" reasons for their unavailability. We believe the reasonable standard is more appropriate as we discuss in response to similar comments in section (b)(1). Through this regulation, bad actors will be more likely to receive appropriate penalties and wrongly accused respondents will find it easier to defend formal complaints through the introduction of exculpatory evidence by way of electronic testimony witnesses. TWA's Attorney also suggested that lawyers should be able to appear at hearings by telephone in order to drive down defense costs. The purpose of this regulation is to ease the challenges associated with those not in the taxicab and limousine industries to participate in administrative hearings. Electronic testimony witness status as suggested by TWA's Attorney would needlessly expand the scope of this regulation. Such an expansion would also be contrary to the balance of the comments of the TWA and the TWA's Attorney as to the use of electronic testimony witnesses generally.

IRRC noted that the proposed regulation used the term "enforcement action" and that that term was undefined. IRRC recommended using the defined term "enforcement proceeding". That change has been made throughout the regulation.

(2) This paragraph was identified as "(1)" in the proposed regulation and has been reidentified as paragraph (2) in order to make way for the new definition paragraph referenced above. This paragraph identifies the purpose of this section, which is to permit the reasonable use of electronic testimony witnesses at administrative hearings.



(3) This paragraph was identified as “(2)” in the proposed regulation and has been reidentified as paragraph (3) in order to make way for the new definition paragraph referenced above. This paragraph simply provides that this section will control in the event of any conflicts with the general rules of this subpart.

(4) This paragraph was identified as “(3)” in the proposed regulation and has been reidentified as paragraph (4) in order to make way for the new definition paragraph referenced above. This paragraph clarifies that this section is intended only to allow the use of an electronic testimony witnesses at an enforcement proceeding initiated by Trial Counsel or the Enforcement Department. IRRC’s comments related to who may be a witness and the role of a citizen who raises the initial informal complaint, as well as the roll of the Authority, were answered above under paragraph (1). The language found in paragraph (4) of the proposed regulation has been eliminated in light of the more specific definition of electronic testimony witness provided in paragraph (1).

(b) *Scheduling of telephone or audio-visual testimony.* Subsection (b) provides for the manner in which the scheduling of an electronic testimony witness may occur. IRRC strongly suggested that an advanced notification process of the intent to use an electronic testimony witness be incorporated into the final-form regulations. TWA and TWA’s Attorney also questioned if electronic testimony witnesses will be used at scheduled hearings and questioned procedures for notification of the intent to use electronic testimony witnesses. We have addressed these comments in this subsection.

(1) Paragraph (1) of the proposed regulation provided for the scheduling of an electronic testimony witness by the Authority or a presiding officer sua sponte. We agree with IRRC’s comments about this issue and the comments of TWA and TWA’s Attorney and have deleted the proposed regulation language found in this paragraph in its entirety. This paragraph contained language related to the distance that a potential electronic testimony witness lived from the location of the administrative hearing and the ability of the Board or a presiding officer to schedule an electronic witness sua sponte. There are many factors that will contribute to the reasonable unavailability of a witness for in-person testimony, physical distance is merely one. Such distance may continue to be considered through this section, but will not be determinative in any event. We note the distance of party witnesses from the site of an administrative hearing may no longer be considered as a basis to grant or deny a request to provide testimony by telephone at unemployment compensation hearings. See 43 P. S. § 825.

We would; however, like to clarify a misconception expressed by all commentators as to the use of the term “Authority” in this context and as used in the balance of the regulation. Because the Authority’s regulations could conceivably result in a hearing before the Authority’s Board, powers available to presiding officers are also made available to the Authority in the event of such a Board level hearing. Because the term “Authority” has been misinterpreted as meaning any officer or department of the Authority, we have deleted this term as used in this context and will simply use the term presiding officer, a defined term which encompasses both meanings. We believe this change will address the comments made about the other portions of the regulation as well and will clarify the intent of the regulation.

IRRC questioned the ability of a party to object to the scheduling of an electronic testimony witness, as well as the process and standards that would apply to such an objection. We agree that the proposed regulation was unclear on this point and have revised subsection (b) to address that issue. Revised paragraph (1) provides the procedure that must be followed in order to employ the use of an electronic testimony witness. The process is delineated in five subparagraphs.

(i) Pursuant to subparagraph (i) a party must provide written notice of the intent to use an electronic testimony witness, but not within 20 days of the scheduled hearing. The notice must provide the name of the proposed witness, the reason electronic testimony witness status is requested and an offer of proof related to the proposed electronic testimony.

(ii) Subparagraph (ii) clarifies that a party may object to the use of an electronic testimony witness within 10 days of receiving the notice required by subparagraph (i). IRRC questioned the ability of a party to raise this objection; this subparagraph clarifies the power of a party to object to the use of an electronic testimony witness. There is no requirement that the objection meet a heightened standard of proof, such as the “compelling evidence” standard, as questioned by IRRC.

(iii) Subparagraph (iii) requires that any notice or objection related to the use of an electronic testimony witness be served on each party and the presiding officer and that a certificate of service be filed with the Clerk.

(iv) Subparagraph (iv) provides that the failure to object to the notice of intent to use an electronic testimony witness will be considered consent to such testimony.

(v) Subparagraph (v) permits the parties to mutually agree to waive the timelines for notice and objection provided in this paragraph.

TWA’s Attorney suggested that respondents’ and particularly unrepresented respondents be specifically advised at the time of the administrative hearing of the right to object to the use of an electronic testimony witness. Because the electronic testimony witness scheduling process now occurs in advance of the hearing, objections to such scheduling are due prior to the date of the hearing. We believe the elimination of the language in the proposed regulation permitting the immediate scheduling of electronic testimony witnesses at the time of a hearing alleviates the concern raised in this comment. The creation of this notice process also addresses the comment of TWA’s Attorney regarding penalties detailed in the regulations of the Unemployment Compensation Board of Review, but absent here. An electronic testimony witness cannot be used unless the notice process delineated in this regulation is followed.

(2) Paragraph (2) has been amended to address the concerns of IRRC, TWA and TWA’s Attorney about the scheduling of electronic testimony witness and the process of reviewing objections to the use of such testimony. This paragraph now clarifies that the presiding officer has the discretion to permit or deny the use of an electronic testimony witness upon consideration of the notice required by paragraph (1)(i) and general guideposts provided in four subparagraphs. Issues related to the propriety of the scheduling of an electronic testimony witness must be raised as provided in this subsection. IRRC

questioned the ability of a party to raise an objection to the use of an electronic testimony witness at the time of a hearing, in regard to now deleted subsection (c) of the proposed regulations. TWA's Attorney questioned why the regulation does not include a specific provision prohibiting a party from "directing the testimony" of an electronic testimony witness. Once the electronic testimony witness has been scheduled as provided in this subsection, objections to the use of the witness will be limited to those applicable to any other proposed witness. No special rules are necessary to address this issue. The use of witnesses is debated and subject to objection as a matter of course in all administrative hearings, including as to leading questions.

(i) Subparagraph (i) provides that when considering the scheduling of an electronic testimony witness a presiding officer must consider the value of the witness in developing a full and complete record.

(ii) Subparagraph (ii) provides that when considering the scheduling of an electronic testimony witness, a presiding officer must consider the reason the individual seeks electronic testimony witness status, directing attention of the presiding officer certain criteria, including work commitments and mobility issues.

(iii) Subparagraph (iii) provides that when considering the scheduling of an electronic testimony witness a presiding officer must consider the rebuttable presumption that a police officer is authorized to testify electronically in relation to a taxicab or limousine related impoundment matter and has been amended to include the alleged criminal conduct of a regulated party. Law enforcement officers often initiate motor vehicle stops that result in the impoundment of taxicabs and limousines because the driver has lost state-issued driving privileges or upon accusations of criminal conduct by members of the public. See 75 Pa.C.S. § 6309.2 (relating to immobilization, towing and storage of vehicle for driving without operating privileges or registration).

(iv) Subparagraph (iv) provides that when considering the scheduling of an electronic testimony witness, a presiding officer must consider if the probative value of the proposed electronic testimony is substantially outweighed by the danger or any unfair prejudice to the opposing party. This is a reasonable standard often applicable to the review of proposed evidence at hearings and applies equally as well in this context.

(3) Paragraph (3) provides that only individuals scheduled by a presiding officer to testify by telephone or audio-visual means may do so and that other witnesses must appear in-person. The reference to a procedure in former subsection (d) in this paragraph has been deleted in consideration of the single electronic testimony witness scheduling process now provided for through subsection (b)(1).

(4) The language of paragraph (4) as it appeared in the proposed regulation has been deleted in the final-form regulation as unnecessary in light of the new and much more specific process for scheduling electronic testimony witnesses as provided this subsection. The language of paragraph (5) that appeared in the proposed regulation is now at paragraph (4).

(c) *Procedures subsequent to scheduling.* Subsection (c) as it appeared in the proposed regulation has been deleted in its entirety in light of the scheduling process that is provided in subsection (b), which identifies the

process for objecting to the use of an electronic testimony witness. As noted in response to comments in subsection (a)(1), the testimony of an electronic testimony witness is just as subject to objection at the time provided as the testimony of an in-person witness. It is the status of the individual as an electronic testimony witness that must be addressed prior to the hearing; therefore, the language of subsection (c) is unnecessary in light of revised subsection (b).

(d) *Hearing process.* Subsection (d) of the proposed regulations has been reidentified as subsection (c) due to the deletion of subsection (c) as it appeared in the proposed regulations. Subsection (c) provides relevant guidelines as to the manner in which a hearing at which an electronic testimony witness will proceed, although for the most part, standard administrative hearing procedures will be used.

(1) Paragraph (1) provides requirements for the initiation of the electrical contact between the administrative hearing room and the electronic testimony witness. IRRRC questioned the use of seemingly conflicting terms such as "parties" in regard to who may be an electronic testimony witness. We agree and have deleted and replaced that language with the defined term of electronic testimony witness throughout the regulation. Also, language related to the appearance of counsel or an "authorized agent" by way of telephone or audio-visual means has been deleted as inconsistent with the definition of an electronic testimony witness.

(2) Paragraph (2) permits the parties to an administrative hearing to question the electronic testimony witness in furtherance of assuring the identity of the witness. This section has been amended to clarify that it applies to electronic testimony witnesses. TWA's Attorney questioned the failure to include language threatening prosecution and punishment for those who misidentify themselves. There is no need for an Authority regulation that makes such a threat, although section (c)(2) specifically prohibits that practice. Lying under oath is a serious offense and does not require additional threatening language in this regulation.

(3) The language of paragraph (3) of the proposed regulation has been deleted as unnecessary in light of the pre-hearing scheduling process adopted in this final-form regulation in subsection (b). IRRRC, the TWA and TWA's Attorney raised questions regarding the actual process through which an electronic testimony witness's testimony will be presented and received at a hearing. Language has been added to this paragraph to clarify that electronic testimony witnesses are equally subject to examination, cross-examination, objections, consideration of relevance and admissibility as in-person witnesses. The weight assigned to oral testimony presented at an administrative hearing will continue to be decided in the sole discretion of the presiding officer.

(4) Paragraph (4) requires the presiding officer to include in the oath administered to an electronic testimony witness that the witness will not testify from a document. This paragraph has been amended to clarify that it applies to electronic testimony witnesses. IRRRC, the TWA and the TWA's Attorney questioned the reliability of an oath given by an electronic testimony witness that the witness will not testify from documents. Preliminarily, we anticipate that electronic testimony witnesses will increasingly testify by audio-video means, meaning

all parties will be able to see and hear each other in real time. Seeing the electronic testimony witness may provide a means of assuring that they are not testifying from documents. However, at the end of the day, our entire hearing process, at all levels of government, is based on the premise that witnesses when sworn will tell the truth. Attorneys question and probe to assure the truth is being provided by witnesses. The Authority is unaware of any absolutely reliable means of assuring that a witness testifies truthfully.

(5) Paragraph (5) provides that the electronic testimony witness must be capable of being heard by the presiding officer and those in attendance at the administrative hearing. This section remains largely unchanged from the proposed regulation, except that the term electronic testimony witness has been added in place of less specific language and references to the Authority have been deleted for clarity purposes, as noted above.

#### *Affected Parties*

The regulation is not targeted at a specific class of regulated parties; therefore, the number of individuals or entities impacted is impossible to predict. However, an unlimited number of individuals will directly benefit from the ability to testify at certain Authority administrative hearings remotely and without need to substantially interrupt business, school and family obligations. Both the Authority and respondents to most enforcement complaints will be affected by this positive change to the administrative hearing procedure.

#### *Fiscal Impact*

Those who lodge complaints with the Authority regarding inadequate service or other taxicab or limousine related service issues will benefit from the ability to testify at administrative hearings remotely. All parties to these administrative hearings will benefit by the ability to present certain witnesses in support of their respective positions, particularly when those witnesses might otherwise have been precluded from testifying in the administrative hearing courtroom due to mobility problems, work or family commitments or being located a long distance from the site of the hearing.

The purpose of this regulation is not to impact costs of any party, but to improve the functionality of administrative hearings and the development of full and complete records at those hearings. However, this regulation may reduce the likelihood of hearing continuances, eliminate unnecessary travel time, and will reduce the need for witnesses who are employees of small and large businesses to take time away from work to attend these hearings. While this benefit is very difficult to quantify in dollars, it is believed that it will result in reduced costs and overall efficiencies related to the administrative hearing process.

Individuals and businesses will benefit from the ability of their employees to testify at administrative hearings from work, as opposed to taking time off to appear at such hearings. The public and the business community will benefit from the improved quality of taxicab service that result from the effective prosecution of service violations. The removal or penalization of bad actors is crucial to improving taxicab and limousine service, which the General Assembly has linked to the stability and growth of our economy. 53 Pa.C.S. § 5701.1. Regulated parties will benefit from the ability to have exculpatory

witnesses appear on their behalf remotely as well. There are no fees or additional costs directly associated with this regulation.

#### *Commonwealth*

The Authority does not anticipate any increase in regulatory demands associated with this regulation. The Authority's Taxicab and Limousine Division anticipates additional filings with the Clerk associated with the electronic testimony witness notice filing and Adjudication Department Hearing Officers will be required to rule on requests to use electronic testimony witnesses. However, these departments routinely handle similar filings and the Authority does not expect cost increases as a result of this final-form rulemaking.

#### *Political subdivisions*

This final-form rulemaking will not have direct fiscal impact on political subdivisions of this Commonwealth.

#### *Private sector*

This final-form rulemaking will not have a fiscal impact on certificate holders or other regulated parties.

#### *General Public*

This final-form rulemaking will not have a fiscal impact on the general public.

#### *Paperwork Requirements*

This final-form rulemaking will not affect the paperwork generated by the Authority or the regulated communities, except for the de minimis notice requirement associated with identifying a potential electronic testimony witness prior to the date of a hearing.

#### *Effective Date*

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

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 7, 2012, the Authority submitted a copy of the notice of proposed rulemaking, published at 42 Pa.B. 2746 (May 19, 2012), to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Urban 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 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 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*

Accordingly, under sections 13 and 17 of the Act, 53 Pa.C.S. §§ 5722 and 5742; section 5505(d) of the Parking Authorities Act, act of June 19, 2001, (P. L. 287, No. 22), as amended, 53 Pa.C.S. §§ 5505(d)(17), (d)(23), (d)(24); sections 201 and 202 of the Act of July 31, 1968, P. L. 769 No. 240, 45 P. S. §§ 1201—1202, and the regulations

promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2, and 7.5; section 204(b) of the Commonwealth Attorneys Act, 71 P.S. § 732.204(b); section 745.5a of the Regulatory Review Act, 71 P.S. § 745.5a, the Authority proposes adoption of the final regulation pertaining to the regulation of taxicab and limousine service providers in the City of Philadelphia set forth in Annex A<sup>2</sup>; *Therefore,*

*It Is Ordered That:*

1. The regulations of the Authority, 52 Pa. Code Chapter 1005, are amended by adding § 1005.114 to read as set forth in Annex A.

2. The Executive Director shall cause this order and Annex A to be submitted to the Office of Attorney General for approval as to legality.

3. The Executive Director shall cause this order and Annex A to be submitted for review by the designated standing committees of both Houses of the General Assembly, and for formal review by the Independent Regulatory Review Commission.<sup>3</sup>

4. The Executive Director shall cause this order and Annex A to be deposited with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

5. The Executive Director shall serve copies of this order and Annex A upon each of the commentators.

6. The order becomes effective upon publication in the *Pennsylvania Bulletin*.

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

VINCENT J. FENERTY, Jr.,  
*Executive Director*

*(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).)*

**Annex A**

**TITLE 52. PUBLIC UTILITIES**

**PART II. PHILADELPHIA PARKING AUTHORITY**

**Subpart A. GENERAL PROVISIONS**

**CHAPTER 1005. FORMAL PROCEEDINGS**

**Subchapter B. HEARINGS**

**HEARINGS**

**§ 1005.114. Electronic testimony.**

(a) *Purpose, scope and definitions.*

(1) The following term, when used in this section, has the following meaning, unless the context clearly indicates otherwise:

*Electronic testimony witness—*

(A) An individual offered to provide testimony or other evidence at a hearing conducted under Chapter 1005, Subchapter B (relating to hearings) in an enforcement proceeding by telephone or audio-visual means.

(B) This term does not apply to an individual who is one of the following:

(I) An Authority employee.

(II) A regulated party.

(III) An agent or employee of a regulated party.

(2) In-person testimony is normally preferable to testimony by telephone or audio-visual means. There can be reasons to justify receiving testimony by telephone or audio-visual means, including the transitory nature of many of the users of taxicabs and limousines. This section is promulgated to provide the conditions under which testimony by telephone or audio-visual means will be scheduled and received, to safeguard the due process rights of the parties, and to ensure that testimony by telephone or audio-visual means is received under uniformly applied rules.

(3) When the general rules of this subpart conflict with this section, this section controls.

(4) This section applies to the use of an electronic testimony witness in enforcement proceedings initiated by Trial Counsel or the Enforcement Department, or both.

(b) *Scheduling of telephone or audio-visual testimony.*

(1) Scheduling of electronic testimony witnesses shall proceed as follows:

(i) The party seeking to present an electronic testimony witness shall file a written notice with the Clerk. The notice shall be filed more than 20 days before the scheduled hearing date. The notice must contain the name of the proposed electronic testimony witness, the reason an exemption from standard in-person testimony is requested and an offer of proof as to the proposed electronic testimony witness may be obtained on the Authority's web site at [www.philapark.org/tld](http://www.philapark.org/tld) or from TLD Headquarters.

(ii) A party may file written objections to the use of an electronic testimony witness with the Clerk within 10 days of the filing of the notice required under paragraph (2)(i). The objection must set forth the reasons in support thereof.

(iii) The notice required under this paragraph, and any objection thereto, shall be served as provided in Chapter 1001, Subchapter F (relating to service of documents) on the same day the document is filed with the Clerk. A certificate of service shall be filed with the Clerk.

(iv) If a timely objection is not filed under this paragraph, the parties will be deemed to consent to the use of the electronic testimony witness.

(v) The parties may mutually agree to waive the time limitations in this paragraph.

(2) It is within the sole discretion of the presiding officer to permit the use of an electronic testimony witness in consideration of the notice and objection, if any, required under this section. The presiding officer will consider the following factors prior to scheduling the testimony of an electronic testimony witness:

(i) The value of the proposed witness in developing a full and complete record.

(ii) The reason the proposed witness is unable to testify. Particular consideration will be given to reasonable conflicts or challenges associated with employment, childcare, transportation, mobility issues or health reasons.

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

<sup>3</sup> The Governor's Budget Office has determined that rulemakings related to the Authority's Taxicab and Limousine Regulations do not require a fiscal note.

(iii) The rebuttable presumption that a police officer within the definition of 234 Pa. Code Rule 103 (relating to definitions) should be permitted to testify by telephone or audio-visual means in matters related to the impoundment of a taxicab or limousine, a vehicle acting as a taxicab or limousine, or the alleged criminal conduct of a regulated party.

(iv) If the probative value of the proposed electronic testimony is substantially outweighed by the danger of an unfair prejudice to the opposing party.

(3) Only a witness scheduled to testify by telephone or audio-visual means may testify by telephone or audio-visual means. The testimony of each other witness shall be received in person.

(4) A witness scheduled to testify by telephone or audio-visual means will be permitted to testify in person.

(c) *Hearing process.*

(1) At the start of the hearing, the presiding officer will state on the record the time and telephone or audio-visual numbers at which the presiding officer initiates the contact with an electronic testimony witness.

(2) The presiding officer will permit parties a reasonable opportunity to question electronic testimony witnesses for the purpose of verifying the identity of these witnesses. Falsification of identity is prohibited.

(3) This section does not create special procedures or standards for the presentation, cross-examination, exclusion or weighing of the testimony of an electronic testimony witness or for establishing the creditability of a witness once the witness is scheduled by the presiding officer.

(4) The oath or affirmation administered to an electronic testimony witness shall indicate that the witness will not testify from documents that are not in the record.

(5) The presiding officer, the electronic testimony witness and persons in the room in which the presiding officer is present while telephone or audio-visual testimony is presented shall be able to hear and speak to one another through the telephone or audio-visual connection used to submit testimony under this section.

[Pa.B. Doc. No. 13-988. Filed for public inspection May 31, 2013, 9:00 a.m.]

## Title 58—RECREATION

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

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 15, 2013, meeting amended § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2013-2014 hunting license year.

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

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

Notice of proposed rulemaking was published at 43 Pa.B. 1712 (March 30, 2013) with a correction published at 43 Pa.B. 2037 (April 13, 2013).

#### 1. Purpose and Authority

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

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

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

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

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

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

#### 2. Regulatory Requirements

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

### 3. *Persons Affected*

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

### 4. *Comment and Response Summary*

The Commission received a total of 78 official comments concerning this final-form rulemaking. The comments received concerned the following subtopics.

*Deer seasons.* A total of 53 comments were received concerning this subtopic: 1 expressed support for the deer management plan; 1 requested that the opening day for regular firearms deer season remain the Monday after Thanksgiving; 1 requested that the opening day for regular firearms deer season be changed to the Saturday after Thanksgiving; 3 requested generally to open firearms deer season on a Saturday; 1 requested that firearms deer season open on Christmas; 1 requested that State Game Lands 54 be closed to deer hunting for 3 years; 7 supported a 12-day concurrent season for all WMUs; 1 requested that junior hunters be permitted a Statewide concurrent deer season; 3 opposed the WMU 2G split season; 1 requested a 2- to 3-day concurrent deer season during the first week of regular firearms deer season in WMU 2G; 1 requested that WMU 2F be changed to a concurrent antlered/antlerless season; 1 requested that WMU 3C be changed to a concurrent antlered/antlerless season; 3 requested a return to the 2-week buck/3-day doe season structure; 3 requested that the split seasons be kept as they are; 1 requested that WMU 3B be kept as a split season; 3 requested a continuation of the extended antlerless deer seasons in WMUs 2B, 5C and 5D; 1 requested a continuation of the extended antlerless deer season in Berks and Lehigh Counties; 4 requested a continuation of the extended antlerless deer seasons in WMU 2B; 1 requested an elimination of the extended antlerless deer seasons in WMU 2B; 1 requested a closure to antlerless deer hunting during the early archery season; 1 requested that archery season be shortened in Berks County; 1 requested that archery season be extended into the rut; 2 requested that archery season be extended 1 week; 2 requested that archery season be opened 1 week later; 4 requested that archery deer/bear seasons run concurrently; 1 requested the ability to harvest an "inferior" buck with an antlerless license; 1 requested that archers be permitted the ability to harvest an antlerless deer with an unused antler deer tag during the late archery season; 1 requested that the early muzzleloading deer season be changed to October 12-19 to avoid conflicts with archery hunting; and 1 requested that a antlered inline muzzleloading season be created.

*Small game seasons.* A total of six comments were received concerning this subtopic: four opposed opening squirrel season in September; one requested that hen pheasant hunting be allowed in WMU 2A; and one requested that late season pheasant hunting be permitted in WMU 2A.

*Turkey seasons.* A total of three comments were received concerning this subtopic: one requested that WMU 1B be shotgun only; one requested that fall turkey season be shortened in WMUs 2F, 2G and 2H; and one requested that fall turkey season be shortened in WMUs 2F, 2G and 2H if the first week is eliminated.

*Waterfowl seasons.* A total of six comments were received concerning this subtopic: two requested that the second part of the split season be moved a week or two later; three requested that Codorus State Park be removed from the AP Zone; and one requested that that the RP Zone be extended farther east.

*Furbearer hunting/trapping seasons.* A total of ten comments were received concerning this subtopic: two requested that bobcat hunting season open at the same time as bobcat trapping season; one requested that fisher season be opened in WMU 1B; one requested that furbearer seasons be opened around the first weekend in November; one requested that all trapping seasons be opened on the same date; one requested that a season for river otter be opened; one requested that bobcat hunting season run from December 15 through February 5; one requested that bobcat hunting season run prior to bobcat trapping season; one requested that fisher season be lengthened; and one requested that fisher trapping season be adjusted so that it does not interfere with Christmas (December 28 through January 2).

### 5. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

### 6. *Effective Date*

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

### 7. *Contact Person*

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

### *Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been 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 the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

### *Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 139, are amended by amending § 139.4 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order will be effective from July 1, 2013, to June 30, 2014.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-350 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAG LIMITS

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

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

<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Squirrels—(Combined species) Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 12		Oct. 18	6	12
Squirrels—(Combined species)	Oct. 19		Nov. 30	6	12
	Dec. 16	and	Dec. 24		
	Dec. 26	and	Feb. 22, 2014		
Ruffed Grouse	Oct. 19		Nov. 30	2	4
	Dec. 16	and	Dec. 24		
	Dec. 26	and	Jan. 25, 2014		
Rabbits, Cottontail— Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 12		Oct. 19	4	8
Rabbits, Cottontail	Oct. 26		Nov. 30	4	8
	Dec. 16	and	Dec. 24		
	Dec. 26	and	Feb. 22, 2014		
Ring-necked Pheasant—There is no open season for the taking of pheasants in any area designated as a wild pheasant recovery area within any wildlife management unit.					
Ring-necked Pheasant—Male only in WMUs 2A, 2C, 4C, 4E, 5A and 5B Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 12		Oct. 19	2	4
Ring-necked Pheasant—Male or female combined in WMUs 1A, 1B, 2B, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C and 5D Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 12		Oct. 19	2	4
Ring-necked Pheasant—Male only in WMUs 2A, 2C, 4C, 4E, 5A and 5B	Oct. 26		Nov. 30	2	4
	Dec. 16	and	Dec. 24		
	Dec. 26	and	Feb. 22, 2014		
Ring-necked Pheasant—Male or female combined in WMUs 1A, 1B, 2B, 2D, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C and 5D	Oct. 26		Nov. 30	2	4
	Dec. 16	and	Dec. 24		
	Dec. 26	and	Feb. 22, 2014		

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Bobwhite Quail—The hunting and taking of bobwhite quail is permitted in all WMUs except in WMUs 4A, 4B, 5A, 5B, 5C and 5D where the season is closed.	Oct. 26	Nov. 30	4	8
Hares (Snowshoe Rabbits) or Varying Hares in WMUs 3B, 3C and 3D	Dec. 26	Dec. 28	1	2
Hares (Snowshoe Rabbits) or Varying Hares in WMUs 1A, 1B, 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 3A, 4A, 4B, 4C, 4D, 4E, 5A, 5B, 5C and 5D	Dec. 26	Jan. 1, 2014	1	2
Woodchucks (Groundhog)	No closed season except during the regular firearms deer seasons. Hunting on Sundays is prohibited.		Unlimited	
Porcupines Season closed during the overlap with the regular firearms deer seasons.	Sept. 1	Mar. 31, 2014	3	10
<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Turkey—Male or Female WMU 1B	Nov. 2	Nov. 9	1	1
	Nov. 28	Nov. 30		
WMU 2B (Shotgun, Bow and Arrow only)	Nov. 2	Nov. 22		
	Nov. 28	Nov. 30		
WMUs 1A, 2A and 2D	Nov. 2	Nov. 16		
	Nov. 28	Nov. 30		
WMUs 2C, 2E, 4A, 4B and 4D	Nov. 2	Nov. 22		
	Nov. 28	Nov. 30		
WMUs 2F, 2G and 2H	Nov. 2	Nov. 16		
	Nov. 28	Nov. 30		
WMUs 3A, 3B, 3C, 3D, 4C and 4E	Nov. 2	Nov. 22		
	Nov. 28	Nov. 30		
WMU 5A	Nov. 5	Nov. 7		
WMUs 5B, 5C and 5D	Closed to fall turkey hunting			
Turkey (Spring Gobbler) Statewide <sup>1</sup> Bearded Bird only			1	2
	May 3, 2014	May 17, 2014	May be hunted 1/2 hour before sunrise to 12 noon	
	and			
	May 19, 2014	May 31, 2014	May be hunted 1/2 hour before sunrise to 1/2 hour after sunset	
Turkey (Spring Gobbler) Statewide Youth Hunt <sup>1</sup> Bearded Bird only Eligible junior hunters only with the required license and when properly accompanied	April 26, 2014		1	1

#### MIGRATORY GAME BIRDS

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



*Exceptions:*

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

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

**FALCONRY**

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

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

**WHITE-TAILED DEER**

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

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
Deer, Muzzleloading (Antlerless only) (Statewide)	Oct. 19	Oct. 26	An antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) <sup>2</sup> (Statewide)	Dec. 26	Jan. 11, 2014	One antlered, or one antlerless—plus an additional antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) <sup>2</sup> WMUs 2B, 5C and 5D	Dec. 26	Jan. 25, 2014	One antlered, or one antlerless—plus an additional antlerless deer with each required antlerless license.
Deer, Extended Regular firearms (Antlerless) Counties of Allegheny, Bucks, Chester, Delaware, Montgomery and Philadelphia	Dec. 26	Jan. 25, 2014	An antlerless deer with each required antlerless license.
Deer, Antlerless (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army.		An antlerless deer with each required antlerless license.

**BLACK BEAR**

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

**ELK**

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

**FURTAKING—TRAPPING**

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

**FURTAKING—HUNTING**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Coyotes—(Statewide)			Unlimited	
Coyotes—(During any big game season)				
Opossums, Skunks, Weasels (Statewide)				
Raccoons and Foxes—(Statewide)	Oct. 26	Feb. 22, 2014	Unlimited	
Bobcat (with appropriate permit) WMUs 2A, 2C, 2E, 2F, 2G, 2H, 3A, 3B, 3C, 3D, 4A, 4C, 4D and 4E	Jan. 21	Feb. 11, 2014	1	1

No open seasons on other wild birds or wild mammals.

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

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

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

<sup>4</sup> Only one bear may be taken during the hunting license year.

<sup>5</sup> Only one elk may be taken during the hunting license year.

**GAME COMMISSION**  
[ 58 PA. CODE CH. 139 ]

**Seasons and Bag Limits; Wildlife Management Units**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 15, 2013, meeting amended § 139.17 (relating to wildlife management units) to provide updated wildlife management unit (WMU) boundaries.

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

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

Notice of proposed rulemaking was published at 43 Pa.B. 1718 (March 30, 2013).

1. *Purpose and Authority*

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

Section 322(c)(4) of the code (relating to powers and duties of commission) specifically authorizes the Commission to "Define geographic limitations or restrictions." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 139.17 are adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends § 139.17 to provide updated WMU boundaries.

3. *Persons Affected*

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

4. *Comment and Response Summary*

The Commission received two comments in support and two comments in opposition of the final-form rulemaking.

5. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

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

7. *Contact Person*

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

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been 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 the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 139, are amended by amending § 139.17 to read as set forth at 43 Pa.B. 1718.

(b) The Executive Director of the Commission shall certify this order and 43 Pa.B. 1718 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-354 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 13-990. Filed for public inspection May 31, 2013, 9:00 a.m.]

**GAME COMMISSION**  
[ 58 PA. CODE CH. 141 ]  
**Hunting and Trapping; Hunting Hours**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 15, 2013, meeting amended Chapter 141, Appendix G (relating to hunting hours) by replacing the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal

hunting for the 2013-2014 hunting license year. The Commission also amended § 141.4 (relating to hunting hours) to add feral swine and wild boar to the list of species that may be lawfully taken during the regular antlered and antlerless deer seasons and expand references to the seasons during which coyotes may be hunted to “big game.”

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

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

Notice of proposed rulemaking was published at 43 Pa.B. 1710 (March 30, 2013).

1. *Purpose and Authority*

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

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

2. *Regulatory Requirements*

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

3. *Persons Affected*

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

4. *Comment and Response Summary*

There were no official comments received regarding the final-form rulemaking.

5. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

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

7. *Contact Person*

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

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been 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 the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.4 and Appendix G to read as set forth at 43 Pa.B. 1710.

(b) The Executive Director of the Commission shall certify this order and 43 Pa.B. 1710 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-352 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 13-991. Filed for public inspection May 31, 2013, 9:00 a.m.]

**GAME COMMISSION**

**[ 58 PA. CODE CH. 143 ]**

**Hunting and Furtaker Licenses; Hunter Education Training**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 15, 2013, meeting amended § 143.12 (relating to hunter education training) to give the Director the authority to establish hunter education course registration fees or certificate replacement fees.

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

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

Notice of proposed rulemaking was published at 43 Pa.B. 2037 (April 13, 2013).

### 1. *Purpose and Authority*

The amendments provide for future hunter education program flexibility. The amendments will enable implementation of planned improvements to the hunter education replacement training certificate process by providing for online fulfillment capabilities. This will result in a significant improvement to customer service. The Commission amends § 143.12 to give the Director the authority to establish hunter education course registration fees and certificate replacement fees.

Section 2722(g) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of license issuing activities. Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 143.12 are adopted under this authority.

### 2. *Regulatory Requirements*

The final-form rulemaking amends § 143.12 to give the Director the authority to establish hunter education course registration fees or certificate replacement fees.

### 3. *Persons Affected*

Persons wishing to participate in hunter education programs within this Commonwealth may be affected by the final-form rulemaking.

### 4. *Comment and Response Summary*

There were no official comments received regarding the final-form rulemaking.

### 5. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

### 6. *Effective Date*

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

### 7. *Contact Person*

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

### *Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been 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 the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

### *Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 143, are amended by amending § 143.12 to read as set forth at 43 Pa.B. 2037.

(b) The Executive Director of the Commission shall certify this order and 43 Pa.B. 2037 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-353 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 13-992. Filed for public inspection May 31, 2013, 9:00 a.m.]

# PROPOSED RULEMAKINGS

## DEPARTMENT OF STATE

[ 51 PA. CODE CH. 53 ]

### Lobbying Disclosure Registration Fee

The Department of State (Department) proposes to amend § 53.1 (relating to biennial filing fee) to read as set forth in Annex A. The proposed rulemaking increases the biennial registration fee for individuals and entities required to be registered under 65 Pa.C.S. Chapter 13A (relating to lobbying disclosure) (act) from \$200 to \$700.

#### *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*. It is expected that the increased fees will be implemented for the 2015-2016 registration period.

#### *Statutory Authority*

Section 13A08(j) of the act (relating to administration) provides that the Department may by regulation adjust the filing fee established under section 13A10 of the act (relating to registration fees; fund established; system; regulations) if the Department determines that a higher fee is needed to cover the costs of carrying out the provisions of the act.

#### *Purpose*

The act originally set the registration fee at \$100 in 2006. However, section 13A08(j) of the act permits the fee to be raised by regulation if the Department determines that a higher fee is needed to cover the costs of carrying out the provisions of the act. The current registration fee of \$200 was established in the final-form rulemaking published at 40 Pa.B. 3825 (July 10, 2010). At that time, the Department acknowledged that the \$200 fee did not cover the expenses associated with administration of the act.

For the 2007-2008 biennial registration period, the Department's costs for administering the act were approximately \$1,052,105 and the registration fees paid to the Department at that time were approximately \$581,438. For 2009-2010 biennial registration period, the Department's costs were approximately \$1,384,015 and the registration fees collected were approximately \$322,509. For the 2011-2012 registration period, the Department's costs were approximately \$1,800,394. The biennial registration fee was raised to \$200 for the 2011-2012 registration period and the amount of fees collected were approximately \$733,879. For the 2013-2014 registration period, it is projected that the Department will spend approximately \$1,779,000 to administer the act while the registration fees collected will be approximately \$650,000. From 2007 to 2014, the Department will have spent approximately \$6,015,516 to administer the act while collecting approximately \$2,287,828 in revenue received from registration fees. In that same time period (2007-2014), the Department will have used approximately \$3,564,767 from the General Fund, which covers 60% of the Department's total cost in administering the act.

The act states that the Department may raise the fee to cover the costs of carrying out the act. If the fee is raised to \$700, the Department will no longer require moneys from the General Fund to cover these costs. Therefore, administration of the act will be funded entirely by the regulated community as opposed to taxpayers of this Commonwealth.

#### *Description of Proposed Rulemaking*

Based upon the expense and revenue estimates provided, the Department proposes to amend § 53.1(a)(1) to increase the biennial registration fee for individuals and entities required to be registered under the act from \$200 to \$700. The increased registration fee will go into effect for the 2015-2016 registration period. The increase in the registration fee will shift the bulk of the costs of administering the act from the taxpayers to the regulated community as the General Assembly provided.

#### *Fiscal Impact*

The proposed rulemaking will increase the biennial registration fee for individuals and entities required to be registered under the act. The Department estimates there will be 3,158 registrants that will be required to pay the increased fee in 2015-2016 and thereafter. Small businesses that are members of the regulated community or individuals employed by small businesses will be impacted by the proposed rulemaking. The proposed rulemaking should not have other adverse fiscal impact on the private sector, the general public, the Commonwealth or political subdivisions. However, if a local government is required to register as a principal, the local government would have the cost of the increased registration fee and would then be considered to be part of the regulated community.

#### *Sunset Date*

The act provides that the Department may by regulation adjust the filing fee if the Department determines that a higher fee is needed to cover the costs of carrying out the provisions of the act. Therefore, a sunset date has not been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 20, 2013, the Department 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 and Senate State Government Committees. A copy of this material is available to the public upon request.

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

#### *Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Caroline A. Bailey, Assistant Counsel,

Department of State, 210 North Office Building, Harrisburg, PA 17120 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

CAROL AICHELE,  
*Secretary*

**Fiscal Note:** 16-56. No fiscal impact; (8) recommends adoption.

### Annex A

## TITLE 51. PUBLIC OFFICERS PART III. LOBBYING DISCLOSURE CHAPTER 53. REGISTRATION AND TERMINATION

### § 53.1. Biennial filing fee.

(a) Under section 13A10(a) of the act (relating to registration fees; fund established; system; regulations), a principal, lobbying firm or lobbyist required to be registered under the act shall pay a biennial filing fee of \$100 to the Department, made payable to the "Commonwealth of Pennsylvania." As of January 1, 2011, the biennial filing fee will be \$200. **As of January 1, 2015, the biennial filing fee will be \$700.**

\* \* \* \* \*

[Pa.B. Doc. No. 13-993. Filed for public inspection May 31, 2013, 9:00 a.m.]

# DEPARTMENT OF TRANSPORTATION

[ 67 PA. CODE CH. 231 ]

## Intrastate Motor Carrier Safety Requirements

The Department of Transportation, under the authority in 75 Pa.C.S. §§ 4704 and 6103 (relating to inspection by police or Commonwealth personnel; and promulgation of rules and regulations by department), proposes to amend Chapter 231 (relating to intrastate motor carrier safety requirements) to read as set forth in Annex A.

### *Purpose of Chapter*

The purpose of Chapter 231 is to prescribe the minimum requirements and qualifications for drivers, vehicles and other matters relating to the intrastate operation of commercial vehicles. In April 2010, the Department amended the intrastate motor carrier safety regulations to comply with the Federal motor carrier safety regulations.

### *Purpose of the Proposed Rulemaking*

The purpose of this proposed rulemaking is to provide the Governor with greater flexibility to waive specified provisions of the regulation and retain other provisions as effective in dealing with circumstances warranting a declaration of emergency.

### *Summary of Significant Amendments*

This proposed rulemaking adds language to incorporated 49 CFR 390.23(a) (relating to relief from regulations) that will permit the Governor, in issuing a declaration of emergency, to waive specified provisions of the regulation as necessary to deal with the specifics of an emergency. Under the current regulation, the Governor's declaration of emergency waives the provisions of the

chapter. The ability to issue a limited waiver of the regulation will ensure that the emergent conditions can be addressed by waiver of specified provisions without wholesale abandonment of other safety provisions in the regulations which do not need to be waived to address the emergency.

### *Persons and Entities Affected*

This proposed rulemaking will affect commercial drivers when circumstances prompt a declaration of emergency by the Governor.

### *Fiscal Impact*

Implementation of this proposed rulemaking will not require the expenditure of additional funds by the Commonwealth or local municipalities. This proposed rulemaking will not impose additional costs on the regulated community.

### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 22, 2012, the Department 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 and Senate Transportation Committees. A copy of this material is available to the public upon request.

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

### *Sunset Provisions*

This proposed rulemaking will be effective upon final-form publication following appropriate evaluation of comments, suggestions or objections received during the public comment period. The Department is not establishing a sunset date for this regulation, since this regulation is needed to administer provisions required under 75 Pa. Code (relating to Vehicle Code). The Department, however, will continue to closely monitor the regulation for effectiveness.

### *Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Daryl St. Clair, Bureau of Maintenance and Operations, 400 North Street, 6th Floor, Commonwealth Keystone Building, Harrisburg, PA 17105 within 30 days of the publication of this notice in the *Pennsylvania Bulletin*.

### *Contact Person*

The contact person for technical questions about the proposed rulemaking is Daryl St. Clair, 400 North Street, 6th Floor, Commonwealth Keystone Building, Harrisburg, PA 17105, (717) 214-1883, dstclair@pa.gov.

BARRY J. SCHOCH, P.E.,  
*Secretary*

**Fiscal Note:** 18-432. No fiscal impact; (8) recommends adoption.



Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

CHAPTER 231. INTRASTATE MOTOR CARRIER SAFETY REQUIREMENTS

Subchapter A. GENERAL

§ 231.8 Additions or modifications to 49 CFR.

As stated in § 231.7 (relating to adoption of portions of 49 CFR by reference), this chapter generally incorporates 49 CFR Parts 382, 385, 390, 391, 392, 393, 395 and 396. The following modification, additions and deletions to those parts apply:

\* \* \* \* \*

(16) 49 CFR 390.23(a) (relating to relief from regulations) is modified to read as follows:

(a) Some or all of Parts 390 through 399 of this chapter shall not apply to any motor carrier or driver operating a commercial motor vehicle to provide emergency relief during an emergency, subject to the following limitations:

(1) *Regional emergencies.*

(i) The exemption provided by paragraph (a)(1) of this section is effective only when:

(A) An emergency has been declared by the President of the United States, the Governor of a State, or their authorized representatives having authority to declare emergencies; or

\* \* \* \* \*

(iii) A declaration of emergency by a Governor of a State may limit the exemption provided by paragraph (a)(1) of this section to specified provisions of Parts 390 through 399 of this chapter.

[Pa.B. Doc. No. 13-994. Filed for public inspection May 31, 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 21, 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

#### Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
5-20-2013	<i>From:</i> Union Community Bank, FSB Mount Joy Lancaster County  <i>To:</i> Union Community Bank Mount Joy Lancaster County  Application for approval to convert from a Federal savings bank to State-chartered stock savings bank	Approved

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
5-20-2013	Riverview Financial Corporation Halifax Dauphin County  Application for approval to acquire 100% of Union Bancorp, Inc., Pottsville, and thereby indirectly acquire 100% of Union Bank and Trust Company, Pottsville.	Filed

#### Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
5-20-2013	Riverview Bank Marysville Perry County  Application for approval to merge Union Bank and Trust Company, Pottsville, with and into Riverview Bank, Marysville.	Filed

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-20-2013	Somerset Trust Company Somerset Somerset County	300 Laurel Drive Connellsville Fayette County	Filed

##### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-15-2013	Republic First Bank Philadelphia Philadelphia County	<i>To:</i> 448 East Baltimore Pike Media Delaware County  <i>From:</i> 436-438 East Baltimore Pike Media Delaware County	Approved

**Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-15-2013	Greater Delaware Valley Savings Bank Broomall Delaware County	69th and Walnut Streets Upper Darby Delaware County	Closed
5-17-2013	S&T Bank Indiana Indiana County	200 Patchway Road Duncansville Blair County	Closed
5-17-2013	S&T Bank Indiana Indiana County	35 West Scribner Avenue DuBois Clearfield County	Closed

**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
5-16-2013	West Milton State Bank West Milton Union County	Filed

Amendment to Article Fifth of the institution's Articles of Incorporation provides for the elimination of authority to exercise Fiduciary Powers.

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-15-2013	Belco Community Credit Union Harrisburg Dauphin County	205 South Front Street Harrisburg Dauphin County	Approved

**Branch Relocations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-14-2013	Belco Community Credit Union Harrisburg Dauphin County	<i>To:</i> Paxton Street and 40th Street Harrisburg Dauphin County  <i>From:</i> 403 North Second Street Harrisburg Dauphin County	Effective

**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
5-17-2013	N.B.A. Credit Union Bristol Bucks County	Filed

Amendment to Article XV of the institution's Articles of Incorporation to be amended and restated in its entirety.

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

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 13-995. Filed for public inspection May 31, 2013, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

**Request for Bids**

The Department of Conservation and Natural Resources is soliciting bids for the following projects. Bid

documents can be obtained from the Administrative Services Section, Bureau of Facility Design and Construction at (717) 787-5055:

*FDC-013-7376.1—Structure Replacement—Bridge No. 13-9020, Naval Hollow Road over Naval Hollow Creek, Forest District 13, Elk State Forest, Jones Township, Elk County.* Work included under this contract consists of all site work to suit project preparation, execution and completion, demolition of existing structure No. 24-7935-5113-9020 consisting of a 71" x 47" corrugated metal pipe

with stone headwalls, it will be replaced with a precast reinforced concrete box culvert and precast concrete end sections with an 18-foot clear roadway width. The box culvert will have a 15' span and a 4' 6" underclearance. Replacement includes driving surface aggregate, rock lining, architectural surface treatment and guiderail including end treatments. Bid documents will be available on or after June 5, 2013. The bid opening will be held on July 9, 2013.

*FDC-448-3863.1—New Vault Toilet Restroom, Salt Springs State Park, Franklin Township, Susquehanna County.* Work included under this contract consists of installation of a new Pre-Engineered Vault Toilet Restroom building, complete with associated site improvements. Work also includes providing a set of documents of the predesigned building to be used to obtain Labor and Industry construction permit approval prior to the manufacturing of the unit. Documents to be sealed by a professional architect or engineer licensed in this Commonwealth. Bid documents will be available on or after June 5, 2013. The bid opening will be held on July 9, 2013.

*FDC-411-7472.1—New Water Line to Serve Park Residence and Sawmill Restroom, Nolde Forest Environmental Education Center, Cumru Township, Berks County.* Work included under this contract consists of a new water distribution system including 1,665 feet of 2" HDPE SDR-11 pipe and associated connections and devices, replacement of a culvert, existing water supplies and existing water tanks and removal of filter, UV treatment system at the residence house. Bid documents will be available on or after June 5, 2013. The bid opening will be held on July 9, 2013.

RICHARD J. ALLAN,  
Secretary

[Pa.B. Doc. No. 13-996. Filed for public inspection May 31, 2013, 9:00 a.m.]

## DEPARTMENT OF CORRECTIONS

### Exemption from Requirements

A study, to determine if the Department of Corrections' (Department) buildings located at State Correctional Institution—Muncy, Lycoming County should be exempted from the requirements of section 2420 of The Administrative Code of 1929 (71 P.S. § 650), will be performed within the next 90 days. The result from this study may result in the conversion of the Department's coal-fired heating system to a fuel other than coal.

For additional information contact Norm Klinikowski, P.E., Chief Engineer, Bureau of Operations, Department of Corrections, 1920 Technology Parkway, Mechanicsburg, PA, 17050, (717) 728-0366, fax (717) 728-0305, nklinikows@pa.gov.

JOHN E. WETZEL,  
Secretary

[Pa.B. Doc. No. 13-997. Filed for public inspection May 31, 2013, 9:00 a.m.]

### Exemption from Requirements

A study, to determine if the Department of Corrections' (Department) buildings located at State Correctional Institution—Waymart, Wayne County should be exempted from the requirements of section 2420 of The Administrative Code of 1929 (71 P.S. § 650), will be performed within the next 90 days. The result from this study may result in the conversion of the Department's coal-fired heating system to a fuel other than coal.

For additional information contact Norm Klinikowski, P.E., Chief Engineer, Bureau of Operations, Department of Corrections, 1920 Technology Parkway, Mechanicsburg, PA, 17050, (717) 728-0366, fax (717) 728-0305, nklinikows@pa.gov.

JOHN E. WETZEL,  
Secretary

[Pa.B. Doc. No. 13-998. Filed for public inspection May 31, 2013, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Adoption of Policies and Procedures by Local Education Agencies Regarding Assurance 12

Due to the amendment to 34 CFR 300.154 (relating to methods of ensuring services), proposed is the adoption of the Department of Education's (Department) policies and procedures by local education agencies regarding Assurance 12 in the proposed Grant Application under Part B of the Individuals with Disabilities Education Act (IDEA) for Federal Fiscal Year 2013.

Public comment is invited regarding the adoption of the Department's policies and procedures by local education agencies regarding Assurance 12 in the proposed grant application under Part B of the Individuals with Disabilities Education Act (IDEA-B). The annual grant application provides assurances that the State's policies and procedures in effect are consistent with the Federal requirements to ensure that a free appropriate public education is made available to all children with a disability from 3 to 21 years of age, including children who have been suspended or expelled from school.

New regulations have been published related to parental consent for the use of public benefits or insurance to pay for services under IDEA-B. The new regulations were published at 78 FR 10525 (February 14, 2013) and were effective on March 18, 2013. The new regulations amend the United States Department of Education's regulations in 34 CFR 300.154(d)(2)(iv) that were published at 71 FR 46540 (August 16, 2006). The prior regulations required the public agency responsible for providing a free appropriate public education to a child with a disability under the IDEA to obtain parental consent each time access to public benefits or insurance (for example, Medicaid) was sought. The new regulations have two basic requirements. First, the public agency must notify parents in writing of a number of safeguards to protect their rights before the public agency accesses the child's or parent's public benefits or insurance to pay for services under IDEA for the first time and annually thereafter (34 CFR 300.154(d)(2)(v)). Second, the public agency must obtain a one-time written consent from the parent that meets the

requirements of 34 CFR 99.30 and 300.622 (relating to under what conditions is prior consent required to disclose information and consent) and also specifies that the parent understands and agrees that the public agency may access the child's or parent's public benefits or insurance to pay for special education or related services under 34 CFR Part 300 (relating to assistance to states for the education of children with disabilities) (34 CFR 300.154(d)(2)(iv)). The current policies and procedures are available on the Department's web site at [www.education.state.pa.us](http://www.education.state.pa.us) (click the "Programs" tab, select "Programs S-Z," select "Special Education," then "Funding Sources" to select the 2013 link under IDEA-B Grant Application).

The United States Department of Education general administrative regulations in 34 CFR 300.165 (relating to public participation) require that states conduct public hearings, ensure adequate notice of those hearings and provide an opportunity for public comment, including comment from individuals with disabilities and parents of children with disabilities, before adopting policies and procedures. Due to the amendment of 34 CFR 300.154, the Commonwealth must hold public hearings to receive comment on the adoption of the Federal language into the State regulations. The answer to Assurance 12 in the IDEA-B application is stated as "no" and will remain so until the Federal language is officially adopted into the State regulations. The Commonwealth will receive a conditional approval on the IDEA-B Grant and will follow the required Federal procedures to receive full approval. Current policies and procedures related to IDEA-B can be found by accessing the Pennsylvania Training and Technical Assistance Network's web site at [www.pattan.net](http://www.pattan.net) (click on the "Legal" tab at the top of the page to find the link to the "Federal Law and Regulations").

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

Written and verbal comments must be received by July 19, 2013. The written comments should be directed to Ashley Bennett or Dr. Ronald Wells, Bureau of Special Education, Department of Education, 333 Market Street, 7th Floor, Harrisburg, PA 17126-0333.

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

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

- August 6, 2013 PaTTAN—King of Prussia  
200 Anderson Road  
King of Prussia, PA 19406  
(4 p.m.—6 p.m.)
- August 8, 2013 PaTTAN—Pittsburgh  
3190 William Pitt Way  
Pittsburgh, PA 15238  
(5 p.m.—7 p.m.)
- August 22, 2013 PaTTAN—Harrisburg  
6340 Flank Drive  
Harrisburg, PA 17112  
(4 p.m.—6 p.m.)

To schedule an opportunity to present verbal testimony, or for persons who require an accommodation to participate in the proceedings, contact Beth Runkle at (717) 783-2311 no later than July 19, 2013.

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

WILLIAM E. HARNER, Ph.D.,  
*Acting Secretary*

[Pa.B. Doc. No. 13-999. Filed for public inspection May 31, 2013, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
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**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0052922 (Industrial)	Philadelphia Macaroni Co. 40 Jacksonville Road Warminster, PA 18974	Bucks County Warminster Township	Unnamed Tributary of Pennypack Creek (3-J)	Y

*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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0029416 (Sewage)	Camp Weequahic Newbury, LLC. 210 Woods Road Lakewood, PA 18439-3945	Wayne County Preston Township	Unnamed Tributary to Sly Lake High Quality—Cold Water Fishes, Migratory Fishes Watershed 01A	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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0087548 (Sew)	Artillery Ridge Enterprises, Inc. 610 Taneytown Road Gettysburg, PA 17325	Adams County Cumberland Township	UNT to Rock Creek / 13-D	Y
PA0083038 (Sew)	Skip Waybrandt Waybrandt Oil PO Box 13 Reliance, TN 37369	Adams County Mount Joy Township	UNT to Rock Creek / 13-D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0093050 Sewage	Blacklick STP 8293 Route 119 Blacklick, PA 15716	Indiana County Burrell Township	Blacklick Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0240184 (Sewage)	Marilyn R & Robert E Jones SFTF 17473 State Highway 86 Saegertown, PA 16433	Crawford County Woodcock Township	un-named tributary to Bossard Run (16-A)	Y

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

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

**PA0057274**, SIC Code 8811, **Michael R. & Antionette Hughes**, 305 Auburn Drive, Downingtown, PA 19335. Facility Name: Hughes SRSTP. This existing facility is located in Upper Uwchlan Township, **Chester County**.

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

The receiving stream(s), Unnamed Tributary to Marsh Creek, is located in State Water Plan watershed—and is classified for High Quality Waters—Trout Stocking and Mi, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>	
Flow (GPD)	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	Report	Report
CBOD <sub>5</sub>					
May 1 - Oct 31	XXX	XXX	XXX	10	XXX
Nov 1 - Apr 30	XXX	XXX	XXX	20	XXX
Total Suspended Solids	XXX	XXX	XXX	10	XXX
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX
				Geo Mean	
Total Nitrogen	XXX	XXX	XXX	40	XXX
Ammonia-Nitrogen					
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX
Nov 1 - Apr 30	XXX	XXX	XXX	4.5	XXX
Total Phosphorus	XXX	XXX	XXX	10	XXX

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

Proposed Part C Conditions:

- A. No Stormwater
- B. Acquire Necessary Property Rights
- C. Proper Sludge Disposal
- D. Abandon STP when Municipal Sewers Available
- E. AMR Submittal to DEP
- F. Total Residual Chlorine Requirement
- G. Public Nuisance
- H. Change of Ownership
- I. Fecal Coliform Imax Reporting

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.

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

**PA0247855**, Sewage, SIC Code 4952, **Belfast Township**, 121 Homestead Lane, Needmore, PA 17238. Facility Name: Needmore STP. This existing facility is located in Belfast Township, **Fulton 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), Tonoloway Creek, is located in State Water Plan watershed 13-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 0.03 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	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>	6.2	10.0	XXX	25	40	50
		Wkly Avg				
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	7.5	11.2	XXX	30	45	60
		Wkly Avg				
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
UV Transmittance (mjoules/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
	Annl Avg	Total Annual		Annl Avg		
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
	Annl Avg	Total Annual		Annl Avg		

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.

**PA0080608**, Sewage, SIC Code 7032, **Fellowship Of Bible Churches Inc.**, 10670 Fort Loudon Road, Mercersburg, PA 17236-9505. Facility Name: Camp Tohiglo. This existing facility is located in Montgomery Township, **Franklin County**.

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

The receiving stream(s), Licking Creek, is located in State Water Plan watershed 13-C and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.012 MGD.

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



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.

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

**PA0021610**, Sewage, **Blairsville Municipal Authority**, 203 East Market Street, Blairsville, PA 15717. Facility Name: Blairsville Municipal Authority STP. This existing facility is located in Burrell Township, **Indiana County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 1.353 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
CBOD <sub>5</sub>	282.3	423.4	XX	25	37.5	50
BOD <sub>5</sub>		Wkly Avg				
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	338.7	508.1	XXX	30	45	60
Fecal Coliform (CFU/100 ml)		Wkly Avg				
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
Ultraviolet Disinfection Light Transmittance (mjoules/cm <sup>2</sup> )	XXX	XXX	Report	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX

Outfalls 002, 003, 005 and 006, which discharge to the receiving waters known as Conemaugh River, and Outfall 007, which discharges to the receiving waters known as Sulphur Run, serve as combined sewer overflows (CSOs) necessitated by storm water entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant. These combined sewer overflows are permitted to discharge only for such reason. There are at this time no specific effluent limitations on the outfalls. Each discharge shall be monitored for cause, frequency, duration and quantity of flow. The NPDES Permit contains a schedule to eliminate the above CSOs within the subject permit term.

The EPA Waiver is not in effect.

**PA0254622**, Sewage, **TME Property Holding LLC**, 2358 Morgantown Road, Uniontown, PA 15401. Facility Name: TME Property Holding STP. This proposed facility is located in German Township, **Fayette County**.

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

The receiving stream(s), North Branch Browns Run, is located in State Water Plan watershed 19-C and is classified for Warm Water Fishes. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0125 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Average Monthly	Average Monthly		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0 Min	XXX	XXX	XXX
Total Residual Chlorine (Interim)	XXX	XXX	XXX	1.0	XXX	3.3
(Final)	XXX	XXX	XXX	0.3	XXX	0.7

Parameters	Mass (lb/day)		Average Monthly	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Average Monthly	
CBOD <sub>5</sub>	XXX	XXX	25	XXX	XXX	50
BOD <sub>5</sub>						
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	30	XXX	XXX	60
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
Total Nitrogen	XXX	XXX	Report	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	Report	XXX	XXX	XXX
Total Phosphorus	XXX	XXX	Report	XXX	XXX	XXX

The EPA Waiver is 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. 1513403**, Sewage, **Municipal Authority of the Borough of Elverson**, 101 South Chestnut Street, P. O. Box 266, Elverson, PA 19520-0266.

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

Description of Action/Activity: Wastewater treatment plant disinfection upgrade.

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

**WQM Permit No. 5098402, Amendment 13-1**, Sewerage, **Bloomfield Borough Council**, 25 East McClure Street, PO Box 144, New Bloomfield, PA 17068.

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

Description of Proposed Action/Activity: Seeking permit approval for BNR upgrade at their existing plant.

**WQM Permit No. 3899401 Amendment 13-1**, Industrial Waste, **Farmer's Pride, Inc.**, 154 West Main Street, PO Box 39, Fredericksburg, PA 17026.

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

Description of Proposed Action/Activity: Seeking approval for a project upgrade to provide higher efficiency total nitrogen removal in order to comply with the Chesapeake Bay Program.

**WQM Permit No. 3613403**, CAFO, **Jacob T. Akers**, 562 Church Road, Quarryville, PA 17566.

This proposed facility is located in East Drumore Township, **Lancaster County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction of a new HDPE-lined manure storage for a proposed duck operation.

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

**WQM Permit No. WQG018747**, Sewage, **Timothy S. & Valerie E. Drayer**, 11003 Route 19 N, Waterford, PA 16441-5109.

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

Description of Proposed Action/Activity: Application to transfer ownership of an existing permit for a single residence sewage treatment plant.

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

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

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

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024513005	447 Cornerstone Products, Inc. 2089 Paradise Trail East Stroudsburg, PA 18301	Monroe	Stroud Twp.	UNT Brodhead Creek, HQ-CWF, MF

## NOTICES

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<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024513007	PPL Electric Utilities Two North Ninth St. (GENN3) Allentown, PA 18101	Monroe	Ross Twp. and Hamilton Twp.	Aquashicola Creek, HQ-CWF, MF; Cherry Creek, HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025212004	Pocono Lakefront, LLC 40 Warren St. Paterson, NJ 07524	Pike	Palmyra Twp.	Wallenpaupack Creek, HQ-CWF, MF; UNT Wallenpaupack Creek, HQ-CWF, MF

*Schuylkill County Conservation District: 1206 Ag Center Drive, RR5, Box 5810, Pottsville, PA 17901, 570-622-3742.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025413001	Ultimate Energy Source Inc. Ryan Solar 1 LLC 200 Prosperity Dr. Suite 207 Knoxville, TN 37923	Schuylkill	Ryan Twp.	Hosensock Creek, CWF, MF, EV Wetlands

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030713001	Pennsylvania Electric Company 2800 Pottsville Pike PO Box 16001 Reading, PA 19612-6001	Blair	Frankstown Township	New Creek (HQ/CWF)
PAI032912001	PA Turnpike Commission PO Box 67676 Harrisburg, PA 17106	Fulton	Taylor Township	UNT to Lick Branch and Wooden Bridge Creek (HQ-CWF, MF)
PAI033613006	Joshua T. Akers 562 Church Road Quarryville, PA 17566-9750	Lancaster	East Drumore Township	Tributary 07186 of Conowingo Creek (HQ-CWF)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041813003	CPAA C Grant Miller 41 Airstrip Dr Lock Haven PA 17745	Clinton	Lamar Township	UNT to Fishing Creek HQ-CWF

*Lycoming County Conservation District: 542 County Farm Road Suite 202, Montoursville, PA 17754, (570) 433-3003*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044113002	Mike Bender PA Dept of Transportation District 3-0 PO Box 218 Montoursville PA 17754	Lycoming	Armstrong & Clinton Townships	Black Hole Creek TSF, MF W B Susquehanna River WWF, MF

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

<i>Permit No.</i>	<i>Applicant &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI050313002	Peoples TWP 834 Butler Road Kittanning, PA 16201	Armstrong	Sugarcreek Twp	UNT to Buffalo Creek (HQ-TSF)

<i>Permit No.</i>	<i>Applicant &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI052612002	Deer Lake Improvement Association, Inc. 464 Meadow Run Trail Chalk Hill, PA 15470	Fayette	Wharton Twp	Meadow Run (HQ-CWF)
PAI053013001	Morris Township 1317 Browns Creek Rd Sycamore, PA 15364	Greene	Morris Twp	Browns Creek (HQ-WWF)

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


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PAG-12      CAFOs

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

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

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

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

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

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Goss Family Farm 123 Decatur Road McClure, PA 17841	Mifflin	337	895	Swine	N/A	Revision

**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**

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

**Permit No. 5613503**, Public Water Supply.  
 Applicant **Somerset County General Authority**  
 300 North Center Avenue  
 Somerset, PA 15501  
 [Township or Borough] Jenner Township  
 Responsible Official Lladell Lichty, Chairman  
 Somerset County General Authority  
 300 North Center Avenue  
 Somerset, PA 15501  
 Type of Facility Water system  
 Consulting Engineer Somerset Planning & Engineering Services, LLC  
 222 West Main Street  
 Suite 100  
 Somerset, PA 15501  
 Application Received Date May 13, 2013  
 Description of Action Addition of sulfated polyaluminum chloride (GPAC).

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

**Permit No. 1013503**, Public Water Supply  
 Applicant **Fair Winds Manor, LP**  
 Township or Borough Winfield Township  
 County **Butler**  
 Responsible Official Steven D. Tack  
 Type of Facility Public Water Supply  
 Consulting Engineer Ronald Olsen, P.E.  
 Olsen & Associates, LLC  
 126 South Main Street  
 Butler, PA 16001  
 Application Received Date April 22, 2013  
 Description of Action Installation of new treatment equipment and potable water storage tank.

**MINOR AMENDMENT**

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

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

**Application No. 6587502T3, Minor Amendment.**  
 Applicant **Pine Gardens Realty Associates, LP**  
 11 Glenview Avenue  
 Greensburg, PA 15601  
 [Township or Borough] Loyalhanna Township

Responsible Official Paul L. Miller, Owner  
 Pine Gardens Realty Associates, LP  
 11 Glenview Avenue  
 Greensburg, PA 15601  
 Type of Facility Water system  
 Consulting Engineer  
 Application Received Date May 8, 2013  
 Description of Action Transfer of PWS Permit No. 6587502T2 from Pine Garden's LP to Pine Gardens Realty Associates, LP.

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

**Application No. 4393505-MA3, Minor Amendment.**  
 Applicant **Buhl Community Water Company**  
 Township or Borough Springfield Township  
 Responsible Official Dale Walker  
 Type of Facility Public Water Supply  
 Consulting Engineer Kirt L. Ervin, P.E.  
 US Engineering, LLC  
 13742 Mary Lane  
 Aviston, IL 62216  
 Application Received Date April 25, 2013  
 Description of Action Install one (1) PAX PWM-400 active mixer inside New Ash Road Tank.

**Application No. 4388510-MA2, Minor Amendment.**  
 Applicant **Greenville Water Authority**  
 Township or Borough Hempfield Township  
 Responsible Official John Gibson  
 Type of Facility Public Water Supply  
 Consulting Engineer Thomas L. Thompson, P.E.  
 Gannett Fleming, Inc.  
 554 South Erie Street  
 Mercer, PA 16137  
 Application Received Date April 17, 2013  
 Description of Action Preparation and repaint of a 250,000 gallon welded steel water storage tank, furnish and install repairs to tank and accessories and perform miscellaneous and incidental work.

**WATER ALLOCATIONS**

**Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth**

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

**WA 10-577A**, Water Allocations. **Harmony Borough Water Authority**, 217 Mercer Street, Harmony, PA 16037-9807, Harmony Borough, **Butler County**. The

permittee has requested to utilize its emergency interconnection with Zelienople Borough as its water source until a filter replacement project is completed at the water treatment plant in accordance with the Interconnection Agreement dated January 28, 2003. The allocation for withdrawal from Little Connoquenessing Creek will remain unchanged.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

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#### **Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907)**

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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:

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

**UPMC Luna Parking Garage**, Lima Way & Gross Street, Bloomfield, **Allegheny County**. SE Technologies, LLC, 98 Vanadium Road, Bridgeville, PA 15017, on behalf of UPMC, US Steel Tower, Floor 60, 600 Grant Street, Pittsburgh, PA 15219, submitted a Notice of Intent to Remediate regarding site soil and groundwater contaminated with metals. Future use of the property will be developed as a parking garage serving the hospital.

**Sherwood Valve Washington Plant**, 2200 North Main Street, Washington, **Washington County**. Cummings/Riter Consultants, 300 Penn Center Blvd., Suite 800, Pittsburgh, PA 15235, on behalf of Sherwood Valve, LLC, 2200 North Main Street, Washington, PA 15301, submitted a Notice of Intent to Remediate regarding site groundwater contaminated with Trichloroethene, Dichloroethene and Tetrachloroethene. The intended future use of the property is to be non-residential.

## 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.

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

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

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

**23-0220: Eddystone Rail Co.** (5 Industrial Highway, Eddystone, PA 19022-1585) for installation of a crude oil unloading facility at their current site of the Exelon Generation Co, Eddystone Generating Station, in Eddystone Borough, **Delaware County**. The installation of a marine vessel loading operation with the VOC and HAP emissions routed through a vapor recovery to a non-assisted ground flare for the control of HAP and VOC emissions is subject to the NESHAP requirements of 40 CFR 63, Subpart Y. The facility has taken a throughput limitation to emit less than the major source thresholds, with the projected actual emissions expected to be no more than 24.0 tons of NO<sub>x</sub>, 23.61 tons of VOCs, and 1.17 tons of total HAPs per year. This project does not trigger applicability toward PADEP's NSR regulations or the federal PSD regulations. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**43-152B: JMC Steel Group—Wheatland Tube Division** (134 Mill Street, Sharon, PA 16146) for the reactivation of Source 102 (Buttweld Furnace) in Sharon City, **Mercer County**. This is a State Only 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 State Only operating permit at a later date.

The construction/reactivation of the Buttweld furnace (102) will result in emissions of 34.71 tpy for NO<sub>x</sub>, 20.83 tpy for CO, 0.75 tpy for PM/PM<sub>10</sub>/PM<sub>2.5</sub>, 0.15 tpy for SO<sub>x</sub>, 1.32 tpy for VOC, and 29,032.4 tpy for CO<sub>2</sub>(e). This Plan

Approval will contain emission restriction, recordkeeping, work practice standard and additional requirement 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:

- Subject to 25 Pa. Code §§ 123.13 and 123.21
- The NO<sub>x</sub> emissions shall not exceed 7.9 #/hr and 34.7 tpy based on a 12-month rolling basis.
- The CO emissions shall not exceed 4.8 #/hr and 20.8 tpy based on a 12-month rolling basis.
- The permittee shall operate the source using only natural gas as a fuel.
- 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 owner and operator of the adjusted equipment shall record each adjustment conducted under the procedures for annual adjustment or tune-up in a permanently bound log book or other method approved by the Department. This log shall contain, at a minimum, the following information:
  - The date of the tuning procedure.
  - The name of the service company and technicians.
  - The final operating rate or load.
  - The final CO and NO<sub>x</sub> emission rates.
  - The final excess oxygen rate.
  - 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 owner and operator shall perform an annual adjustment or tune-up on the combustion process. The initial adjustment or tune-up shall be prior to reactivating the source. This adjustment shall include, at a minimum, the following:
    - Inspection, adjustment, cleaning or replacement of fuel-burning equipment, including the burners and moving parts necessary for proper operation as specified by the manufacturer.
    - Inspection of the flame pattern or characteristics and adjustments necessary to minimize total emissions of NO<sub>x</sub>, and to the extent practicable minimize emissions of CO.
    - Inspection of the air-to-fuel ratio control system and adjustments necessary to ensure proper calibration and operation as specified by the manufacturer.
  - The owner and operator shall make the annual adjustment in accordance with the EPA document "Combustion Efficiency Optimization Manual for Operators of Oil and Gas-fired Boilers," September 1983 (EPA-340/1-83-023) or equivalent procedures approved in writing by the Department.
  - The permittee shall maintain and operate the source in accordance with the manufacturer's specifications and in a manner consistent with good air pollution control practices.

In accordance with 25 Pa. Code § 127.44(f)(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 (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(f)(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 [43-152B] 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 25 Pa. Code §§ 127.421 to 127.431 for state only operating permits or 25 Pa. Code §§ 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 11058E: GE International, Inc.** (1040 East Erie Avenue, Philadelphia, PA 19124) for installing a varnish dip tank, a Imprex VPI tank, a transformer cutting booth, a natural gas fired 2.22 heat cleaning oven, a 0.25 natural gas fired bake oven, a diesel fired 0.35 MMBTU/hr portable steam cleaner, and a natural gas fired 0.44 MMBTU/hr stationary steam cleaner in the City of Philadelphia, **Philadelphia County**. There will be a potential emission increase of 3.8 tons for Volatile Organic Compounds (VOCs) and 1.4 ton/yr of Nitrogen Oxides (NO<sub>x</sub>) for the facility. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

The above units were permitted under plan approval 11058 issued on June 7, 2011. This plan approval 11058E has been approved for a second extension for the complete installation of the Steelman Heat Cleaning Oven. The plan approval 11058E extend the expiration to December 7, 2013.

**AMS 11168E: Philadelphia Water Department—Northeast Water Pollution Control Plant** (3899 Richmond Street, Philadelphia, PA 19137) for construction and operating of co-generation plant—which include 5 internal combustion engines, 5 SCR, and flare in the City of Philadelphia, **Philadelphia County**. This Plan Approval will replace the original Plan Approval 11168 dated on November 28, 2011. This permit extended the construction of the above sources for period of 6 months as per 25 Pa. Code § 127.13

**AMS 11296A: SunGard Availability Services, LP** (1500 Spring Garden Street, Philadelphia, PA 19130) for modification of a Plan Approval to enroll the (6) diesel emergency generators each 2000 KW in the PJM Emergency Load Response Program (ELRP) for emergency demand response in the City of Philadelphia, **Philadelphia County**. Each diesel emergency generator is equipped with Selective Catalytic Reduction (SCR) control device to reduce NO<sub>x</sub> emissions. 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.**

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

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

**30-00099: Allegheny Energy Supply Co., LLC** (800 Cabin Hill Drive, Greensburg, PA 15601) to modify a Title V Operating Permit renewal previously issued on November 30, 2012 for the continued operation of the Hatfield's Ferry Power Station Monongahela Township, **Greene County**.

In accordance with 25 Pa. Code §§ 127.424, 127.425, 127.521 and 127.541, the Department of Environmental Protection (DEP) is providing notice that it intends to modify a Title V Operating Permit renewal previously issued on November 30, 2012 for the continued operation of the Hatfield's Ferry Power Station located in Monongahela Township, Greene County.

TVOP-30-00099 will be modified to add the following applicable requirement: 25 Pa. Code § 121.7, Prohibition of air pollution, "No person may permit air pollution as that term is defined in the act." No other changes to the TVOP, emissions or equipment are being proposed by this action.

The main sources at the facility are three pulverized coal-fired electric generating units (EGUs), rated at 576 MW each. Each unit is equipped with low NO<sub>x</sub> burners, separate over-fired air, electrostatic precipitators (ESPs) and flue gas desulfurization (FGD) scrubber systems. Other air emission sources at this facility include two auxiliary boilers, seven diesel fuel-fired internal combustion engines used for emergency power generation and fire pumps, space heaters, material storage and handling equipment and other small sources. DEP also intends to issue an Acid Rain Permit for this site.

This facility has the potential to emit the following type and quantity of air contaminants (on an annual basis): 1,656 tons of carbon monoxide, 38,198 tons of nitrogen oxides, 5,842 tons of particulate matter, 24,631 tons of sulfur oxides, 167 tons of volatile organic compounds, 43



tons of ammonia, 4,458 tons of total hazardous air pollutants, including 3,953 tons hydrochloric acid, 494 tons hydrogen fluoride, 1.38 tons of lead and 0.27 ton of mercury, and 15,712,600 tons of carbon dioxide equivalents (greenhouse gases). 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.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at DEP, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a file review may be made by calling 412-442-4286. Any person wishing to provide DEP with additional information that they believe should be considered prior to the issuance of this permit may submit the information to DEP at the address shown above. 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 TVOP-30-00099) 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, Air Quality Environmental Engineer Manager, DEP, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-5226.

**26-00535: Duke Energy Fayette II, LLC** (P. O. Box 511, Masontown, PA 15461) In accordance with 25 Pa. Code §§ 127.424, 127.425, 127.521 and 127.541, the Department of Environmental Protection (DEP) is providing notice that it intends to modify a Title V Operating Permit (TVOP-26-00535) previously issued on January 13, 2013 for the operation of the Fayette Energy Facility, located in German Township, **Fayette County**.

TVOP-26-00535 will be modified to add the following applicable requirement: 25 Pa. Code § 121.7, Prohibition of air pollution, "No person may permit air pollution as that term is defined in the act." No other changes to the TVOP, emissions or equipment are being proposed by this action.

Main sources at this facility include two 320 megawatt natural gas-fired combined cycle combustion gas turbine (CGT) electrical generating units (EGUs). Emissions from the CGT units are controlled with low NO<sub>x</sub> burners, selective catalytic reduction (SCR), and an oxidation catalyst. Supporting equipment at this site includes one auxiliary boiler (rated at 30.6 MMBtu/hr fuel heat input), one 489-bhp emergency diesel generator engine, one 265-bhp emergency diesel fire water pump engine, cooling towers, and other smaller sources.

This facility has the potential to emit the following type and quantity of air contaminants (on an annual basis): 581 tons of carbon monoxide, 296 tons of nitrogen oxides,

313 tons of PM<sub>10</sub>, 174 tons of sulfur oxides, 90 tons of volatile organic compounds, 4.92 tons of total hazardous air pollutants including 4.38 tons formaldehyde, and 2,281,548 tons of carbon dioxide equivalents (greenhouse gases). No emission or equipment changes are being proposed by this action.

The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CER Parts 52, 50, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98, and 25 Pa. Code Chapters 121—145.

Copies of the application, DEPs analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at DEP, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a file review may be made by calling (412) 442-4286. Any person wishing to provide DEP with additional information that they believe should be considered prior to the issuance of this permit may submit the information to DEP at the address shown above. 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 TVOP-26-00535) 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, Air Quality Environmental Engineer Manager, DEP, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. (412)442-5226.

**63-00016: Allegheny Energy Supply Company, LLC** (800 Cabin Hill Drive, Greensburg, PA 15601) In accordance with 25 Pa. Code §§ 127.424, 127.425, 127.521, and 127.541, the Department of Environmental Protection (DEP) is providing notice that it intends to modify a renewal Title V Operating Permit (TVOP-63-00016) previously issued on November 30, 2012 for the operation of the Mitchell Power Station, located in Union Township, **Washington County**.

TVOP-63-00016 will be modified to add the following applicable requirement: 25 Pa. Code § 121.7, Prohibition of air pollution, "No person may permit air pollution as that term is defined in the act." No other changes to the TVOP, emissions or equipment are being proposed by this action.

Main sources at this facility include one 277 megawatt pulverized coal-fired electricity generating unit (EGU) and three 72 megawatt oil-fired EGUs. Emissions from the coal-fired unit are controlled with low NO<sub>x</sub> burners, separate over-fired air, two electrostatic precipitators arranged in series, followed by a lime reagent based wet flue gas desulfurization system. The oil fired units have no add-on controls, and restrict sulfur emissions through the use of low sulfur (0.5%) fuel oil. Supporting equipment at this site includes two auxiliary boilers, (each rated at 27 MMBtu/hr fuel heat input), one 850-bhp emergency diesel generator engine, space heaters, material storage and handling equipment and other smaller sources.

This facility has the potential to emit the following type and quantity of air contaminants (on an annual basis): 695 tons of carbon monoxide, 6,613 tons of nitrogen oxides, 1,365 tons of particulate matter, 13,616 tons of sulfur oxides, 51 tons of volatile organic compounds, 0.2 ton of ammonia, 44 tons of total hazardous air pollutants including 27.6 tons hydrochloric acid, 5.63 tons hydrogen fluoride, 0.36 ton of lead and 112 pounds of mercury, and 5,449,501 tons of carbon dioxide equivalents (greenhouse gases). No emission or equipment changes are being proposed by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and 25 Pa. Code Chapters 121—145.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at DEP, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a file review may be made by calling 412-442-4286. Any person wishing to provide DEP with additional information that they believe should be considered prior to the issuance of this permit may submit the information to DEP at the address shown above. 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 TVOP-63-00016) 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, Air Quality Environmental Engineer Manager, DEP, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-5226.

**32-00055: EME Homer City Generation, LP** (1750 Power Plant Road, Homer City PA 15748) In accordance with 25 Pa. Code §§ 127.424, 127.425, 127.521 and 127.541, the Department of Environmental Protection (DEP) is providing notice that it intends to modify a renewal Title V Operating Permit previously issued to Homer City Generating Station on November 16, 2012 to authorize the continued operation of the facility located in Black Lick/Center Township, **Indiana County**.

TVOP-32-00055 will be modified to add the following applicable requirement: 25 Pa. Code § 121.7, Prohibition of air pollution, "No person may permit air pollution as that term is defined in the act." No other changes to the TVOP, emissions or equipment are being proposed by this action.

The facility consists of three pulverized coal-fired electric generating units, rated at 660, 660 and 692 megawatts, respectively. All three units are equipped with electrostatic precipitators for particulate control as well as selective catalytic reduction, low NO<sub>x</sub> burners and separate over-fired air for NO<sub>x</sub> control. Unit #3 is also controlled by a limestone scrubber for SO<sub>x</sub> control. Other

sources at this facility include an auxiliary boiler, emergency generators, fire pump, space heaters, material storage and handling equipment and other miscellaneous fugitive emission sources of minor significance.

This facility has the potential to emit the following type and quantity of air contaminants (on an annual basis): 1,838 tons of carbon monoxide, 40,790 tons of nitrogen oxides, 10,014 tons of particulate matter, 232,868 tons of sulfur oxides, 154 tons of volatile organic compounds, 389 tons of ammonia, 4,281 tons of hazardous air pollutants including 3,641 tons of hydrochloric acid, 337 tons of hydrogen fluoride, 0.922 ton of lead and 0.53 ton of mercury, and 18,914,637 tons of carbon dioxide equivalents (greenhouse gases). No emission or equipment changes are being proposed by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and 25 Pa. Code Chapters 121—145.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at DEP, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a file review may be made by calling 412-442-4286. Any person wishing to provide DEP with additional information that they believe should be considered prior to the issuance of this permit may submit the information to DEP at the address shown above. 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 TVOP-32-00055) 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, Air Quality Environmental Engineer Manager, DEP, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-5226.

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

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

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

**09-00048: H & K Materials, Inc.** (300 Skunk Hollow Road, Chalfont, PA 18914) for renewal of a State Only, Synthetic Minor Operating Permit in Hilltown Township, **Bucks County**. H & K Materials operates an Asphalt Plant at this site. There are no changes to any conditions or emissions in the renewal of the operating permit. The facility maintains a synthetic minor operating status by maintaining total NO<sub>x</sub> emissions to less than 12.40 tons

per year. The renewed permit includes testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable local, state, and federal 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.*

**05-03004: Chestnut Ridge School District** (3281 Valley Road, Fishertown, PA 15539) for operation of an emergency generator and four coal-fired boilers at their central elementary and high school campus in East Saint Clair Township, **Bedford County**.

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

Actual 2012 emissions at the facility are estimated to be approximately 8.82 tons of SO<sub>x</sub>, 1.78 tons of PM, 1.3 tons of CO, 1.13 tons of NO<sub>x</sub> and 0.15 ton of TOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources and 40 CFR Part 60, Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.

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

A person may oppose the proposed 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, protests or requests for a public hearing.

Mr. William 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, protests or requests for a public hearing.

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

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

**63-00400: Hansen Engineering, Inc.** (167 Laidley's Run Road, West Alexander, PA 15376) for the operation of their facility in West Finley Township, **Washington County**.

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 Hansen 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<sub>x</sub>, 9 tons of PM<sub>10</sub>, 5 tons of NO<sub>x</sub>, 3 tons CO, 0.4 ton VOCs, less than 1 ton of all HAPs combined and 6,200 tons of CO<sub>2</sub> 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.

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

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

**10-00345: Allegheny Mineral Corp.** (PO Box 1022, Kittanning, PA 16201-5022) to renew a State Only operating permit for their Limestone processing facility in Marion Township, **Butler County**. The significant sources are stone crushing and sizing; storage piles; vehicle travel; and vehicle loading. The facility is a Natural Minor. The conditions of the previous plan

approvals and operating permit were incorporated into the renewal permit. The potential emissions from the facility are as follows: 54.63 tpy PM and 20.96 tpy PM-10. 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.

**10-00350: Cloverleaf Group Inc.—IDL Worldwide** (PO Box 569, 500 Grant Avenue, East Butler, PA 16029-0569) to issue a renewal of the State Only Operating Permit for the screen printing facility (printing presses, a screen wash machine, a spray booth, emergency generator and fire pump, and other insignificant sources) in East Butler Borough, **Butler County**. The sources were covered by plan approvals 10-350A and 10-350B. The permittee has a VOC emission limit of 49.5 TPY a single HAP emission limit of 9.8 TPY, and total HAPs emission limit of 24.8 TPY (each based on a consecutive 12-month rolling period). Each of the sources contains the restrictions, recordkeeping, reporting, work practice requirements, and additional requirements as established in the plan approvals. The emergency generator and fire pump engines are subject to 40 CFR 63 Subpart ZZZZ pertaining to the NESHAPs for Stationary Reciprocating Internal Combustion Engines (RICE).

**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 Depart-

ment 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*

**32061302 and NPDES No. PA0235768. Western Allegheny Energy, LLC**, (301 Market Street, Kittanning, PA 16201-1504). To renew the permit for the Knob Creek Mine in Young and Conemaugh Townships, **Indiana County** and related NPDES permit. No additional discharges. The application was considered administratively complete on May 14, 2013. Application received April 2, 2013.

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

**16080108 and NPDES Permit No. PA0259652. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Renewal of an existing bituminous surface mine in Perry Township, **Clarion County** affecting 222.2 acres. Receiving streams: Unnamed tributaries to the Allegheny River, classified for the following uses: WWF; and unnamed tributaries to the Clarion River, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: May 15, 2013.

*Noncoal Applications Received*

*Effluent Limits*—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Table 2

Parameter	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.

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

**NPDES PA 0237825 (Permit No. 14980301) Graymont (PA) Inc.** (965 East College Avenue, Pleasant Gap, PA 16823) **Revision to combine NPDES permit with NPDES PA0220248 (Permit No. 1474301)** to operate as a single, continuous unit therefore eliminating NPDES PA 0220248. The permits area located in Spring Township, **Centre County**. Receiving streams: Logan Branch to Spring Creek to Bald Eagle Creek to West Branch, classified for the following use: Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. NPDES revision application received: May 13, 2013.

**NPDES PA 0118001 (Permit No. 1479401) Graymont (PA) Inc.** (965 East College Avenue Pleasant Gap, PA 16823) Revision to add North Cave Outfall to the NPDES permit located in Spring Township, **Centre County**. Receiving streams: Logan Branch and Nittany Creek to Spring Creek followed by the Bald Eagle Creek to the Susquehanna River, classified as Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. NPDES revision application received: May 13, 2013.

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

**58132506. Edward M. Cox, Jr.**, (21838 SR 29, Montrose, PA 18801), commencement, operation and restoration of a bluestone quarry operation and NPDES Permit for discharge of treated mine drainage in Harmony Township, **Susquehanna County** affecting 10.0 acres, receiving streams: East and North Branches of Hemlock Creeks, classified for the following uses: EV—cold water and migratory fishes. Application received: April 26, 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.

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### 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.

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#### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southeast Region: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401*

**E51-206. Penn's Landing Corporation**, 121 Columbus Boulevard, Philadelphia, PA 19106, City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

To construct and maintain four docking facilities and to modify one existing docking facility associated with the proposed ShoreLink Shuttle Project, a water taxi serving tourists along the Delaware River Waterfront (WWF-MF) in the City and County of Philadelphia. The facilities will involve floating docks attached to existing piers or bulkheads located in the following areas:

1. Landing Site No. 1, located at the southwest corner of Pier 27 North (A.K.A. Festival Pier). Work will involve the construction of a new floating dock including two (2) 24" diameter guide piles, and gangway. (Philadelphia USGS Quadrangle, N: 15.08 inches, W: 1.75 inches)

2. Landing Site No. 2, located at the southwest corner of the Philadelphia Marine Center (DEP Permit No. E51-061T-1) in the vicinity of Pier 15 North, between Piers 12 North and 19 North. Work will involve minor modification of existing docking facilities and the installation of two (2) 12" diameter support piles. (Philadelphia USGS Quadrangle, N: 14.42 inches, W: 1.99 inches)

3. Landing Site No. 3, located along the Penn's Landing seawall at Chestnut Street and just north of the landing for the RiverLink Ferry. Work will involve the construction of a new floating dock including four (4) 16" diameter support piles and two (2) 24" diameter guide piles, platform and gangway. This landing is situated on a facility covered by DEP Permit No. E51-185. (Philadelphia USGS Quadrangle, N: 13.09 inches, W: 2.05 inches)

4. Landing Site No. 4, located within the Penn's Landing Marine Basin, adjacent to the Philadelphia Hyatt Regency Hotel. Work will involve the construction of a new floating dock including four (4) 16" diameter support piles and four (4) 24" diameter guide piles, and gangway. This landing is situated on a facility to be covered by DEP Permit No. E51-185. (Philadelphia USGS Quadrangle, N: 12.56 inches, W: 2.28 inches).

The Department of Environmental Protection (DEP) is concurrently reviewing this permit application for consistency with the Pennsylvania Coastal Resources Program's enforceable policies, as required by the Federal Coastal Zone Management Act of 1972 (16 U.S.C.A. §§ 1451 et seq). This project is subject to DEP review for federal consistency because the applicant is seeking authorization under a joint federal/state permit and the project is located within Pennsylvania's designated coastal zone.

DEP will consider all comments relating to federal consistency that are received within 15 days of the date of this notice before issuing a final federal consistency determination. Comments submitted by facsimile will not be accepted. All comments, including comments submitted by electronic mail must include the originator's name and address. Written comments should be submitted to Matt Walderon, Federal Consistency Coordinator, Interstate Waters Office, 400 Market Street, P. O. 8465, RCSOB, Harrisburg, PA 17101-8465, (717) 772-2196, mwalderon@pa.gov.

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

**E45-582. 447 Cornerstone Products**, 2089 Paradise Trail, East Stroudsburg, PA 18301, in Stroud Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments within the floodway of an unnamed tributary to Brodhead Creek (HQ-CWF):

- 1) A relocation of an existing gravel access road having a permanent impact of 1,222 ft<sup>2</sup> within the floodway.
- 2) The removal of mulch piles, brick pavers, and concrete masonry blocks having a temporary impact of 1,825 ft<sup>2</sup> within the floodway.
- 3) Two existing landscape patio display areas consisting of 3-ft high decorative walls constructed out of masonry blocks totaling 880 ft<sup>2</sup> of permanent impact within the floodway.

The project is located along the west side of S.R. 447 (Analomink Road), approximately 0.15 mile south of its intersection with S.R. 191 (N 5th Street) (East Stroudsburg, PA Quadrangle, Latitude: 41°2'11"; Longitude: -75°12'28").

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

**E36-912: West Donegal Township**, One Municipal Drive, Elizabethtown, Pennsylvania, 17022 in West Donegal and Mount Joy Townships, **Lancaster County**, ACOE Baltimore District.

To realign and expand the intersection of Zeager Road and North Market Street, permanently impacting 0.051 acre of palustrine emergent wetlands, 95.0 linear feet of unnamed tributary to Conewago Creek (TSF), and temporarily impacting .018 acre of palustrine emergent wetlands (Latitude 40°09'41.1", Longitude -76°38'19.5") for the purpose of improving safety at the intersection. To compensate for the impacts, the applicant proposes to create 0.058 acre of palustrine emergent wetlands onsite.

**E07-446, Pennsylvania Electric Company**, 2800 Pottsville Pike, PO Box 16001, Reading PA 19612-6001. Electric Substation Improvements in Frankstown Township, **Blair County**, Baltimore ACOE District.

To place .015 acre of fill within a PEM Wetland. (Frankstown, PA Quadrangle, Latitude: 40° 28' 1.8", Longitude: -78° 19' 32.7").

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

**E14-553. Clearwater Conservancy**, 2555 North Atherton Street, State College, PA 16803. Hughes Farm Stream Restoration Project in Halfmoon Township, **Centre County**, ACOE Baltimore District (Port Matilda, PA Quadrangle N: 40°45'57"; W: -78°2'30").

To construct and maintain a stream restoration project involving a combination of bank grading, channel relocation and in-stream habitat structure installation on a 1,300 linear foot reach of Halfmoon Creek. This project proposes to temporarily impact 1,090 linear feet of Halfmoon Creek, which is classified as a High Quality-Cold Water Fishery with naturally reproducing trout.

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

**E63-649. Washington County Planning Commission**, 100 West Beau Street, Suite 701, Washington, PA 15301, California Borough and West Pike Run Township, **Washington County**; ACOE Pittsburgh District

Applicant proposes to remove the existing 58' long, 16' wide, single span, SR 2036 bridge with a 90 degree skew; construct and maintain a new 78' long, 19' wide single span bridge with a 90 degree skew and minimum 7.5' underclearance over Pike Run (TSF) with a drainage area of 20.13 square miles; and construct and maintain associated stormwater outfalls. The new bridge is located on an adjacent, upstream alignment with the existing bridge. (California Pa Quadrangle; N: 10.1 inches; W: 8.1 inches; Latitude 40° 2' 59"; Longitude 79° 56' 4") California Borough and West Pike Township, Washington County.

#### ENVIRONMENTAL ASSESSMENTS

*Cambria District: Environmental Program Manager, 286 Industrial Pk Rd, Ebensburg, PA 15931-4119.*

**EA6309-001. Pennsylvania Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Chartiers Township, **Washington County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 2.600 linear feet of dangerous highwall. The project will include the backfilling a 0.27 acre open waterbody and 0.081 acre of PEM wetlands that have developed within the open surface mine pit. (Midway Quadrangle N: 2.0 inches, W: 3.0 inches).

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460*

**D67-544. Forest Lakes Water Association, Inc.** (649 Well Drive, New Freedom, PA 17349). To modify, operate and maintain Forest Lakes No. 1 Dam across a tributary to Deer Creek (CWF-MF) for the purpose of complying with DEP requirements to convey a 50-year storm. (New Freedom, PA Quadrangle, Latitude: 39° 44' 36"; Longitude: -76° 39' 58") in Shrewsbury Township, **York County**.

**D67-545. Forest Lakes Water Association, Inc.** (649 Well Drive, New Freedom, PA 17349). To modify, operate and maintain Forest Lakes No. 2 Dam across a tributary to Deer Creek (CWF-MF) for the purpose of constructing a new spillway structure in order to pass the required 50-year design storm. (New Freedom, PA Quadrangle N: 21.55 inches; W: 12.1 inches) in Shrewsbury Township, **York County**.

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## ACTIONS

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### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

#### I. NPDES Renewal Permit Actions

*Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PAS322201 (Storm Water)	Crayola LLC Church Ln Plant 1100 Church Lane PO Box 431 Easton, PA 18044	Northampton County Forks Township	Bushkill Creek (1-F)	Y
PA0064289 (Sewage)	Johnsons Home For The Aged 897 Hobbie Road Wapwallopen, PA 18660	Luzerne County Hollenback Township	Unnamed Tributary of Big Wapwallopen Creek (5-B)	Y

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0024015 (Sewage)	Cressona Borough STP 58 S Sillyman Street Rear Cressona, PA 17929	Schuylkill County Cressona Borough	Beaver Creek (3-A)	Y
PA0063657 (Sewage)	Sarah J Dymond Elementary School Harding, PA 18643	Luzerne County Exeter Township	Unnamed Tributary to Sutton Creek (4-G)	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0233536	David & Hope Finrock Subdivision 371 Seymour Hill Road Mansfield, PA 16933	Tioga County Sullivan Township	Unnamed Tributary to Corey Creek (4-A)	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0014427 (Industrial Waste)	Allegheny National Fish Hatchery 6616 Hemlock Road, Warren, PA 16365	Warren County Glade Township	Allegheny River (16-B)	Y
PA0220787 (Sewage)	Patrick G & V Kaye Williams SFTF 390 Osborn Road Greenville, PA 16125	Mercer County Salem Township	Unnamed tributary to Sandy Creek (16-G)	Y
PA0103217 (Sewage)	Tate Road Sewage Treatment Plant 9333 Tate Road Erie, PA 16509	Erie County Greene Township	Unnamed Tributary to Fourmile Creek (15)	Y
PA0034045 (Sewage)	Horseshoe Subdivision—Lagoon Sewage Treatment System 3601 Hartman Road, Erie, PA 16509	Erie County Greene Township	Unnamed Tributary to Fourmile Creek (15)	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. PA0065391**, SIC Code 0782, **Ariel Landowners, Inc.**, P. O. Box 503, Lake Ariel, PA 18436-0503.

This site is located in Lake Ariel in Lake Township, **Wayne County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for application of herbicides and algicides for control of aquatic plants and algae.

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

**NPDES Permit No. PA0262013**, CAFO, **Kerwin King, Kerwin King Duck Operation**, 200 Faggs Manor Road, Cochranville, PA 19330.

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

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 137.12 AEU Duck and Heifer CAFO in Watershed 7-K.

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

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

**WQM Permit No. WQG010030**, Sewage, **Transfer, Nicole O'Neal & Justin Hartman**, 5006 McLean Station Road, Green Lane, PA 18054.

This proposed facility is located in Marlborough Township, **Montgomery County**.

Description of Action/Activity: Transfer of ownership from Linda Copenhaver to the about permittee.

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

**WQM Permit No. 1513201**, CAFO, **Kerwin M. King**, 200 Faggs Manor Road, Cochranville, PA 19330.

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

Description of Proposed Action/Activity: Permit approval for the construction / operation of manure storage facilities consisting of a 644' x 63' duck barn with a slatted floor and an under-floor pit that will be scraped by mechanical scrapers to gutters at each end of the barn to convey the manure by gravity pipes to the manure storage lagoon. A



compacted clay and HDPE lined 110' x 300' x 13' deep manure storage with a storage capacity of 1,771,855 gallons at a 1 foot free board. Design will include leak detection and perimeter drains if necessary, 1 gravity influent pipe encased in a concrete apron, and 2 pump out pipes for solids removal. The new lagoon will be constructed with a 60 mil HDPE cover system to eliminate stormwater concerns and includes a biogas system to collect and burn any gas created.

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

**WQM Permit No. 6212405**, Sewage, **Paul Zentz**, 11558 Route 62, Tidioute, PA 16351.

This proposed facility is located in Limestone Township, **Warren County**.

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

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

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

<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Upper Salford Township Montgomery County	PAI130534	Upper Salford Township Montgomery County PO Box 100 Salfordville, PA 18958	Perkiomen Creek, Unnamed Tributary of Perkiomen Creek and Vaughn Run—3-E	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970
Malvern Borough Chester County	PAI130525	Malvern Borough Chester County 1 E 1st Avenue Suite 3 Malvern, PA 19355-2757	Unnamed Tributary to Crum Creek and Unnamed Tributary to Little Valley Creek—3-F and 3-G	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI021313001	Pennsylvania Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106	Carbon	Kidder Twp.	UNT to Hawk Run, HQ-CWF, MF; Sand Spring Run, HQ-CWF, MF; Hickory Run, HQ-CWF, MF; Fourth Spring Run, HQ-CWF, MF;
PAI024812016	Phillips & Phillips 3747 Hecktown Road Easton, PA 18045	Northampton	Lower Nazareth Twp.	UNT to Bushkill Creek, HQ-CWF, MF

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

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI041412008	John E. Glantz 19366 Little Valley Rd Saxton PA 16678	Centre	Patton Township	Waddle Run HQ-CWF

#### 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 &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Heidelberg Twp., Lehigh County	PAG02003907015R	William Markson Bake Oven Land Company LLC 1486 Hampton Rd. Allentown, PA 18104	Unnamed tributary to Trout Creek, CWF, MF	Lehigh Co. Cons. Dist. 610-391-9583
Lower Milford Twp., Lehigh County	PAG02003913002	PPL Electric Utilities Donald Samala 2 N. 9th St. (GENN-3) Allentown, PA 18101	Tributary to Macoby Creek, TSF, MF	Lehigh Co. Cons. Dist. 610-391-9583
Blakely Borough, Lackawanna County	PAG02003511009(1)	Timothy R. Howell Two Ninth St. Allentown, PA 18101	Hulls Creek, CWF, MF	Lackawanna Co. Cons. Dist. 570-281-9495

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

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
South Heidelberg Township, Berks County	PAG02000613012	Caron Treatment Centers PO Box 150 Wernersville, PA 19565	Manor Creek (TSF), Little Cacoosing (WWF-MF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Perry Township, Berks County	PAG02000613013	Hamburg Logistics Park 220 Zion's Church Road Shoemakersville, PA	Pigeon Creek, Schuylkill River (WWF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142

## NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Tilden Township, Berks County	PAG02000613014	Advance Auto Wilderness Trail & Mountain Road Hamburg, PA	Schuylkill River (WWF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Howe Township, Perry County	PAG02035013003	Newport Medical One, LP 5351 Jaycee Avenue Harrisburg, PA 17112	UNT to Juniata River (WWF)	Perry Co. Conservation District 31 West Main Street New Bloomfield, PA 17068 (717) 582-8988
Watts Township, Perry County	PAG02035013001	Perry Diversified Holdings 119 Amity Road Duncannon, PA 17020	Susquehanna River (WWF)	Perry Co. Conservation District 31 West Main Street New Bloomfield, PA 17068 (717) 582-8988
Carroll Township, York County	PAG02006708019R	Vernon E. Anderson 1613 South Mountain Road Dillsburg, PA 17019	Dogwood Run (CWF)	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Penn Township, York County	PAG02006713001	York County Rail Trail Authority PO Box 335 Seven Valleys, PA 17360  Co-Applicant: Penn Township 20 Wayne Avenue Hanover, PA 17331	Oil Creek (WWF), Gitts Run (WWF)	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
York New Salem Borough, York County	PAG02006706079R	Wright Wood Estates, LP 180 North Main Street York New Salem, PA 17371	UNT to West Branch of Codorus Creek (WWF)	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Dover Township, York County	PAG02006713005	Austin Rogers/Dover DDP VII, LLC 9010 Overlook Boulevard Brentwood, TN 37027	UNT to Fox Run to Little Conewago (TSF)	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Jackson Township, York County	PAG02006713008	Church and Dwight Co., Inc. 5197 Commerce Drive York, PA 17408-9511	Little Conewago Creek (TSF)	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430

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

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Asylum Township Bradford County	PAG02000812026	Scott Middendorf Echo Beach Rentals Inc 21186 Route 187 Towanda PA 18848	Susquehanna River WWF	Bradford County Conservation District Stoll Natural Resource Center RR 5, Box 5030C Towanda, PA 18848 (570) 265-5539, X 6
Armenia Township Bradford County	PAG02000813003	Anthony Maldonado AES Armenia Mtn Wind 2806 Mountain Ridge Rd Mainesburg PA 16932	UNT to WB Sugar Creek TSF	Bradford County Conservation District Stoll Natural Resource Center RR 5, Box 5030C Towanda, PA 18848 (570) 265-5539, X 6
Benner & College Townships Centre County	PAG02001403017R	Dr. Gerald Clair 568 Rock Rd State College PA 16801  CMJ Trucking & Construction 146 Spring St State College PA 16801	UNT to Spring Creek CWF, MF	Centre County Conservation District 414 Holmes Avenue, Suite 4 Bellefonte, PA 16823 (814) 355-6817
Loyalsock Township City of Williamsport Lycoming County	PAG02004111002R	William Burdett Loyalsock Township 2501 E 3rd St Williamsport PA 17701	Millers Run WWF WB Susquehanna River WWF	Lycoming County Conservation District 542 County Farm Rd Suite 202, Montoursville, PA 17754, (570) 433-3003
Nippenose Township Lycoming County	PAG02004113003	Dwayne Wasson 117 Knarr Rd Jersey Shore PA 17740	Antes Creek CWF, MF	Lycoming County Conservation District 542 County Farm Rd Suite 202, Montoursville, PA 17754, (570) 433-3003
Lewis Township Northumberland County	PAG02004913007	John Pfleeger 460 Gold Rd Muncy PA 17756	UNT to Warrior Run WWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 Phone: (570) 286-7114 ext. 4

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

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Ambridge Borough Beaver County	PAG02000413009	Castlebrook Development Group 1563 Wexford-Bayne Road Suite 201 Sewickley, PA 15143	UNT to Ohio River (WWF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
Center Township Beaver County	PAG0200413010	Castlebrook Development Group 1563 Wexford-Bayne Road Suite 201 Sewickley, PA 15143	Rag Run (WWF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Somerset Township Somerset County	PAG02005612013	Pennsylvania Turnpike Commission PO Box 67676 Harrisburg, PA 17106	UNT to the E. Branch of Coxes Creek	Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15601
South Strabane Township Washington County	PAG02006311013R	Swank Construction Company, LLC. 632 Hunt Valley Circle New Kensington, PA 15068	Chartiers Creek (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Hempfield Township Westmoreland County	PAG02006510030	Westmoreland Land, LLC 1044 North 115th Street Suite 400 Omaha, NE 68154	Barren Run (WWF), UNT to Youghiogheny River (WWF)	Westmoreland County CD 218 Donohoe Rd Greensburg, PA 15601 (724) 834-5271
Hempfield Township Westmoreland County	PAG02006510005R	Winter Associates, Inc. 52 Blueberry Lane Grove City, PA 16127	UNT to Jack Run (WWF)	Westmoreland County CD 218 Donohoe Rd Greensburg, PA 15601 (724) 834-5271

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Penn Township Butler County	PAG02001012031(1)	Mountain Gathering LLC 810 Houston Street Fort Worth TX 76102	Connoquenessing Creek WWF	Butler County Conservation District 724-284-5270

*General Permit Type—PAG-03*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Penn Township Chester County	PAR230078	Consolidated Container Co. LP 3101 Towercreek Parkway SE, Suite 300 Atlanta, GA 30339	West Branch White Clay Creek—3I	Southeast Region Clean Water Program 484.250.5970
Upper Merion Township Montgomery County	PAR230042	Glaxosmithkline LLC 709 Swedeland Road King Of Prussia, PA 19406	Gulph Creek, Matsunk Creek & Schuylkill River—3F	Southeast Region Clean Water Program 484.250.5970
Bensalem Township Bucks County	PAR11045	Specialty Ring Products 2374 State Road Bensalem, PA 19020	Delaware River—2F	Southeast Region Clean Water Program 484.250.5970
Philadelphia City Philadelphia County	PAR230045	Honeywell Resins & Chemicals 4698 Bermuda Street Philadelphia, PA 19137	Unnamed Tributary to Delaware River—3J	Southeast Region Clean Water Program 484.250.5970
Philadelphia City Philadelphia County	PAR800052	Transflo Terminal Service Inc. 500 Water Street J975 Jacksonville, FL 32202	Schuylkill River—3F	Southeast Region Clean Water Program 484.250.5970
Northampton Borough Northampton County	PAR602229	Greenstar Allentown LLC PO Box 28 Northampton, PA 18067	Hokendauqua Creek—2-C/ CWF-MF	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Adams County East Berlin Borough	PAR203621	Tucker Industrial Liquid Coatings, Inc. PO Box 1 East Berlin, PA 17316	Conewago Creek / WWF, MF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Porter Township Lycoming County	PAR144809	C&E Containers Inc. PO Box 5036 Jersey Shore, PA 17740	Unnamed Tributary of West Branch Susquehanna River—10-A	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664

*General Permit Type—PAG-4**Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Marlborough Township Montgomery County	PAG040138 A-1	O'Neal Nicole And Hartman Justin 5006 Mclean Station Road Green Lane, PA 18054	Unnamed Tributary to Macoby Creek—3-E	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970
Limerick Township Montgomery County	PAG040190	Long Charles H 679 W Ridge Pike Royersford, PA 19468-1419	Possum Hollow Run—3-D	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970

*General Permit Type—PAG-07**Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant's Name &amp; Address</i>	<i>Contact Office &amp; Phone No.</i>
Valley Forge Sewer Authority Wastewater Treatment Plant Schuylkill Township Chester County	PAG070005	Valley Forge Sewer Authority 333 Pawling Road Phoenixville, PA 19460	Southeast Region Clean Water Program 484.250.5970

*General Permit Type—PAG-10**Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office &amp; Phone No.</i>
Philadelphia County	PAG100036	Westway Terminal Co., LLC 2900 East Allegheny Avenue Philadelphia, PA 19134	Delaware River—3J	Southeast Region Clean Water Program 484-250-5970
Dimock Township Susquehanna County	PAG102285	Williams Field Services Company, LLC (Church Suction Pipeline Project) 2000 Commerce Drive Pittsburgh, PA 15275	Unnamed Tributaries to White Creek—4-G	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
Lebanon County North Annville, Swatara and Jackson Townships	PAG103555	Texas Eastern Transmission LP 890 Winter Street, Suite 300 Waltham, MA 02451	Deep Run, Swatara Creek, UNT of Little Swatara Creek and UNT of Swatara Creek / WWF, MF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

General Permit Type—PAG-12

Facility Location:

Municipality & County	Permit No.	Applicant Name & Address	Receiving Water/Use	Contact Office & Phone No.
Lancaster County Mount Joy Township	PAG123663	David Rosenberry Gretna View Farms 3709 N. Colebrook Road Manheim, PA 17545-9594	Chickies Creek / TSF, MF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County Conestoga Township	PAG123729	Jay L. Hess Bacon Acres 151 Pequea Creek Road Conestoga, PA 17516	UNT to Pequea Creek / WWF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

**PUBLIC WATER SUPPLY PERMITS**

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Permit No. 3480038, Operations Permit** Public Water Supply.

Applicant	<b>Pennsylvania American Water</b> 800 West Hersheypark Drive Hershey, Pa 17033
[Borough or Township] County	Roseto Borough <b>Bangor</b>

Type of Facility	PWS
Consulting Engineer	Daniel Rickard, PE Pennsylvania American Water 100 North Pennsylvania Avenue Wilkes-Barre, Pa 18701

Permit to Operate Issued 4/30/2013

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

**Operations Permit** issued to: **Neelyton Water Cooperative**, 4310017, Dublin Township, **Huntingdon County** on 5/13/2013 for the operation of facilities approved under Construction Permit No. 3110504.

**Operations Permit** issued to: **Gettysburg Municipal Authority**, 7010019, Gettysburg Borough, **Adams County** on 5/14/2013 for the operation of facilities submitted under Application No. 0110518 MA.

**Operations Permit** issued to: **Chestnut Level Presbyterian Church**, 7360425, Drumore Township, **Lancaster County** on 5/14/2013 for the operation of facilities approved under Construction Permit No. 3612534.

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

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

Applicant	<b>Charles Cole Memorial Hospital</b>
[Township or Borough] County	Eulalia Township <b>Potter</b>
Responsible Official	Mr. Douglas R. Estes Charles Cole Memorial Hospital 1001 East Second Street Coudersport, PA 16915
Type of Facility	Public Water Supply
Consulting Engineer	Allen R. Vanderpoel, P.E. E&M Engineers & Surveyors, PC 24 Derrick Road Bradford, PA 16701
Permit Issued	May 16, 2013
Description of Action	4-log inactivation of viruses at Entry Point 101 (Well Nos. 1 and 2).

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

Applicant **Mifflin Township Water System**  
 [Township or Borough] Mifflin Township  
 County **Columbia**  
 Responsible Official Mr. William C. Ross  
 Aqua Pennsylvania, Inc.  
 762 West Lancaster Avenue  
 Bryn Mawr, PA 19010  
 Type of Facility Public Water Supply  
 Consulting Engineer Jonathan Morris, P.E.  
 CET Engineering Services-GHD  
 326 East 2nd Street  
 Bloomsburg, PA 07815  
 Permit Issued May 17, 2013  
 Description of Action Operation of 124 feet of 36-inch  
 detention piping to provide 4-log  
 treatment of viruses of Well No.  
 2 and Well No. 3 water.

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

**Permit No. 3213504**, Public Water Supply.

Applicant **Indiana County Municipal Services Authority**  
 602 Kolter Drive  
 Indiana, PA 15701  
 [Borough or Township] Pine Township  
 County **Indiana**  
 Type of Facility Brownstown water storage tank  
 Consulting Engineer Gibson-Thomas Engineering Co.,  
 Inc.  
 1004 Ligonier Street  
 PO Box 853  
 Latrobe, PA 15650  
 Permit to Construct Issued May 13, 2013

**Permit No. 3213504**, Public Water Supply.

Applicant **Indiana County Municipal Services Authority**  
 602 Kolter Drive  
 Indiana, PA 15701  
 [Borough or Township] Pine Township  
 County **Indiana**  
 Type of Facility Cherry Tree water storage tank  
 Consulting Engineer Gibson-Thomas Engineering Co.,  
 Inc.  
 1004 Ligonier Street  
 PO Box 853  
 Latrobe, PA 15650  
 Permit to Construct Issued May 13, 2013

**Operations Permit** issued to: **PRIMO Refill, LLC**,  
 104 Cambridge Plaza Drive, Winston-Salem, NC 27104,  
 (PWSID #5026383) **Westmoreland County** on May 9,  
 2013 for the operation of facilities approved under Con-  
 struction Permit # 5026383T2-128.

**Operations Permit** issued to: **Southwestern Penn-  
 sylvania Water Authority**, PO Box 187, 1442 Jefferson

Road, Jefferson, PA 15344 (PWSID #5300017) Cumber-  
 land Township, **Greene County** on May 9, 2013 for the  
 operation of facilities approved under Construction Per-  
 mit #3012506.

**Permit No. 0310512GWR, Minor Amendment.** Pub-  
 lic Water Supply.

Applicant **Worthington-West Franklin  
 Joint Municipal Authority**  
 102 West Main Street  
 Worthington, PA 16262  
 [Borough or Township] Worthington  
 County **Armstrong**  
 Type of Facility Water system  
 Consulting Engineer Bankson Engineers, Inc.  
 267 Blue Run Road  
 PO Box 200  
 Indianola, PA 15051  
 Permit to Operate Issued May 13, 2013

**Permit No. 0410510GWR, Minor Amendment.** Pub-  
 lic Water Supply.

Applicant **Municipal Water Authority of  
 Aliquippa**  
 160 Hopewell Avenue  
 Aliquippa, PA 15001  
 [Borough or Township] City of Aliquippa  
 County **Beaver**  
 Type of Facility Water system  
 Consulting Engineer Widmer Engineering, Inc.  
 806 Lincoln Place  
 Beaver Falls, PA 15010  
 Permit to Operate Issued May 9, 2013

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

**Permit No. 3386504-MA2** Public Water Supply

Applicant **Eldred Township Municipal  
 Authority**  
 Township or Borough Eldred Township  
 County **Jefferson**  
 Type of Facility Public Water Supply  
 Consulting Engineer Brian S. Sekula, P.E.  
 The EADS Group, Inc.  
 15392 Route 322  
 Clarion, PA 16214  
 Permit to Construct Issued May 14, 2013

**Permit No. 4313502** Public Water Supply

Applicant **Reynolds 322 Company LTD**  
 Township or Borough French Creek Township  
 County **Mercer**  
 Type of Facility Public Water Supply  
 Consulting Engineer Robert Lyn Makeever  
 Makeever & Associates, Inc.  
 P. O. Box 325  
 Bucyrus, OH 44820  
 Permit to Construct Issued May 16, 2013



**Permit No. 2490501-MA5** Public Water Supply  
 Applicant **Johnsonburg Municipal Authority**  
 Township or Borough Johnsonburg Borough  
 County **Elk**  
 Type of Facility Public Water Supply  
 Consulting Engineer Mark V. Glenn, P.E.  
 Gwin Dobson and Foreman, Inc.  
 3121 Fairway Drive  
 Altoona, PA 16602  
 Permit to Construct May 16, 2013  
 Issued

**Construction/Operation Permit** issued to **Albion Borough, PWSID #6250007**, Albion Borough, **Erie County**, for new sequestering system at the Pont Treatment Plant and upgrades to the greensand filters at the Gage Road Plant, while also consolidating numerous Albion Borough public water supply permits for the sources, treatment plants, transmission lines, finished water storage and distribution systems into a single permit. Construction and Operation authorized simultaneously under permit number 2512509 issued May 16, 2013.

**Permit No. 2013501** Public Water Supply  
 Applicant **Lakeview Manor MHP, LLC**  
 Township or Borough Union Township  
 County **Crawford**  
 Type of Facility Public Water Supply  
 Consulting Engineer Robert Lyn Makeever  
 Makeever & Associates, Inc.  
 P. O. Box 325  
 Bucyrus, OH 44820  
 Permit to Construct May 6, 2013  
 Issued

## 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:

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

**Bradford Mall**, 1001 East Main Street, Foster Township, **McKean County**. Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, on behalf of Brixmor Properties Group, 420 Lexington Avenue, Seventh Floor, New York, NY 10170, submitted a Risk Assessment Report concerning the remediation of site soil contaminated with cis-1,2-Dichloroethene, Tetrachloroethene, Trichloroethene, 1,1-Dichloroethene, Trans-1,2-Dichloroethene, Vinyl Chloride and site groundwater contaminated with cis-1,2-Dichloroethene, Trans-1,2-Dichloroethene, Tetrachloroethene, Trichloroethene, Vinyl Chloride, iron, and manganese. The report is intended to document remediation of the site to meet the Site-Specific Standard.

#### REGISTRATION FOR GENERAL PERMIT—MUNICIPAL WASTE

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

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

**General Permit Registration No. WMGM042NC002. Ideal Family Farms, LLC.** Beaver Township, **Snyder County**. Registration to operate under General Permit No. WMGM042 for food waste to be added to a manure digester. The registration was issued by Northcentral Office on May 15, 2013.

Persons interested in reviewing the general permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 1770, 570.327. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

## AIR QUALITY

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

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

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

**GP3-46-0107: Haines & Kibblehouse, Inc.** (394 Sana-toga Road, Pottstown, PA 19464) on May 16, 2013, was authorized to operate a portable nonmetallic mineral processing plant in Lower Pottsgrove Township, **Montgomery County**.

**GP9-46-0063: Haines & Kibblehouse, Inc.** (394 Sana-toga Road, Pottstown, PA 19464) on May 16, 2013, was authorized to operate a diesel/#2 fuel-fired internal combustion engine in Lower Pottsgrove Township, **Montgomery County**.

**GP3-09-0111: Danco General Contracting, Inc.** (366 New Bold Road, Fairless Hills, PA 19030) on May 14, 2013, was authorized to operate a portable nonmetallic mineral processing plant in Falls Township, **Buck County**.

**GP9-09-0040: Danco General Contracting, Inc.** (366 New Bold Road, Fairless Hills, PA 19030) on May 14, 2013, was authorized to operate two (2) diesel-fired internal combustion engine(s) in Falls Township, **Buck County**.

**GP3-09-0112: Siri Sand & Stone, LLC.** (P. O. Box 169, Watkins Glen, NY 14891) on May 14, 2013, was authorized to operate a portable nonmetallic mineral processing plant in Nockamixon Township, **Buck County**.

**GP3-09-0113: Siri Sand & Stone, LLC.** (P. O. Box 169, Watkins Glen, NY 14891) on May 14, 2013, was authorized to operate a portable nonmetallic mineral processing plant in Nockamixon Township, **Buck County**.

**GP9-09-0041: Siri Sand & Stone, LLC.** (P. O. Box 169, Watkins Glen, NY 14891) on May 14, 2013, was authorized to operate diesel-fired internal combustion engine(s) in Nockamixon Township, **Buck County**.

**GP11-09-0042: Siri Sand & Stone, LLC.** (P. O. Box 169, Watkins Glen, NY 14891) On May 14, 2013, was authorized to operate one (1) diesel-fired internal combustion engine in Nockamixon Township, **Buck 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.*

**GP9-21-05049C: Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17105-3331) on May 15, 2013 for the diesel engine, under GP9, to power a shingle shredder at the quarry in Penn Township, **Cumberland County**.

**GP3-01-03038: Mellott Co.** (100 Mellott Drive, Warfordsburg, PA 17267) on May 15, 2013, for installation and operation of a portable nonmetallic mineral processing plant, under GP3, at their Charmian Quarry in Hamil-tonban Township, **Adams County**.

**GP11-01-03038: Mellott Co.** (100 Mellott Drive, Warfordsburg, PA 17267) on May 15, 2013, to install and operate three (3) nonroad engines, under GP11, to power portable nonmetallic mineral processing equipment at their Charmian Quarry, in Hamiltonban Township, **Adams County**.

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

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**GP5-30-00140A: CNX Gas Co., LLC** (1000 CONSOL Energy Drive, Canonsburg, PA 15317) on May 16, 2013, for operation of the previously installed 425 bhp Caterpillar G3408 LE natural gas-fired compressor engine at Greene No. 9 Compressor Station in Gilmore Township, **Greene County**.

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

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

**GP3-24-178A: R. S. Services—Route 255 Highway Project** (1035 South St. Mary's Street, St. Mary's, PA 15857) on May 13, 2013, for construction of a portable nonmetallic mineral processing plant, one (1) KPI Crusher Model No. 4240, and one (1) Extec Vibratory Screen Model No. S-5 (BAQ-GPA/GP-3) in St. Mary's, **Elk County**.

**GP11-24-178B: R. S. Services—Route 255 Highway Project** (1035 South St. Mary's Street, St. Mary's, PA 15857) on May 13, 2013, for operation of Nonroad Engines, one (1) Cummins Model No. QSL9-G3, and one (1) Deutz Model No. BF4M2012 (BAQ-GPA/GP11) in St. Mary's, **Elk County**.

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

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

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

**46-0005AM: Merck, Sharp & Dohme, Corp.** (770 Sunmeytown Pike, West Point, PA 19486-0004) on May 14, 2013, for removal of a previously permitted air pollution control device (catalytic oxidizer, Source Number C161) in Upper Gwynedd Township, **Montgomery County**. The bypass of this control device is currently allowed in the Title V operating permit, under Alternative Operating Scenarios. The overall air emissions associated with the removal of this control device will decrease as the facility has committed to processing product with either zero or low VOCs in their batches. This project

does not trigger applicability toward PADEP's NSR regulations or the federal PSD regulations. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**28-03022B: New Enterprise Stone & Lime Co., Inc.—dba Valley Quarries, Inc.** (PO Box 2009, 169 Quarry Road, Chambersburg, PA 17201-0809) on May 15, 2013, for replacement of the primary crusher at the Mt. Cydonia Plant 1, in Guilford Township, **Franklin County**.

**22-05047C: Dura-Bond Pipe, LLC** (2716 South Front Street, Steelton, PA 17113) on May 13, 2013, for replacement of two (2) baghouses controlling emissions from the outside diameter shot blast operations with a single baghouse and the replacement of the existing outside blowout baghouse with a baghouse removed from the shot blast operations, at their metal pipe manufacturing facility in Steelton Borough, **Dauphin County**.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**23-0114: Henry H. Ottens Manufacturing Co., Inc.** (7800 Holstein Avenue, Philadelphia, PA 19153) on May 9, 2013, for operation of a savory flavoring manufacturing process in Folcroft Borough, **Delaware 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.*

**06-03029C: Yuasa Battery, Inc.** (2901 Montrose Avenue, Laureldale, PA 19605) on May 17, 2013, for upgrading equipment at their lead-acid battery manufacturing facility in Laureldale Borough, **Berks County**. The new equipment that was the subject of the original plan approval has been installed. The plan approval was extended to allow for continued temporary operation of the new equipment pending required testing.

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

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

**65-00865A: DNP—IMS America Corp.** (1001 Technology Drive, Mount Pleasant, PA 15666) on May 16, 2013, to modify the Plan Approval to initiate the period of temporary operation for their New Four Station Coating Line at their existing Mt. Pleasant facility in East Huntingdon Township, **Westmoreland County**.

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

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

*Contact: Thomas Huynh, Chief—Telephone: 215-685-9476*

**V11-021: Veolia Energy Philadelphia—Edison Station** (908 Samson Street, Philadelphia, PA 19107) on May 17, 2013, for operation of a steam and electric generating facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) 283 MMBTU/hr #6 fuel oil-fired (#2 fuel oil ignition) boilers, two (2) 335 MMBtu/hr 6 fuel oil-fired (#2 fuel oil ignition), 4 cyclone separators, 350 KW diesel emergency generator, a cold cleaner degreasing station, and cooling tower.

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

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

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

**46-00162: Hammond Lead Products, Inc.** (10 South Grosstown Road, Pottstown, PA 19464) on May 15, 2013, for operation of a lead oxide manufacturing plant in West Pottsgrove Township, **Montgomery County**. The renewal permit is for a non-Title V (State only) facility. Facility-wide potential to emit for all criteria pollutants is below major facility thresholds for the Philadelphia Consolidated Metropolitan Statistical Area. The plant is therefore a Natural Minor Facility. Particulate matter and lead emissions from each source are collected by baghouses and then controlled by high efficiency particulate air (HEPA) filter systems. All sources located at the facility are subject to the requirements of 40 CFR Part 63, Subpart VVVVVV—National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources (producing NAICS Code 325 materials). The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**23-00069: The Trustee of the University of PA—Glenolden** (500 S. Ridgeway Ave, Glenolden, PA 19036-2307) on May 15, 2013, for a renewal Non-Title V Facility, State-Only, Natural Minor Permit in Glenolden Borough, **Delaware County**. The Trustee of the University of PA/Glenolden is a commercial physical research facility. The sources of emissions include boilers and a generator. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

**15-00130: Schramm, Inc.** (800 East Virginia Avenue, West Chester, PA 19380-4430) on May 16, 2013, for a Renewal, Non-Title V Facility, State-Only, Synthetic Minor Permit in West Goshen Township, **Chester County**. Schramm, Inc. is an industrial manufacturing plant where mobile drill rigs for water and mineral exploration are designed and manufactured. The facility has taken individual site level restrictions of 22.3 tons per year for NO<sub>x</sub>, VOC and combined HAP emissions. The emission restrictions will ensure that Schramm Inc remains under the emission thresholds. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

**09-00195: Harold Beck and Sons, Inc.** (11 Terry Drive, Newtown, PA 18940) on May 15, 2013, for operation of two (2) paint booths and degreasing units at their plant, in Newtown Township, **Bucks County**. This action is a renewal and the original State-only Operating Permit (Natural Minor) was originally issued on May 6, 2008. The facility-wide emissions are limited to 24.9 tons/yr of aggregated HAPs, 9.5 tons/yr of any single HAP, and 24.9 tons/yr of VOCs. The renewal contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

*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.*

**67-03008: Multi Color Corp.** (405 Willow Spring Lane, York, PA 17402-8047) on May 14, 2013, for their label printing facility in East Manchester Township, **York County**. The State-only permit was renewed.

**38-03022: Murry's, Inc.** (1501 Willow Street, Lebanon, PA 17046-4578) on May 14, 2013, for their meat-derived foodstuff processing facility in Lebanon City, **Lebanon County**. The State-only permit was renewed.

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

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

**63-00980: FTS International Services—84 Plant** (1432 Route 519, Eighty Four, PA 15330) on May 15, 2013, for operation of a sand and HCl storage facility for the oil and gas industry in North Strabane Township, **Washington County**. The subject facility consists of four sand storage silos, two HCl storage tanks, five liquid fuel storage tanks, and natural gas comfort heaters. The facility has the potential to emit less than 2.0 tpy NO<sub>x</sub>, 0.85 tpy CO, 0.01 tpy SO<sub>x</sub>, 0.31 tpy PM, 0.16 tpy PM<sub>10</sub>, .21 tpy VOC, and 0.001 tpy HCl. The facility is required to conduct a weekly survey of the facility during daylight hours while the facility is operating to ensure compliance with the visible emission, fugitive emission and malodor restrictions. Records of the weekly survey performed must be recorded. Monthly preventative maintenance inspections are to be performed on the control devices and recorded in an on-site log. The facility is also required to water all in-plant roads once per day, dependent on the weather, maintain a set vehicle pattern, post speed limit sign of 15 mph as well as promptly remove earth or other material from paved roads onto which earth or other material has been transported by trucking or earth moving equipment, or other means. Particulate matter emissions are not to exceed 0.04 gr/dscf. The proposed authorization is subject to State and Federal Regulations. The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

**63-00899: Pleiger Plastics Co.** (498 Crile Road, Washington, PA 15301) on May 15, 2013, for operation to produce polyurethane parts including wheels, sheets and other specialty moldings in South Strabane, **Washington County**. The emission sources at this facility include natural gas units, shot blasting parts, vapor degreasing, molding centrifuges and tables, and adhesive application. The facility has the potential to emit: 7.11 tpy NO<sub>x</sub>; 5.98 tpy CO; 0.04 tpy SO<sub>x</sub>; 2.64 tpy PM; 2.25 tpy VOC, and 10.74 tpy HAPs. The facility is required to maintain a log of annual fuel usage and routine/preventative maintenance

on the control units. The facility must perform weekly survey of the facility to ensure compliance with the operating permit limitations. The permitted sources are limited to 0.4 lb/MMBtu PM and 4.0 lbs/MMBtu SO<sub>x</sub> over any 1-hour period. The facility elected to comply with requirements to maintain a log of solvent additions and deletions for each solvent cleaning machine as well as ensure that the emissions from each solvent cleaning machine are equal or less than 150 kg/meters squared/month per § 63.464. The proposed authorization is subject to State and Federal Regulations (40 CRF Part 63 Subpart T). The permit includes additional operating requirements, monitoring requirements, recordkeeping requirements, and reporting requirements.

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

*Contact: Matthew M. Williams, Environmental Program Manager—Telephone: 814-332-6636*

**42-00061: Dresser Inc.—Piping Solutions** (41 Fisher Avenue, Bradford, PA 16701-1649) on May 6, 2013, for renewal of the State Only Operating Permit for their valve and piping fittings manufacturing facility in Bradford Township, **McKean County**. The facility is a Natural Minor. The primary sources at the facility are miscellaneous natural gas combustion units, a burn-off oven, Binks spray booths, plastisol dip, a dip coating tank, miscellaneous natural gas furnaces and ovens, a carbotom furnace, shotblast unit, parts washers, natural gas emergency generators, dry abrasive blasting, machining, dry grinding, dry polishing, welding and a retractable spray booth. The facility is subject to 40 CFR 63 Subpart ZZZZ—NESHAP for Reciprocating Internal Combustion Engine (RICE). The facility is also subject to 40 CFR 63 Subpart XXXXXX—NESHAPs Area Source Standards for Nine Metal Fabrication and Finishing Source Categories. The potential emissions from the facility are: 31 TPY NO<sub>x</sub>; 25 TPY CO; 0.16 TPY SO<sub>2</sub>; 7.4 TPY PM-10; 48 TPY VOC; 5.9 TPY glycol ether (HAP), and 13 TPY from all combined HAPs. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

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

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

**46-00054: Abington Memorial Hospital** (1200 Old York Road, Abington, PA 19001-3720) on May 14, 2013, has been amended to incorporate plan approval No. 46-0054B requirements in accordance with 25 Pa. Code § 127.450. The amended State-Only Operating Permit contains all of the applicable regulatory requirements including monitoring, recordkeeping, reporting and emission limits in Abington Township, **Montgomery County**.

**09-00122: Arkema, Inc.—Altuglas Int.—Bristol Plant** (100 PA Route 413, Bristol, PA 19007) on May 16, 2013, for their facility in Bristol Township, **Bucks County**. The facility manufactures a variety of acrylic molding resins that are used as the raw material in a variety of applications (i.e., lighting applications, tail light lenses, faucet handles, etc.). The amended Title V Operat-

ing Permit, issued on January 31, 2013, contains monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements. The permit is being amended to incorporate following changes:

- Section D, Source ID: 100, Condition #004(a).
- Section D, Source ID: 500, Condition #003(a).
- Section D, Source ID: 723, Condition #004(a).

These conditions have been revised as follows: “The permittee shall perform a stack test using the Department-approved procedures, every five (5) years or once within the life of the permit. Such testing shall be conducted at least twelve (12) months prior to the expiration of this permit.”

- Section D, Source ID: 500, Condition #011.
- Section D, Source ID: 723, Condition #015.

These conditions have been revised as follows: “The PM-1/PM-2 Scrubber (Source ID: C723) consists of a 2-column, packed tower in series with water as the scrubbing medium.”

This Administrative Amendment of the Title V Operating Permit is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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

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

**07-05003: Norfolk Southern Railway Co.** (200 North 4th Avenue, Altoona, PA 16601-6702) on May 13, 2013, for their Juniata Locomotive Shop in Logan Township, **Blair County**. The Title V permit was administratively amended to incorporate the requirements of Plan Approval No. 07-05003C.

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

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

**37-00304: Heraeus Electro-Nite Co., LLC** (3 Fountain Avenue, Ellwood City, PA 16117-2171) on May 16, 2013, issued an administrative amendment to the State Operating Permit for the Electrical Industrial Apparatus Manufacturing facility located in Ellwood City Borough, **Lawrence County**. The amendment incorporated the change in Responsible Official and Permit Contact.

**61-00012: OMG Americas Inc.** (PO Box 111 Franklin, PA 16323-0111) on May 15, 2013, issued an administrative amendment to the State Operating Permit for the Industrial Organic Chemical Manufacturing facility located in Sugarcreek Borough, **Venango County**. The amendment incorporated the change in Responsible Official and Permit Contact as well as the amendment to 40 CFR 63 Subpart ZZZZ based on the April 1, 2013 effective date.

#### **De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

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

**28-05011: Waste Management Disposal Services of Pennsylvania, Inc.** (9446 Letzburg Road, Greencastle, PA 17225). Pursuant to 25 Pa. Code § 127.449(i), this *PA Bulletin* Notice is for the de minimis emissions increase of 0.00027 TPY VOC resulting from the modification of the leachate collection and treatment system at its Mountain View Reclamation Landfill located in Antrim Township, **Franklin County**. This is the first de minimis emissions increase at the facility during the term of the current operating permit.

#### **Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.**

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

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

**GP1-46-0241: Accupac, Inc.** (1501 Industrial Boulevard, Mainland, PA 19451) On May 14, 2013, located in Towamencin Township, **Montgomery County**, for operation of one unit of dual-fired boiler, rated at 12.6 MMBtu/hr. This operating permit was revoked because of decommission of this unit in November 2011.

### **ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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

#### *Coal Permits Actions*

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

**30841316. Consol Pennsylvania Coal Company, LLC**, (PO Box J, 1525 Pleasant Grove Road, Claysville, PA 15323). To revise the permit for the Bailey Mine & Prep Plant in Richhill Township, **Greene County** to add acreage to install an overhead power line from the 6 South 1 Shaft site to the 1L Shaft site. Surface Acres Proposed 34.9. No additional discharges. The application was considered administratively complete on December 20, 2012. Application received May 11, 2012. Permit issued May 15, 2013.

**03801302 and NPDES No.PA0235385. Keystone Coal Mining Corporation**, (PO Box 219, 400 Overview Drive, Shelocta, PA 15774). To renew the permit for the Margaret No. 7 Mine Water Treatment Plant in Plumcreek and Cowanshannock Townships, **Armstrong County** and related NPDES permit for reclamation/water treatment only. No additional discharges. The application

was considered administratively complete on March 13, 2012. Application received September 1, 2011. Permit issued May 17, 2013.

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

**Permit No. 56110101 and NPDES No. PA0263168. Sherpa Mining Contractors, Inc.**, 337 Benny Road, Hooversville, PA 15936, commencement, operation and restoration of a bituminous surface mine in Stonycreek Township, **Somerset County**, affecting 61.2 acres. Receiving stream: unnamed tributaries to/and Stonycreek River classified for the following use: cold water fishery. The permit includes a stream variance and Chapter 105 permit authorization to relocate and restore 1450 feet of unnamed tributary 1 which currently flows into an abandoned mine pit and to affect and restore 0.2 acre of wetlands. Application received: February 10, 2011. Permit issued: May 13, 2013.

**Permit No. 56070201 and NPDES No. PA0262501. Robindale Energy Services, Inc.**, 224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920, permit renewal for reclamation only of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 23.0 acres. Receiving streams: unnamed tributaries to Buffalo Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received March 26, 2013. Permit Issued May 10, 2013.

**Permit No. 32080101 and NPDES No. PA0262561. P&N Coal Company, Inc.**, P. O. Box 332, Punxsutawney, PA 15767, permit renewal for reclamation only of a bituminous surface mine in Banks Township, **Indiana County**, affecting 25.4 acres. Receiving streams: unnamed tributaries to Cush Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received March 27, 2013. Permit issued May 10, 2013.

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

**33050106. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) Revision to an existing bituminous surface mine to change the post-mining land use from forestland to unmanaged natural habitat on the property of Edward C. & Joseph L. Burkett in Knox & Oliver Townships, **Jefferson County**. Receiving streams: Unnamed tributary to Little Sandy Creek. Application received: March 15, 2013. Permit Issued: May 14, 2013.

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

**54693031R5 and NPDES Permit No. PA0124168. Joe Kuperavage Coal Company**, (916 Park Avenue, Port Carbon, PA 17965), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 307.5 acres, receiving stream: unnamed tributary to Silver Creek. Application received: January 6, 2011. Renewal issued: May 17, 2013.

**54020201R2. Stoudt's Ferry Preparation Co., Inc.**, (PO Box 279, St. Clair, PA 17970), renewal of an existing anthracite coal refuse reprocessing and preparation plant operation in Mahanoy Township, **Schuylkill County** affecting 69.0 acres, receiving stream: Mill Creek Watershed. Application received: November 26, 2012. Renewal issued: May 17, 2013.

**54020201GP104. Stoudt's Ferry Preparation Co., Inc.**, (PO Box 279, St. Clair, PA 17970), NPDES General Permit for stormwater discharges associated with mining

activities on Surface Mining Permit No. 54020201 in Mahanoy Township, **Schuylkill County**, receiving stream: Mill Creek Watershed. Application received: November 26, 2012. Permit issued: May 17, 2013.

**54-305-007GP12R. Stoudt's Ferry Preparation Co., Inc.**, (PO Box 279, St. Clair, PA 17970), general operating permit to operate a coal preparation plant on Surface Mining Permit No. 54020201 in Mahanoy Township, **Schuylkill County**. Application received: November 26 2012. Renewal issued: May 17, 2013.

**54020201C5. Stoudt's Ferry Preparation Co., Inc.**, (PO Box 279, St. Clair, PA 17970), boundary correction to add 3.0 acres to an existing anthracite coal refuse reprocessing and prep plant operation in Mahanoy Township, **Schuylkill County** Application received: February 7, 2013. Correction issued: May 17, 2013.

#### *Noncoal Permits Actions*

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

**Permit No. 4275SM20A and NPDES Permit No. PA0125334. U.S. Silica Company**, 8490 Stagecoach Circle, Suite 300, Frederick, MD 21701, renewal of NPDES Permit, Brady Township, **Huntingdon County**. Receiving streams: Saddler Creek, Flush Run, Juniata River, and an unnamed tributary to Shaughnessy Run, classified for the following uses: warm water fishery and high quality cold water fishery (Shaughnessy Run). There are no potable water supply intakes within 10 miles downstream. Application received March 6, 2013. Permit Issued May 10, 2013.

**Permit No. 4174SM2 and NPDES Permit No. PA0009814. New Enterprise Stone & Lime Company, Inc.**, P. O. Box 77, New Enterprise, Pa 16664, renewal of NPDES Permit, Shade Township, **Somerset County**. Receiving streams: Laurel Run and Beaver Run, classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: February 12, 2013. Permit Issued: May 10, 2013.

**Permit No. 6477SM5 and NPDES Permit No. PA0009059. ISP Minerals, Inc.**, P. O. Box O, Blue Ridge Summit, PA 17214, renewal of NPDES Permit, Hamiltonban and Washington Townships, **Adams and Franklin Counties**. Receiving stream: Miney branch, classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 29, 2011. Permit Issued: May 10, 2013.

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

**65110401 and NPDES No. PA0252077. Ligonier Stone & Lime Co., Inc.** (117 Marcia Street, Latrobe, PA 15650-4300). Permit issued for commencement, operation, and reclamation of a noncoal surface mining site located in Derry Township, **Westmoreland County**, affecting 101.4 acres. Receiving streams: Stony Run. Application received: April 21, 2011. Permit issued: May 17, 2013.

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

**37070303 and NPDES Permit No. PA0258491. Allegheny Mineral Corporation** (P. O. 1022, Kittanning, PA 16201) Renewal of an existing large industrial minerals permit and associated NPDES permit in Slippery

Rock Township, **Lawrence County** affecting 80.1 acres. Receiving streams: Unnamed tributary to Slippery Rock Creek. Application received: March 4, 2013. Permit issued: May 14, 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*

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

**56134001 Geiger Development Corporation**, 1135 Stoystown Road, Friedens, PA 15541, Blasting Activity Permit issued for building site preparation in Somerset Township, **Somerset County**. Blasting activity permit end date is November 1, 2013. Permit issued May 16, 2013.

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

**59134002. Brainard Explosives LLC** (3978 SR 2073, Kingsley, PA 18826-0980) Blasting for County View Family Farms new barn located in Sullivan Township, **Tioga County** with an expiration date of August 31, 2013. Permit issued May 13, 2013.

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

**36134120. Abel Construction Co., Inc.**, (PO Box 476, Mountville, PA 17554), construction blasting for Brighton Commercial Lot 87 in Manheim Township, **Lancaster County** with an expiration date of January 31, 2014. Permit issued: May 14, 2013.

**38134114. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Liberty Station in Annville Township, **Lebanon County** with an expiration date of May 31, 2014. Permit issued: May 14, 2013.

**38134115. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Falcon Crest Development in South Lebanon Township, **Lebanon County** with an expiration date of May 31, 2014. Permit issued: May 14, 2013.

**58134127. Doug Wathen, LLC**, (11934 Fairway Lakes Drive, Ft. Myers, FL 33913), construction blasting for Gillingham Gas Pad in Forest Lake Township, **Susquehanna County** with an expiration date of May 7, 2014. Permit issued: May 14, 2013.

**58134128. Doug Wathen, LLC**, (11934 Fairway Lakes Drive, Ft. Myers, FL 33913), construction blasting for Pritchard Gas Pad in Harford Township, **Susquehanna County** with an expiration date of May 7, 2014. Permit issued: May 14, 2013.

**66134112. Midstream Explosives, LLC**, (289 Southside Drive, Newville, PA 17241), construction blasting for Meshoppen Bishop Gathering Pipeline in Springville and Meshoppen Townships, **Wayne County** with an expiration date of May 6, 2014. Permit issued: May 14, 2013.

**66134113. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Capputci Gathering Line BGI Creek Crossings in Windham Township, **Wyoming County** with an expiration date of May 30, 2014. Permit issued: May 14, 2013.

**36134121. M & J Explosives, Inc.**, (P. O. Box 608, Carlisle, PA 17013), construction blasting for Mill Creek in West Lampeter Township, **Lancaster County** with an expiration date of May 15, 2014. Permit issued: May 16, 2013.

**67134106. M & J Explosives, Inc.**, (P. O. Box 608, Carlisle, PA 17013), construction blasting for Whispering Run in Penn Township, **York County** with an expiration date of May 15, 2014. Permit issued: May 16, 2013.

**64134105. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Paupackan Lake Estates in Paupack and Lake Townships, **Wayne County** with an expiration date of May 31, 2014. Permit issued: May 17, 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 Chapters 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. PA0002275 (Mining Permit No. 03951601), Keystone Coal Mining Corporation**, (PO Box 219, Shelocta, PA 15774). A renewal to the NPDES and mining activity permit for the Keystone Cleaning Plant in Plumcreek Township, **Armstrong County**. Surface Acres Affected 43.0. Receiving stream: Unnamed Tributary to Crooked Creek, classified for the following use: WWF. Crooked Creek Watershed TMDL. The application was considered administratively complete on October 15, 2010. Application received August 13, 2010.

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



Outfall 001 discharges to: Unnamed Tributary to Crooked Creek

The proposed effluent limits for Outfall 001 (Lat: 40° 39' 53.3" Long: 79° 20' 47.8") are:

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow	(mgd)	-	0.018	
Iron	(mg/l)	1.5	3.0	3.8
Manganese	(mg/l)	1.0	2.0	2.5
Aluminum	(mg/l)	0.5	1.0	1.3
Total Suspended Solids	(mg/l)	35	70	90
Osmotic Pressure	(mos/kg)	50	100	125
Sulfates	(mg/l)	-	-	REPORT
Total Dissolved Solids	(mg/l)	-	-	REPORT
Chlorides	(mg/l)	-	-	REPORT

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

**NPDES No. PA 0597490 (Mining permit no. 11850111), E.P. Bender Coal Co, Inc.**, South Main Street, P.P. Box 565-566, Carrolltown, PA 15722, renewal of an NPDES permit for mining in Dean Township, **Cambria County**, affecting 170.3 acres. Receiving streams: Unnamed tributary to/and Brubaker Run, classified for the following use: cold water fishery. This receiving stream is included in the Brubaker Run TMDL. Application received: January 31, 2011.

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

The outfalls listed below discharge to: unnamed tributary to/and Brubaker Run

Outfall Nos.	New Outfall (Y/N)
001	N

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

Outfalls: 005 (TF-1) Parameter	30-Day Average	Daily Maximum	Instant. Maximum
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)	50.0	50.0	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

**NPDES No. PA 0262323 (Mining permit no. 56070108), Hoffman Mining, Inc.**, 118 Runway Road, Friedens, PA 15541, renewal of an NPDES permit for reclamation only on a surface coal mine operation in Paint Township, **Somerset County**, affecting 135.5 acres. Receiving streams: Unnamed tributary to/and Shade Creek, classified for the following use: cold water fishery. This receiving stream is included in the Kiskiminetas-Conemaugh TMDL Application received: April 26, 2013.

No treatment facilities exist on the permit because of reclamation only status.

The storm water outfalls listed below discharge to: unnamed tributaries to Shade Creek.

Outfall Nos.	New Outfall (Y/N)
003	N
004	N

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

Outfalls: 003, 004 Parameter	30-Day Average	Daily Maximum	Instant. Maximum
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

Alkalinity must exceed acidity at all times

**NPDES No. PA 0212334 (Mining permit no. 56920114), Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, renewal of an NPDES permit for surface mining activities in Southampton Township, **Somerset County**, affecting 278.5 acres. Receiving stream: Unnamed tributaries to North Branch of Jennings Run, classified for the following use: cold water fishery. These receiving streams are not the subject of a TMDL. Application received: February 26, 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 treated wastewater outfalls listed below discharge to unnamed tributaries to North Branch of Jennings Run.

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

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

<i>Outfalls: 001 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	3.0	6.0	7.5
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

<i>Outfalls: 002 &amp; 003 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	5.0	6.3
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

<i>Outfalls: 004, 005 &amp; 006 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	1.3	2.6	3.3
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The storm water outfalls listed below discharge to unnamed tributaries to North Branch of Jennings Run.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
007	N
008	N
009	N
010	N
011	N
012	N
013	N
014	N

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

<i>Outfalls: 007, 008, 009, 010, 011, 012, 013 &amp; 014 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)			7.0
Total Settleable Solids (mg/l)			0.5 ml/l
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

#### *Noncoal NPDES Draft Permits*

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

**NPDES No. PA0212521 (Mining permit no. 40A76SM1), Keystone Lime Company**, P. O. Box 278, Springs, PA 15562, renewal of an NPDES permit for surface mining in Elk Lick Township, **Somerset County**, affecting 30.3 acres. Receiving streams: unnamed tributary to Laurel Run, classified for the following uses: cold water fisheries. There are no potable water intakes within 10 miles downstream. Application received: April 10, 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 an Unnamed Tributary to Laurel Run.

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

**NPDES No. PA0212521 (Mining permit no. 56070301), Keystone Lime Company**, P. O. Box 278, Springs, PA 15562, renewal of an NPDES permit for surface mining in Elk Lick Township, **Somerset County**, affecting 9.5 acres. Receiving stream: unnamed tributary to Laurel Run, classified for the following uses: cold water fisheries. There are no potable water intakes within 10 miles downstream. Application received: April 10, 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 an Unnamed Tributary to Laurel Run.

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

**NPDES No. PA0212521 (Mining permit no. 56070301), Keystone Lime Company**, P. O. Box 278 Springs, PA 15562, renewal of an NPDES permit for surface mining in Elk Lick Township, **Somerset County**, affecting 9.5 acres. Receiving stream: unnamed tributary to Laurel Run, classified for the following use: cold water fisheries. There are no potable water intakes within 10 miles downstream. Application received: April 10, 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 an Unnamed Tributary to Laurel Run.

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

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

**NPDES No. PA0259390 (Permit No. 25102801). Groundwork Resources, LLC** (8870 Baron Road, McKean, PA 16426) New NPDES permit for a small industrial minerals surface mine in McKean Township, **Erie County**, affecting 4.0 acres. Receiving streams: Walnut Creek, classified for the following uses: HQ-CWF. TMDL: None. Application received: March 9, 2013.

There are no discharges from this site.

## 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**

*Southeast Region: Waterway and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401*

**E51-242 and E09-968. PRPA**, 3460 N. Delaware Avenue, Philadelphia, PA 19134, City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities on approximately 116 acres of land within the floodplain of the Delaware River (WWF-MF) and its floodplain for the construction, operation and maintenance of the proposed Southport Marine Terminal facility located at the east end of the former Philadelphia Navy Base and extending to an existing sheet pike bulkhead just south of Pier 124 (Philadelphia, PA, USGS Quadrangle N: 3.7 inches, W: 4.00 inches), in the City of Philadelphia, Philadelphia County, and to perform compensatory mitigation activities:

1. To place and maintain fill within approximately 88.38 acres of floodplain including 3.75 acres of non-tidal wetlands, associated with the construction of the proposed marine terminal and various support facilities, including, but not limited to, construction of a utility trench, pile-supported crane rails, container yard, gantry cranes, various buildings, and stormwater management facilities.

2. To construct and maintain sheet pile bulkhead and rip-rap stabilization along the shoreline perimeter of the project.

3. To install and maintain a 2,128-foot-long x 100-foot-wide high deck pile-supported elevated wharf and a 915-foot-long x 50-foot-wide high deck pike-supported wharf in the Delaware River.

4. To place and maintain fill within approximately 11.43 acres of open waters including inter-tidal and sub-tidal habitats within the freshwater zone of the Delaware River.

5. To relocate and maintain approximately 1,000 linear feet of unnamed tributary to the Delaware River and to construct and maintain a 20-foot-wide by 5-foot-high box culvert across this tributary to support a proposed marine terminal access road.

6. To dredge approximately 1,008,000 cubic yards of dredge material from an area encompassing approximately 35 acres of the Delaware River to a depth of 40 feet below mean low water with an allowable over-depth dredging of 2 feet between the new bulkheads and the federally maintained navigation channel to provide vessel access to the marine terminal wharves. Permit E51-242 also authorizes maintenance dredging. All dredge material shall be disposed of within an approved confined disposal facility.

Permit E51-242 is conditioned on performance of compensatory mitigation as described below:

1. To create, enhance and preserve, approximately 35.4 acres of uplands and intertidal areas within the 100-year floodplain of Neshaminy Creek at the former Jack's Marina located near the intersection of 4th Avenue and Central Drive (Beverly, PA, USGS Quadrangle N: 14.50 inches, W: 4.75 inches) in Bristol Township, Bucks County in accordance with the approved mitigation plan. Water obstruction and encroachment activities for this Jack's Marina mitigation project are authorized and governed by Permit E09-968.

2. To install and maintain underwater reef structures along the south facing shoreline of the Southport site in the Delaware River.

3. To permanently preserve Marshall Island (130+ acres) located in Tinicum Township, Bucks County as a natural area by means of an approved restrictive covenant.

The issuance of these permits also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 134(a)] with the exception noted in Special Condition J.

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

**E18-483. Williamsport Hospitality Partners, LP**, 1500 Sycamore Road, Montoursville, PA 17754-9303. Clinton Country Club Pavilion, in Bald Eagle Township, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle N: 41°07'00.97"; W: -77°29'04.12").

To construct and maintain a 7,600 square foot open-sided pavilion on an existing paved parking lot of the Clinton Country Club located 200 feet east of the club house. This permit was issued under Section 105.13(e) "Small Projects."

**E57-123. Pennsylvania Department of Transportation, Engineering District 3-0**, PO Box 218, Montoursville, PA 17754-0218. S.R. 0087 Section 68S, Mehoopany Creek Roadway Slope Repair, Colley Township, **Sullivan County**, ACOE Baltimore District (Jenningsville, PA Quadrangle N: 41° 31' 05"; W: -76° 14' 13").

PA DOT Engineering District 3-0 proposes to repair the roadway side slope adjacent to Mehoopany Creek. The roadway side slope will consist of 2:1 Rip Rap slope and Toe Berm for approximately 1000 Ft. Approximately 1645 Linear Feet of North Branch Mehoopany Creek will be relocated to accommodate the Rip Rap slope and Toe Berm. The project will also impact approximately 391 Ft of Unnamed Tributaries to Mehoopany Creek for drainage improvements. The project will temporarily impact 0.01 acre and permanently impact 0.05 acre of jurisdictional wetlands and does not require mitigation. The project will require riparian plantings and log mounds for aquatic benefit. Mehoopany Creek is classified as Cold Water Fishery by Title 25, Chapter 93 Water Quality Standards. The project will require mitigation. This permit also includes 401 Water Quality Certification.

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

**E02-1670. Kusevich Properties**, 3 Walnut Street, Pittsburgh, PA 15223 Richland Township, **Allegheny County**; ACOE Pittsburgh District

Applicant has been given consent to remove the existing 40 linear foot long structure, to construct and maintain a bottomless arch culvert approximately 50.0 linear feet in length having a span of 20.0 ft. with an underclearance of 8.0 ft. in and across the channel of an unnamed tributary to Crouse Run (TSF) and associated wetlands, to remove the existing 42 inch diameter culvert, to construct and maintain a 48-inch diameter culvert in associated wetlands, to construct and maintain a 15 inch diameter pipe across an unnamed tributary to Crouse Run (TSF), the removal of two (2) existing 24-inch diameter culverts from the channel of an unnamed tributary to Crouse Run (TSF) and the placement of fill in approximately 0.23 acre of wetlands for the purpose of extending the existing Executive Drive to provide access to the proposed Gibsonia Industrial Park and the construction of two (2) wetland replacement areas totaling

0.23 acre to compensate for the wetland impacts and creation of 214.0 linear feet of stream improvements in Richland Township, Allegheny County (Glenshaw, PA Quadrangle, N: 22.0 inches; W: 11.1 inches; Latitude: 40° 37' 16"; Longitude: 79° 49' 48").

**E02-1684, Pennsylvania Department of Transportation—District 11-0**, 45 Thoms Run Road, Bridgeville, PA 15017, Oakmont Borough to the east and Harmar Township to the west, **Allegheny County**; ACOE Pittsburgh District

Applicant has been given consent to remove the existing SR 2082, two lane, 28.3 ft total width, five span, steel through truss bridge with a 70 degree skew and having a total length of 1,544 ft, and having a navigational channel normal pool elevation clearance of approximately 50 ft; and to construct and maintain adjacent to and upstream and to the north of the existing bridge a five span, steel girder, four lane, 69 ft width replacement bridge with an 80 degree skew and having a total length of 1633 ft, and having a navigational channel normal pool elevation clearance of approximately 47 ft over the Allegheny River (WWF) with a drainage area of 11,682 square miles. In addition the project includes temporary encroachments for construction and demolition, and encroachments associated with modification or replacement

of stormwater facilities from the road alignment adjustment and new bridge. The PennDOT improvement and relocation project extends between Oakmont Borough to the east and Harmar Township to the west (New Kensington West Quadrangle: N: 4.8"; W: 13.5"; Latitude 40° 31' 37" and Longitude -79° 50' 46") in Allegheny County.

*Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335*

**E24-08-004, EOG Resources, Inc.**, 2039 South Sixth Street, Indiana, PA 15701. Seneca-Tenn Pipeline, Phase 2 (Elk), in Jones Township, **Elk County**, Army Corps of Engineers Pittsburgh District (Hazel Hurst, Crosby, Wildwood Fire Tower, PA Quadrangle N: 41° 38' 01"; W: -78° 29' 10").

The applicant proposes to construct and maintain approximately 6.4 miles of natural gas pipeline located in Sergeant Township, McKean County and Jones Township, Elk County. The proposed pipeline will connect the existing southern portion of a Marcellus Shale well field to an existing Compressor Station located approximately 6000 feet southwest of Clermont, PA. The water obstructions and encroachments in the Elk County portion of the project are described below:

To construct and maintain:

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
19	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine emergent, palustrine forested (PEM/PFO) EV wetland having 3,985 square feet of temporary wetland impact.	41° 37' 52.53" -78° 29' 6.87"
20	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine emergent (PEM) EV wetland having 39,820 square feet of temporary wetland impact.	41° 37' 40.29" -78° 29' 2.38"
32	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross Straight Creek (HQ-CWF) having 107 linear feet of temporary stream impact.	41° 35' 58.51" -78° 28' 40.40"
33	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross an UNT Straight Creek (HQ-CWF) having 84 linear feet of temporary stream impact.	41° 35' 55.77" -78° 28' 39.33"
34	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine forested (PFO) EV wetland having 7,639 square feet of temporary wetland impact.	41° 35' 22.59" -78° 28' 30.09"

In Elk County, the project will result in a total of 191 linear feet of temporary stream impacts and 1.18 acres of temporary EV wetland impacts from utility line and road crossings. Mitigation for clearing of forested wetland associated with this project will be provided by contributions to the Wetland Replacement Fund and to the Toby Creek Watershed Association (Kyler Hollow AMD Passive Treatment System project).

**E42-08-005, EOG Resources, Inc.**, 2039 South Sixth Street, Indiana, PA 15701. Seneca-Tenn Pipeline, Phase 2 (McKean), in Sergeant Township, **McKean County**, Army Corps of Engineers Pittsburgh District (Hazel Hurst, Crosby, Wildwood Fire Tower, PA Quadrangle N: 41° 38' 01"; W: -78° 29' 10").

The applicant proposes to construct and maintain approximately 6.4 miles of natural gas pipeline located in Sergeant Township, McKean County and Jones Township, Elk County. The proposed pipeline will connect the existing southern portion of a Marcellus Shale well field to an existing Compressor Station located approximately 6000 feet southwest of Clermont, PA. The water obstructions and encroachments in the McKean County portion of the project are described below:

To construct and maintain:

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
1	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine emergent, palustrine forested (PEM, cut PFO) EV wetland having 18,068 square feet of temporary wetland impact.	41° 40' 16.98" -78° 29' 59.00"

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
2	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross Gum Boot Run (HQ-CWF) having 171 linear feet of temporary stream impact.	41° 40' 3.26" -78° 29' 54.63"
3	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine emergent (PEM) EV wetland having 3,827 square feet of temporary wetland impact.	41° 40' 2.74" -78° 29' 54.52"
4	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a UNT to Gum Boot Run (HQ-CWF) having 78 linear feet of temporary stream impact.	41° 39' 47.88" -78° 29' 48.83"
5	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine emergent (PEM) EV wetland having 6,130 square feet of temporary wetland impact.	41° 39' 26.90" -78° 29' 41.55"
6	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross Buck Run (HQ-CWF) having 86 linear feet of temporary stream impact.	41° 39' 25.92" -78° 29' 41.70"
7	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a UNT to Buck Run (HQ-CWF) having 83 linear feet of temporary stream impact.	41° 39' 23.62" -78° 29' 40.18"
8	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine forested (PFO) EV wetland having 1,657 square feet of temporary wetland impact.	41° 39' 20.96" -78° 29' 39.37"
9	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross Doe Run (HQ-CWF) having 112 linear feet of temporary stream impact.	41° 38' 55.04" -78° 29' 29.92"
10	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine emergent, palustrine forested (PEM/PFO) EV wetland having 6,610 square feet of temporary wetland impact.	41° 38' 52.93" -78° 29' 29.21"
11	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine emergent (PEM) EV wetland having 3,448 square feet of temporary wetland impact.	41° 38' 45.88" -78° 29' 26.58"
12	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a UNT to Doe Run (HQ-CWF) having 83 linear feet of temporary stream impact.	41° 38' 45.45" -78° 29' 26.65"
13	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine emergent, palustrine shrub-scrub (PEM/PSS) EV wetland having 6,858 square feet of temporary wetland impact.	41° 38' 37.49" -78° 29' 23.70"
14	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a UNT to County Line Run (HQ-CWF) having 112 linear feet of temporary stream impact.	41° 38' 21.95" -78° 29' 17.62"
15	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine forested (PFO) EV wetland having 5,593 square feet of temporary wetland impact.	41° 38' 19.89" -78° 29' 16.99"
16	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine emergent (PEM) EV wetland having 3,884 square feet of temporary wetland impact.	41° 38' 17.52" -78° 29' 16.06"
17	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine emergent (PEM) EV wetland having 9,740 square feet of temporary wetland impact.	41° 38' 15.92" -78° 29' 15.52"
18	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross County Line Run (HQ-CWF) having 84 linear feet of temporary stream impact.	41° 38' 14.49" -78° 29' 14.99"
21	A 20" diameter steel natural gas pipeline to be bored under a palustrine emergent, palustrine shrub-scrub (PEM/PSS) EV wetland	41° 37' 25.84" -78° 28' 57.92"
22	A 20" diameter steel natural gas pipeline to be bored under Wellendorf Branch (HQ-CWF)	41° 37' 24.44" -78° 28' 57.57"
23	A 20" diameter steel natural gas pipeline to be bored under a palustrine emergent, (PEM) EV wetland	41° 37' 18.48" -78° 28' 55.99"

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
24	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine emergent (PEM) EV wetland having 13,669 square feet of temporary wetland impact.	41° 37' 5.54" -78° 28' 52.64"
25	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine emergent (PEM) EV wetland having 3,136 square feet of temporary wetland impact.	41° 37' 1.26" -78° 28' 51.44"
26	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine emergent (PEM) EV wetland having 2,944 square feet of temporary wetland impact.	41° 36' 53.19" -78° 28' 49.48"
27	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross North Fork Straight Creek (HQ-CWF) having 87 linear feet of temporary stream impact.	41° 36' 52.97" -78° 28' 49.37"
28	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine forested (PFO) EV wetland having 4,026 square feet of temporary wetland impact.	41° 36' 51.52" -78° 28' 48.95"
29	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine emergent, palustrine shrub-scrub (PEM/PSS) EV wetland having 9,707 square feet of temporary wetland impact.	41° 36' 34.80" -78° 28' 44.34"
30	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine forested (PFO) EV wetland having 18,594 square feet of temporary wetland impact.	41° 36' 24.26" -78° 28' 41.90"
31	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine emergent (PEM) EV wetland having 37,709 square feet of temporary wetland impact.	41° 36' 16.48" -78° 28' 41.33"

In McKean County, the project will result in a total of 896 linear feet of temporary stream impacts and 3.57 acres of temporary EV wetland impacts from utility line and road crossings in McKean County. Mitigation for clearing of forested wetland associated with this project will be provided by contributions to the Wetland Replacement Fund and to the Toby Creek Watershed Association (Kyler Hollow AMD Passive Treatment System project).

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once.

Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESX11-015-0144 (05)  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Bradford County  
Township(s) Warren Township  
Receiving Stream(s) and Classification(s) UNT to Corbin Creek (CWF/MF);  
Secondary: Corbin and Wappasening Creeks (CWF/MF)

ESCGP-1 # ESX11-015-0147 (01)  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Talisman Energy USA, Inc.  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Bradford County  
Township(s) Wells Township  
Receiving Stream(s) and Classification(s) Breckwith Creek and UNT's to Breckwith Creek (CWF/MF);  
Secondary: Seeley Creek

ESCGP-1 # ESX13-015-0022  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 101 North Main Street  
City, State, Zip Athens, PA 18810  
County Bradford County  
Township(s) Monroe Township  
Receiving Stream(s) and Classification(s) UNT to Towanda Creek, South Branch Towanda Creek (CWF);  
Secondary: Towanda Creek, South Branch Towanda Creek (CWF)

ESCGP-1 # ESX13-015-0021  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Bradford County  
 Township(s) Wilmot Township  
 Receiving Stream(s) and Classification(s) Wolf Run Creek,  
 Trib. To North Branch Mehoopany Creek (CWF/MF);  
 Secondary: North Branch Mehoopany Creek  
 ESCGP-1 # ESX13-115-0028 (01)  
 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 Susquehanna County  
 Township(s) Franklin and New Milford Townships  
 Receiving Stream(s) and Classification(s) Beaver Creek  
 and UNT's to Beaver Creek, Meylert Creek and UNT's  
 to Meylert Creek (HQ-CWF/MF)

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

<i>ESCGP-2 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
30128003	Dominion Transmission 445 West Main Street Clarksburg, WV 26301	Greene	Franklin Township Morgan Township	UNT to South Fork Tennile Creek (WWF)

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX13-019-0023—Lampersky to McElhinney Pipeline  
 Applicant MarkWest Liberty Bluestone LLC  
 Contact Rick Lowry  
 Address 601 Technology Drive, Suite 300  
 City Canonsburg State PA Zip Code 15317  
 County Butler Township(s) Forward(s)  
 Receiving Stream(s) and Classification(s) UNT's to  
 Connoquenessing Creek, Connoquenessing Creek,  
 WWF

ESCGP-1 #ESG13-019-0022—Cypher Freshwater Impoundment  
 Applicant XTO Energy Inc  
 Contact Melissa Breitenbach  
 Address 502 Keystone Drive  
 City Warrandale State PA Zip Code 15086  
 County Butler Township(s) Clearfield(s)  
 Receiving Stream(s) and Classification(s) Little Buffalo  
 Run HQ-CWF

ESCGP-1 #ESX13-085-0009—Phillips to Yoder Pipeline Project  
 Applicant Halcon Field Services LLC  
 Contact Rich DiMichele  
 Address 1000 Louisiana Street, Suite 6700  
 City Houston State TX Zip Code 77002  
 County Mercer Township(s) West Salem(s)  
 Receiving Stream(s) and Classification(s) Chestnut Run,  
 Booth Run, 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 Pennsylva-

nia Relay Service, (800) 654-5984. Appeals must be filed which the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not in and of itself create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483.

*Northwest Region District Oil and Gas Operations, Program Manager, 230 Chestnut St., Meadville, PA 16335*

Well Permit #: 015-22203-00-00  
 Well Farm Name Borek N. Sus 1H  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact Person: Eric Haskins  
 Address: 101 N. Main Street, Athens, PA 18810-1707  
 County: Bradford  
 Municipality Tuscarora Township:  
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Auburn Center, Transue Creek.

Well Permit #: 015-22629-00-00  
 Well Farm Name Sophia BRA 5H  
 Applicant Name: Chesapeake Appalachia, LLC.  
 Contact Person: Eric Haskins  
 Address: 101 North Main Street, Athens, PA 18810-1707  
 County: Bradford  
 Municipality Smithfield Township:  
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Bentley Creek, Bentley Creek



Well Permit #: 115-20743-00-01  
 Well Farm Name Kass 1 1H  
 Applicant Name: WPX Energy Appalachia, LLC.  
 Contact Person: David Freudenrich  
 Address: 6000 Town Center Boulevard, Suite 300,  
 Canonsburg, PA 15317

County: Susquehanna  
 Municipality Liberty Township:  
 Name of Stream, Spring, Body of Water as identified on  
 the most current 7 1/2 minute topographic quadrangle  
 map of the United States Geologic Survey subject to  
 the Section 3215(b)(4) waiver: Franklin Forks, Snake  
 Creek

Well Permit #: 131-20174-00-01 Drill Deeper  
 Well Farm Name Mirabelli Unit Mirabelli 1 2H  
 Applicant Name: Citrus Energy Corp.  
 Contact Person: Andrew Roberts  
 Address: 5000 Legacy Drive, Suite 300, Plano, TX 75024-  
 3115

County: Wyoming  
 Municipality Washington Township:  
 Name of Stream, Spring, Body of Water as identified on  
 the most current 7 1/2 minute topographic quadrangle  
 map of the United States Geologic Survey subject to  
 the Section 3215(b)(4) waiver: Meshoppen

Well Permit #: 047-24746-00-00  
 Well Farm Name Northern Wt. 2020 538  
 Applicant Name: ARG Resources, Inc.  
 Contact Person: Jim Bolinger  
 Address: 285 Custom Lumber Ln, Kane, PA 16735  
 County: Elk

Municipality Highland Township:  
 Name of Stream, Spring, Body of Water as identified on  
 the most current 7 1/2 minute topographic quadrangle  
 map of the United States Geologic Survey subject to the  
 Section 3215(b)(4) waiver: Russell City, East Spring  
 Creek

Well Permit #: 047-24749-00-00  
 Well Farm Name J K Palmer 442  
 Applicant Name: ARG Resources, Inc.  
 Contact Person: Jim Bolinger  
 Address: 285 Custom Lumber Ln, Kane, PA 16735  
 County: Elk

Municipality Highland Township:  
 Name of Stream, Spring, Body of Water as identified on  
 the most current 7 1/2 minute topographic quadrangle  
 map of the United States Geologic Survey subject to the  
 Section 3215(b)(4) waiver: Russell City, Wolf Run

Well Permit #: 047-24750-00-00  
 Well Farm Name J K Palmer 444  
 Applicant Name: ARG Resources, Inc.  
 Contact Person: Jim Bolinger  
 Address: 285 Custom Lumber Ln, Kane, PA 16735  
 County: Elk

Municipality Highland Township:  
 Name of Stream, Spring, Body of Water as identified on  
 the most current 7 1/2 minute topographic quadrangle  
 map of the United States Geologic Survey subject to the  
 Section 3215(b)(4) waiver: Russell City, Wolf Run

Well Permit #: 047-24751-00-00  
 Well Farm Name J K Palmer 453  
 Applicant Name: ARG Resources, Inc.  
 Contact Person: Jim Bolinger  
 Address: 285 Custom Lumber Ln, Kane, PA 16735  
 County: Elk

Municipality Highland Township:  
 Name of Stream, Spring, Body of Water as identified on  
 the most current 7 1/2 minute topographic quadrangle  
 map of the United States Geologic Survey subject to the  
 Section 3215(b)(4) waiver: Russell City, Wolf Run

Well Permit #: 047-24752-00-00  
 Well Farm Name J K Palmer 457  
 Applicant Name: ARG Resources, Inc.  
 Contact Person: Jim Bolinger  
 Address: 285 Custom Lumber Ln, Kane, PA 16735  
 County: Elk

Municipality Highland Township:  
 Name of Stream, Spring, Body of Water as identified on  
 the most current 7 1/2 minute topographic quadrangle  
 map of the United States Geologic Survey subject to the  
 Section 3215(b)(4) waiver: Russell City, Wolf Run

Well Permit #: 047-24753-00-00  
 Well Farm Name J K Palmer 468  
 Applicant Name: ARG Resources, Inc.  
 Contact Person: Jim Bolinger  
 Address: 285 Custom Lumber Ln, Kane, PA 16735  
 County: Elk

Municipality Highland Township:  
 Name of Stream, Spring, Body of Water as identified on  
 the most current 7 1/2 minute topographic quadrangle  
 map of the United States Geologic Survey subject to the  
 Section 3215(b)(4) waiver: Russell City, Wolf Run

Well Permit #: 105-21663-00-00  
 Well Farm Name Coon Hollow 904 3H  
 Applicant Name: Ultra Resources Inc.  
 Contact Person: Lindsay Ensign  
 Address: 304 Inverness Way S, Ste 295, Englewood, CO  
 80112

County: Potter  
 Municipality West Branch Township:  
 Name of Stream, Spring, Body of Water as identified on  
 the most current 7 1/2 minute topographic quadrangle  
 map of the United States Geologic Survey subject to the  
 Section 3215(b)(4) waiver: Galetton, Long Hollow

Well Permit #: 131-20128-00-01  
 Well Farm Name Lasco Unit 1H  
 Applicant Name: Citrus Energy Corp.  
 Contact Person: Andrew Roberts  
 Address: 5000 Legacy Drive, Suite 300, Plano, TX 75024  
 County: Wyoming

Municipality Washington Township:  
 Name of Stream, Spring, Body of Water as identified on  
 the most current 7 1/2 minute topographic quadrangle  
 map of the United States Geologic Survey subject to the  
 Section 3215(b)(4) waiver: Meshoppen

Well Permit #: 015-22630-00-00  
 Well Farm Name Jes S Bra 2H  
 Applicant Name: Chesapeake Appalachia, LLC.  
 Contact Person: Eric Haskins  
 Address: 101 North Main Street, Athens, PA 18810  
 County: Bradford

Municipality Wilmot Township:  
 Name of Stream, Spring, Body of Water as identified on  
 the most current 7 1/2 minute topographic quadrangle  
 map of the United States Geologic Survey subject to the  
 Section 3215(b)(4) waiver: Colley, North Bra Mehoopany  
 Creek, via Wolf Creek and unnamed tributaries.

Well Permit #: 015-22631-00-00  
 Well Farm Name Jes N Bra 2H  
 Applicant Name: Chesapeake Appalachia, LLC.  
 Contact Person: Eric Haskins  
 Address: 101 North Main Street, Athens, PA 18810  
 County: Bradford

Municipality Wilmot Township:  
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Colley, North Bra Mehoopany Creek, via Wolf Creek and unnamed tributaries.

*Southwest District Oil and Gas Operations, Program Manager, 400 Waterfront Drive Pittsburgh, PA 15222-4739*

Well Permit #: 059-26170-00  
 Well Farm Name: Miller Unit 79H  
 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 #: 059-26172-00  
 Well Farm Name: Miller Unit 82H  
 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 #: 059-26171-00  
 Well Farm Name: Miller Unit 81H  
 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

[Pa.B. Doc. No. 13-1000. Filed for public inspection May 31, 2013, 9:00 a.m.]

### Bid Opportunity

**OSM 17(4544,4545)101.1, Abandoned Mine Reclamation Project, Alder Run West, Morris and Graham Townships, Clearfield County.** The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; clearing and grubbing; limestone screenings 1,870 tons; grading 1,138,657 cubic yards; relocation of utilities by others; channel excavation 1,662 cubic yards; tree planting 44,200 trees; and seeding 112 acres. This bid issues on May 31, 2013, and bids will be opened on June 27, 2013, at 2 p.m. Bid documents cost

\$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

E. CHRISTOPHER ABRUZZO,  
*Acting Secretary*

[Pa.B. Doc. No. 13-1001. Filed for public inspection May 31, 2013, 9:00 a.m.]

### Bid Opportunity

**OSM 40(1553)101.1, Abandoned Mine Reclamation Project, Lee Park, Hanover Township, Luzerne County.** The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; clearing and grubbing; drilling boreholes 2,470 linear feet; furnishing and installing steel casing pipe 1,000 linear feet; 24-inch corrugated HDPE pipe 76 linear feet; backfilling 105 tons; and seeding 0.1 acre. This bid issues on May 31, 2013, and bids will be opened on June 27, 2013, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

E. CHRISTOPHER ABRUZZO,  
*Acting Secretary*

[Pa.B. Doc. No. 13-1002. Filed for public inspection May 31, 2013, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Approved Drugs for ALS Ambulance Services

Under 28 Pa. Code § 1005.11 (relating to drug use, control and security), the following drugs are approved for use by ground advanced life support (ALS) ambulance services and may be administered by EMT-paramedics (paramedics), prehospital registered nurses and health professional physicians when use of the drugs is permitted by the applicable Department of Health (Department) approved regional medical treatment protocols:

1. Activated charcoal
2. Acetaminophen
3. Adenosine
4. Albuterol
5. Amiodarone
6. Antimicrobials—for interfacility transports only
7. Aspirin
8. Atropine sulfate
9. Benzocaine—for topical use only

10. Bivalirudin—for interfacility transports only
11. Calcium chloride
12. Calcium gluconate
13. Captopril
14. Dexamethasone sodium phosphate
15. Diazepam
16. Dilaudid—for interfacility transports only
17. Diltiazem
18. Diphenhydramine HCL
19. Dobutamine
20. Dopamine
21. Enalapril
22. Epinephrine HCL
23. Epinephrine, Racemic
24. Etomidate (only permitted for services approved by a regional EMS council and participating in the required QI program)
25. Fentanyl
26. Furosemide
27. Glucagon
28. Heparin by intravenous drip—for interfacility transports only
29. Hydrocortisone sodium succinate
30. Glycoprotein IIb/IIIa Inhibitors—for interfacility transports only
  - a. Abciximab
  - b. Eptifibatide
  - c. Tirofiban
31. Intravenous electrolyte solutions
  - a. Dextrose
  - b. Lactated Ringer's
  - c. Sodium chloride
  - d. Normosol
  - e. Potassium—for interfacility transports only
31. Ipratropium Bromide
32. Isoproterenol HCL—for interfacility transports only
33. Levalbuterol—for interfacility transports only
34. Lidocaine HCL
35. Lorazepam
36. Magnesium sulfate
37. Methylprednisolone
38. Midazolam
39. Morphine sulfate
40. Naloxone HCL
41. Nitroglycerin (all forms/routes, but continuous intravenous infusion must be regulated by an infusion pump)
42. Nitrous oxide
43. Ondansetron
44. Oxytocin
45. Pralidoxime CL
46. Procainamide
47. Sodium bicarbonate

48. Sodium thiosulfate
49. Sterile water for injection
50. Terbutaline
51. Tetracaine—for topical use only
52. Total parenteral nutrition—for interfacility transport only
53. Verapamil

During interfacility transport, all medications given by continuous infusion (except intravenous electrolyte solutions with potassium concentrations of no more than 20 mEq/L) must be regulated by an electronic infusion pump. For prehospital transport, continuous infusions of crystalloid solutions containing medication (except intravenous electrolyte solutions with potassium concentrations of no more than 20 mEq/L) must be rate controlled by electronic IV pump or a manual flow control device capable of setting specific numeric flow rates.

This list supersedes the list of approved drugs published at corrected 42 Pa.B. 4229 (July 7, 2012).

The following addition is the only change from the previous list:

1. The addition of racemic epinephrine.

Ambulance services are not authorized to stock drugs designated "for interfacility transports only." However, paramedics and health professionals may administer a drug so designated if the facility transferring a patient provides the drug, directs that it be administered to the patient during the transfer and the regional transfer and medical treatment protocols permit the administration of the drug by those personnel. See 28 Pa. Code § 1005.11(a)(3) and (d).

Section § 1005.11 of 28 Pa. Code permits a ground ALS ambulance service to exceed, under specified circumstances, the drugs (taken from the master list) that a region's medical treatment protocols authorize for use within the region.

The list of drugs in this notice does not apply to air ambulance services. Under 28 Pa. Code § 1007.7(i)(2) (relating to licensure and general operating requirements), each air ambulance service is to develop its own medical treatment protocols which identify drugs that may be used by the air ambulance service. The air ambulance service is to then submit the protocols to the medical advisory committee of the appropriate regional emergency medical services council for the medical advisory committee's review and recommendations. Following its consideration of the recommendations and after making further revisions if needed, the air ambulance service is to file the protocols with the Department for approval.

Persons with a disability who require an alternate format of this notice (for example, large print, audiotape, Braille) should contact Robert D. Cooney, EMS Program Manager, Bureau of Emergency Medical Services, Department of Health, Room 606, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120-0701, (717) 787-8740. Speech or hearing impaired persons may use V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-1003. Filed for public inspection May 31, 2013, 9:00 a.m.]

### Emergency Medical Services Operating Fund Funding Priorities for Fiscal Year 2013-2014

Under 28 Pa. Code §§ 1001.22 and 1001.23 (relating to criteria for funding; and allocation of funds), the Department of Health (Department) gives notice of priorities for the distribution by the regional emergency medical services (EMS) councils of funding from the Emergency Medical Services Operating Fund (EMSOF) for the fiscal year beginning July 1, 2013, and ending June 30, 2014.

EMSOF moneys are to be used to provide funding to maintain, improve and develop the quality of the EMS system within this Commonwealth. The Department finds that the EMSOF is not sufficient to fully fund the EMS system. Therefore, it gives notice, under 28 Pa. Code § 1001.22(d), that recipients of EMSOF funding from regional EMS councils may be required to provide matching funds toward all purchases, acquisitions and projects for which the Department permits the use of EMSOF moneys.

Each regional EMS council shall prioritize the distribution of its EMSOF allocation based upon the Statewide EMS Development Plan and its regional EMS development plan, subject to the funding priorities set forth in this notice. By October 30, 2013, the regional EMS councils shall notify the providers and other appropriate entities of the established funding priorities, the application process, acquisition documentation requirements and processing deadlines. Each regional EMS council must complete all documents required for the distribution of EMSOF funding by June 30, 2014.

The Department may increase the amount of the initial payment or reimbursement from the EMSOF based upon the EMS development plans (State and regional) or documented financial hardship of a provider of EMS. A provider of EMS that seeks additional funds due to financial hardship shall be required to submit a financial disclosure statement and other documentation deemed necessary by the Department.

A provider of EMS applying for EMSOF funding must be in full compliance with all regulations, policies and priorities of the State and regional EMS systems.

Funds for purchases, acquisitions and projects for the fiscal year beginning July 1, 2013, and ending June 30, 2014, must be expended or encumbered by the regional EMS council by June 30, 2014.

#### *Funding Priorities*

The funding priorities listed as follows are not ranked. The priorities must be considered before there is any regional distribution of EMSOF moneys for initiatives that are not listed. All funding must be distributed in a manner consistent with the regional and Statewide EMS development plans. Consequently, if the priorities in this notice have been funded and additional funding is available, the request to use EMSOF money towards nonpriority items must still be supported by the Statewide and regional EMS development plans.

\* Development or improvement of an organizational risk management program (safety measures, hazard recognition or mitigation and the necessary organizational structure and support processes) proposed by an ambulance service. Proposals for funding must be comprehensive and include safe vehicle operations. Approval by the Department is required prior to funding.

\* Recruitment and retention programs, including scholarships or tuition reimbursement for emergency medical responder (EMR), emergency medical technician (EMT) and paramedic education in areas with high prehospital personnel vacancy rates as determined by the regional EMS council and approved by the Department.

\* Equipment required to meet basic life support (BLS) and advanced life support (ALS) ambulance service licensure.

\* Capnography equipment (especially wave-form end-tidal CO<sub>2</sub> monitors).

\* Replacement of an ambulance for ambulance services that is older than 10 years or has more than 200,000 miles on it. Limit to one per fiscal year.

\* Software or computer equipment to enable services to collect and transmit EMS patient care reports electronically.

\* Quality assurance improvement programs.

\* Costs associated with investigating a potential merger or consolidation of services. These costs include consulting fees, studies, legal fees and statistical analysis.

\* Costs associated with the actual merger or consolidation of services.

\* Bariatric equipment to equip ambulances.

When two or more ambulance companies have consolidated to create one entity, for the first 5 years after the ambulance companies completed consolidation, the entity may be deemed eligible to receive funding not to exceed the amount of the combined total for which the individual companies would have been eligible had they not consolidated.

#### *Emergency Preparedness and Response Funding Requests*

Emergency preparedness and response funding requests must be based on local and response roles of services, regional needs and needs identified by threat vulnerability analysis. Purchases must be coordinated with county emergency, fire service, hazmat and hospital organizations in the applicant's service area to assure interoperability and to prevent duplication. Funding requests related to response to all hazard and emergency preparedness must have a clear connection to the regional EMS catastrophic plan and the regional EMS development plan. Priority will be given to fund the ambulance services in each region that have committed to participating in the EMS strike team capability project and respond to requests for EMS, both interstate and intrastate, as identified in the State and regional mass casualty plans.

#### *Provider Equipment*

Purchases by providers of EMS are not limited to equipment. If an EMS provider requests EMSOF moneys to purchase equipment, the Eligible Provider Equipment List included with this announcement identifies equipment for which EMSOF funds will be made available to purchase. This list provides the types of providers of EMS eligible for equipment purchases supported by EMSOF funding and the maximum allowable cost upon which the EMSOF contribution will be calculated.

EMSOF funds will fund 60% of the maximum allowable cost of an equipment item for rural providers and will fund 50% of the maximum allowable cost of an equipment item for nonrural providers. Providers of EMS that receive funding are responsible for the balance of the purchase price. The provider may purchase an item for an amount that exceeds the maximum allowable cost, but

the provider will be responsible for any amount exceeding that figure. The last two columns of the Eligible Provider Equipment List identify the percentage of EMSOF contribution towards the purchase price, up to the maximum allowable cost of the item, based upon whether the provider operates in a rural or nonrural area.

#### Examinations

Funding may be provided to EMS services to cover the cost of the State written test for paramedic, prehospital

registered nurse (PHRN), EMT and EMR certification taken by their personnel at 100% of the cost of two examination attempts up to a maximum allowable cost of \$300 for paramedic and PHRN, \$140 for EMT and \$130 for EMR per person.

#### Medical Director

The maximum allowable cost for an EMS agency to contract for medical director oversight is \$10,000 for Fiscal Year 2013-2014.

### ELIGIBLE PROVIDER EQUIPMENT LIST

Equipment Description	Life Expectancy	Eligible Purchase For:				Allowable Costs <sup>1</sup>	Non-Rural (50%)	Rural (60%)
		ALS	ALS/SQ	BLS	QRS			
EKG Monitor/Defibrillator with Pacer	5 years	Y	Y	N	N	12,000	6,000	7,200
12 Lead EKG <sup>2</sup>	5 years	Y	Y	N	N	20,000	10,000	12,000
Automated External Defibrillator (AED)	5 years	N	N	Y <sup>3</sup>	Y <sup>3</sup>	1,500	750	900
AED Trainer	5 years	N	N	Y	Y	400	200	240
Oxygen Equipment (any combination) Cylinder Demand Valve w/Hose & Mask Regulator (combination or constant flow—25 lpm capable) Case	5 years	Y	Y	Y	Y	500	250	300
Capnography Equipment	3 years	Y	Y	N	N	3,000	1,500	1,800
CPAP Ventilation Portable Equipment	5 years	Y	Y	Y	Y	1,500	750	900
Pulse Oximeter	5 years	Y	Y	Y	Y	700	350	420
Nitrous Oxide Delivery System	5 years	Y	Y	N	N	2,000	1,000	1,200
Intravenous Infusion Pumps	5 years	Y	Y	N	N	2,000	1,000	1,200
Adult/Pediatric Intubation Kits	5 years	Y <sup>4</sup>	Y <sup>4</sup>	N	N	600	300	360
Transtracheal Jet Insufflators (TTJ)	5 years	Y	Y	N	N	200	100	120
Splinting/Immobilization Devices (any combination) Backboard Cervical Immobilization Device Splints (rigid, traction, and the like)	3 years	Y	Y	Y	Y	500	250	300
Stairchair	5 years	Y	N	Y	N	Up to 5,000	1,325	1,590
Stretcher	5 years	Y	N	Y	N	Up to 10,000	5,000	6,400
Stair Stretcher 500 lb Capacity	5 years	Y	N	Y	N	2,700	1,350	1,620
Suction (Portable)	3 years	Y	Y	Y	Y	900	450	540
Ventilator, Automatic (per Department of Health Guidelines)	5 years	Y <sup>5</sup>	Y <sup>5</sup>	Y <sup>6</sup>	Y <sup>6</sup>	3,000	1,500	1,800

<i>Equipment Description</i>	<i>Life Expectancy</i>	<i>Eligible Purchase For:</i>				<i>Allowable Costs<sup>1</sup></i>	<i>Non-Rural (50%)</i>	<i>Rural (60%)</i>
		<i>ALS</i>	<i>ALS/SQ</i>	<i>BLS</i>	<i>QRS</i>			
Ambulance with Chevron Marking on Back of Unit	—	Y	N	Y	N	—	15,000	20,000
Chevron	—	Y	Y	Y	Y	1,500	750	900
Squad/Response Vehicle with Chevron Marking on Back of Unit	—	N	Y	N	Y	—	7,500	9,000
Data Collection Software/Technology <sup>7</sup>	—	Y	Y	Y	Y	1,700	850	1,020
Data Collection Hardware <sup>8</sup>	3 years	Y	Y	Y	Y	2,000	1,000	1,200
Radio, Mobile (two per vehicle)	5 years	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	5,000	2,500	3,000
Radio, Portable (two per vehicle per year)	5 years	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	5,000	2,500	3,000
Triage Vest with Reflection Stripes Meeting ANSI National Standards	5 years	Y	Y	Y	Y	150	75	90
Triage System	5 years	Y	Y	Y	Y	750	375	450
Alerting Equipment (5 per service at \$400 each)	5 years	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	2,000	1,000	1,200
Vehicle Safety Monitoring Systems	5 years	Y	Y	Y	Y	3,500	1,750	2,100
Personal Protective Equipment/Turnout Gear: Helmet, Coat, Pants, Boots Protection Respiratory Protection from Communicable Diseases	5 years	Y	Y	Y	Y	1,200	600	720
Protective Ballistic Vest	5 years	Y	Y	Y	Y	1,000	500	600
Global Positioning System Receiver 1 per licensed Ambulance or Recognized QRS Vehicle	5 years	Y	Y	Y	Y	500	250	275
Traffic Safety Equipment	5 years	Y	Y	Y	Y	2,500	1,250	1,500
Large Patient Moving/Carrying Device	10 years	Y	Y	Y	Y	3,000	1,500	1,800
Self-Contained Breathing Apparatus (2 per licensed vehicle)	10 years	Y	Y	Y	Y	3,000	1,500	1,800
EMT-P/PHRN Testing (Written)	—					300	300	300
EMT Testing (Written)	—					140	140	140
EMR Testing (Written)	—					130	130	130
CO Detectors (Monitors)	5 Years	Y	Y	Y	Y	200	100	120
12 Lead EKG Transmitter System	5 Years	Y	Y	N	N	1,000	500	600
IO Drills or Bone Injection Systems	5 Years	Y	Y	N	N	300	150	180
Narcotics Security Systems	5 Years	Y	Y	N	N	900	450	540
Refrigerators (mini)	10 Years	Y	Y	N	N	1,200	600	720
Pediatric Safe Transport Device	10 Years	Y	N	Y	N	Up to 400	200	240

Equipment Description	Life Expectancy	Eligible Purchase For:				Allowable Costs <sup>1</sup>	Non-Rural (50%)	Rural (60%)
		ALS	ALS/SQ	BLS	QRS			
Tourniquet (tactical)	5 Years	Y	Y	Y	Y	25	12.50	10
Bariatric equipment	5 Years	Y	Y	Y	Y	27,000	13,500	10,800

<sup>1</sup> All figures are dollar amounts for each item of equipment.

<sup>2</sup> Amount includes \$1,000 for communications package. Receiving facility must have appropriate communications capabilities.

<sup>3</sup> Must be an approved AED service or part of regional planning, and AED medical director required.

<sup>4</sup> Must be durable equipment, not disposable equipment.

<sup>5</sup> Completion of approved training program required.

<sup>6</sup> Completion of approved training program required and BLS service medical director approval required.

<sup>7</sup> Must be a Department-approved software program, version and vendor.

<sup>8</sup> Data collection hardware may include computer, modem, printer, backup device and battery system.

<sup>9</sup> Must be compatible with regional and State EMS communications plan.

Questions regarding the Eligible Provider Equipment List or other matters addressed in this notice should be directed to Robert D. Cooney, EMS Program Manager, Bureau of Emergency Medical Services, Department of Health, Room 606, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120-0701, (717) 787-8740.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Robert D. Cooney at the previously listed address or telephone numbers, or for speech or hearing impaired persons may use VTT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-1004. Filed for public inspection May 31, 2013, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Prevailing Wage Appeals Board Public Meeting

The Prevailing Wage Appeals Board will hold a public meeting on Wednesday, June 5, 2013, at 11 a.m. in the Capitol Associates Building, 901 North Seventh Street, 3rd Floor Conference Room, Harrisburg, PA.

The Americans with Disabilities Act contact is Gina Meckley, (717) 783-9276.

JULIA K. HEARTHWAY,  
Secretary

[Pa.B. Doc. No. 13-1005. Filed for public inspection May 31, 2013, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Pharmacy Prior Authorization

The Department of Public Welfare (Department) announces it will add H.P. Acthar Gel to the Medical Assistance (MA) Program's list of services and items requiring prior authorization. The Department will also add Androgenic Agents designated as preferred on the Department's Preferred Drug List to the MA Program's list of services and items requiring prior authorization.

Section 443.6(b)(7) of the Public Welfare Code (62 P. S. § 443.6(b)(7)) authorizes the Department to add items

and services to the list of services requiring prior authorization by publication of notice in the *Pennsylvania Bulletin*.

The MA Program will require prior authorization of all prescriptions for H.P. Acthar Gel and preferred Androgenic Agents. These prior authorization requirements apply to prescriptions dispensed on or after June 3, 2013.

The Department will issue MA Bulletins to providers enrolled in the MA Program specifying the procedures for obtaining prior authorization of prescriptions for each of the medications previously listed.

#### Fiscal Impact

It is anticipated that this change will result in minimal savings in the MA outpatient appropriation.

#### Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revisions to these prior authorization requirements.

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-821. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 13-1006. Filed for public inspection May 31, 2013, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Automated Red Light Enforcement Transportation Enhancement Grants Program Applications

Under 67 Pa. Code Chapter 233 (relating to transportation enhancement grants from automated red light enforcement system revenues), the Department of Transportation (Department) is inviting city, county and municipal governments, and other local boards or bodies with authority to enact laws relating to traffic in this Commonwealth to submit applications, in accordance with the parameters delineated in 67 Pa. Code Chapter 233. The Department modernized the previous application and processing by establishing an online application for automated red light enforcement sponsors to submit applications. This eliminates previous issues with large application submission and allows the Department to process the applications more efficiently. Interested sponsors will need to send an e-mail to [ARLE\\_Grants@pa.gov](mailto:ARLE_Grants@pa.gov) and provide name, title, sponsor name, e-mail and phone number to obtain a user name and password along with a link to access the online application. Applications will be accepted from June 1, 2013, to June 30, 2013.

Additional guidance information can be found on the Department's Traffic Signal Resource Portal located at <http://www.dot.state.pa.us/Portal%20Information/Traffic%20Signal%20Portal/arle.html>

Questions should be directed to Daniel Farley, Bureau of Maintenance and Operations, 400 North Street, 6th Floor, Harrisburg, PA 17120, (717) 783-0333, [ARLE\\_Grants@pa.gov](mailto:ARLE_Grants@pa.gov).

BARRY J. SCHOCH, P.E.,  
*Secretary*

[Pa.B. Doc. No. 13-1007. Filed for public inspection May 31, 2013, 9:00 a.m.]

### Finding Allegheny County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Director of the Bureau of Project Delivery, as delegated by the Secretary of Transportation, makes the following written finding:

The Department of Transportation (Department) is planning to replace the Butler Street Bridge, which carries SR 0008 over Heth's Run in the City of Pittsburgh, Allegheny County.

The proposed project will require the acquisition of approximately 0.47 acre of right-of-way from Highland Park, which qualifies as a Section 2002/Section 4(f) resource.

In accordance with section 2002 of The Administrative Code of 1929 establishing the Department, a Categorical

Exclusion Evaluation (CEE) document has been developed for the subject bridge replacement project. The CEE includes a "Nationwide/Programmatic Section 4(f) Evaluation for Minor Involvement with Public Parks, Recreation Lands, and Wildlife and Waterfowl Refuges" document to evaluate the potential environmental impacts caused by the subject project. The approved documents are available in the CE Expert System.

The environmental, economic, social and other effects of the proposed project, as enumerated in section 2002 of The Administrative Code of 1929, have been considered. Based upon studies, it has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize the effects. Mitigation measures will be taken to minimize harm as stipulated in the CE and the Section 4(f) documents.

GEORGE W. MCAULEY, P.E.,  
*Acting Director*  
*Bureau of Project Delivery*

[Pa.B. Doc. No. 13-1008. Filed for public inspection May 31, 2013, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Bucks County Water & Sewer Authority v. DEP; EHB Doc. No. 2013-061-L; 4-15-13—Issuance of NPDES Permit No. PA00051250

Bucks County Water & Sewer Authority has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Bucks County Water & Sewer Authority for a facility in Doylestown Township, Bucks 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. 13-1009. Filed for public inspection May 31, 2013, 9:00 a.m.]



# INDEPENDENT REGULATORY REVIEW COMMISSION

## Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, May 16, 2013, and announced the following:

*Regulation Deemed Approved Pursuant to Section 5(g) of the Regulatory Review Act—Effective May 15, 2013*

Pennsylvania Liquor Control Board #54-72: Prize Limits for Events, Tournaments and Contests (amends 40 Pa. Code § 5.32(e)(7))

*Action Taken—Regulations Approved:*

Pennsylvania Public Utility Commission #57-283: Marketing and Sales Practices for the Retail Residential Energy Market (adds 52 Pa. Code Chapter 111)

State Board of Medicine #16A-4933: Prescribing (amends 49 Pa. Code § 16.92)

State Board of Occupational Therapy Education and Licensure #16A-678: Referrals by CRNPS and PAS (amends 49 Pa. Code § 42.25)

State Board of Occupational Therapy Education and Licensure #16A-677: Continuing Competency (amends 49 Pa. Code Chapter 42)

*Action Taken—Regulation Disapproved: Order Not Yet Issued*

\*State Board of Pharmacy #16A-5423: Cancer Drug Repository Program

\*Will advise when order is issued.

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## Approval Order

Public Meeting Held  
May 16, 2013

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq.

*Pennsylvania Public Utility Commission—  
Marketing and Sales Practices for the  
Retail Residential Energy Market;  
Regulation No. 57-283 (#2915)*

On October 11, 2011, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking adds 52 Pa. Code Chapter 111. The proposed regulation was published in the October 22, 2011 *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on April 11, 2013.

This regulation establishes best marketing and sales practices for electric generation suppliers and natural gas suppliers for the retail residential market.

We have determined this regulation is consistent with the statutory authority of the PUC (66 Pa.C.S. § 501(b))

and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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## Approval Order

Public Meeting Held  
May 16, 2013

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq.

*State Board of Medicine—  
Prescribing;  
Regulation No. 16A-4933 (#2931)*

On February 22, 2012, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Medicine (Board). This rulemaking amends 49 Pa. Code § 16.92. The proposed regulation was published in the March 3, 2012 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on March 21, 2013.

This rulemaking clarifies the regulation relating to prescribing, administering and dispensing controlled substances and expands the provision to include three additional drugs which share serious potential for addiction and abuse: butalbital, carisoprodol and tramadol.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 422.8) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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## Approval Order

Public Meeting Held  
May 16, 2013

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq.

*State Board of Occupational Therapy  
Education and Licensure—  
Referrals by CRNPS and PAS;  
Regulation No. 16A-678 (#3004)*

On April 8, 2013, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Occupational Therapy Education and Licensure (Board). This rulemaking amends 49 Pa. Code § 42.25. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

Consistent with Act 138 of 2012, this regulation adds certified registered nurse practitioners and physician assistants to the existing lists of practitioners from whom an occupational therapist can accept a referral in the form of a written order or oral order.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 15905(b)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

### Approval Order

Public Meeting Held  
May 16, 2013

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq.

*State Board of Occupational Therapy  
Education and Licensure—  
Continuing Competency;  
Regulation No. 16A-677 (#2892)*

On March 25, 2011, the Independent Regulatory Review Commission (Commission) received this proposed

regulation from the State Board of Occupational Therapy Education and Licensure (Board). This rulemaking amends 49 Pa. Code Chapter 42. The proposed regulation was published in the April 9, 2011 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 8, 2013.

This final-form regulation implements continued competency requirements for occupational therapists.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. §§ 1505(b) and 1515(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 13-1010. Filed for public inspection May 31, 2013, 9:00 a.m.]

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
125-161	Pennsylvania Gaming Control Board Gaming Service Providers and Slot Machine Licenses	5/15/13	6/20/13
57-289	Pennsylvania Public Utility Commission Establishing a Uniform Definition and Metrics for Unaccounted-For-Gas	5/16/13	6/20/13
7B-6	Department of Conservation and Natural Resources Conservation of Pennsylvania Native Wild Plants	5/17/13	6/20/13

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 13-1011. Filed for public inspection May 31, 2013, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Appeal of Joan Otto Toothill under the Quality Health Care Accountability and Protection Article; Aetna Health, Inc.; Doc. No. HC13-05-009

Under Article XXI of The Insurance Company Law of 1921 (40 P. S. §§ 991.2101—991.2194), the appellant in this action has requested a hearing in connection with the appellant's managed health care plan. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant provisions of law.

A prehearing telephone conference initiated by the Administrative Hearings Office shall be conducted on

July 17, 2013, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before July 15, 2013. A date for a hearing, if necessary, shall be determined at the prehearing/settlement conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 2, 2013, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene shall be filed on or before July 16, 2013.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-1012. Filed for public inspection May 31, 2013, 9:00 a.m.]

**The Prudential Insurance Company of America;  
Rate Increase Filing for Several LTC Forms**

The Prudential Insurance Company of America is requesting approval to increase the premium an aggregate 37% on 1,724 policyholders with the following individual LTC policy form numbers: GRP 113172, GRP 113172 ED 05/2009, GRP 113570 and GRP 113570 ED 05/2009.

Unless formal administrative action is taken prior to August 15, 2013, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-1013. Filed for public inspection May 31, 2013, 9:00 a.m.]

**Request to Surrender a Certificate of Authority to  
Provide a Continuing Care Retirement Community  
by Makemie at Whiteland**

Makemie at Whiteland has submitted a request to surrender their Certificate of Authority to operate a Continuing Care Retirement Community at Makemie at Whiteland in West Chester, PA. The request was received on February 11, 2013, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the surrender of a Certificate of Authority are invited to submit a written statement to the Insurance Department within 15 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 to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or [syerger@pa.gov](mailto:syerger@pa.gov).

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-1014. Filed for public inspection May 31, 2013, 9:00 a.m.]

**OFFICE OF OPEN  
RECORDS**

**Hearing in the Matter of James Mollick v. Township  
of Worcester; Doc. Nos. 2009-09584, 2009-10067  
and 2009-24448**

**Hearing in the Matter of James Mollick v. Township  
of Worcester; Doc. Nos. 2009-09584, 2009-10067  
and 2009-24448 Remanded to the Office of Open  
Records by Order Dated June 15, 2012, of the  
Court of Common Pleas of Montgomery County**

A hearing on the previously-captioned Right-To-Know appeals will be held as follows:

*Date:* Tuesday, June 18, 2013, and Wednesday,  
June 19, 2013

*Time:* 10 a.m.

*Location:* Hearing Room 4  
Plaza Level  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

*Presiding:* Edward S. Finkelstein, Esq.  
Hearing Officer  
400 North Street, Plaza Level  
Harrisburg, PA 17120  
phone (717) 364-9973, fax (717) 425-5343

This hearing is being conducted for proceedings resulting from an Order of Remand from the Court of Common Pleas of Montgomery County dated June 15, 2012, in accordance with the Opinion and Order of the Commonwealth Court of Pennsylvania filed December 7, 2011, concerning Doc. Nos. 2265 C.D. 2010, 2266 C.D. 2010 and 2267 C.D. 2010. The final date to file petitions or notices to intervene is June 11, 2013.

Persons with a disability who wish to attend the hearing should contact the Office of Open Records (OOR) to make arrangements for their special needs. Call the OOR at least 5 business days prior to the hearing to submit a request.

For persons who require an interpreter to participate in the hearings, the OOR will make every reasonable effort to have an interpreter present. Call the OOR at (717) 346-9903 least 10 business days prior to the hearing to submit the request.

TERRY MUTCHLER,  
*Executive Director*

[Pa.B. Doc. No. 13-1015. Filed for public inspection May 31, 2013, 9:00 a.m.]

**PENNSYLVANIA PUBLIC  
UTILITY COMMISSION**

**Eligible Telecommunications Carriers; Federal Uni-  
versal Service Low Income Support**

The Pennsylvania Public Utility Commission (Commission) invites comment on the following pending wireless carrier's petition for designation as eligible telecommunications carriers (ETC) for purposes of Federal universal service low income support:

NEP Cellcorp, Inc., Petition to Amend Eligible Telecommunications Carrier Designation; Doc. No. P-2013-2356640

The Commission, at its July 29, 2010, public meeting adopted a final policy statement on ETC designation and ETC annual recertification and reporting requirements for all telecommunications carriers. This notice informs telecommunications providers and interested parties that the Commission intends to act on the previously-referenced ETC petition pending before the Commission.

Interested parties are invited to file comments at the relevant docket numbers within 20 days of publication of this notice. Reply comments of the carrier are due within 10 days thereafter. Interested parties may review the pending petitions at the Commission web site [www.puc.state.pa.us](http://www.puc.state.pa.us) or hard copies are available for a fee by means of written request to the Secretary of the Commission, Pennsylvania Public Utility Commission, Rosemary Chiavetta, Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265.

The contact for questions regarding this notice is Rhonda L. Daviston, Assistant Counsel, Law Bureau (717) 787-6166.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-1016. Filed for public inspection May 31, 2013, 9:00 a.m.]

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### Telecommunications

**A-2013-2363756. Verizon North, LLC and MetroPCS Pennsylvania, LLC.** Joint petition of Verizon North, LLC and MetroPCS Pennsylvania, LLC for approval of amendment No. 2 to an 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, 16, 2013, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 2 to 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 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. 13-1017. Filed for public inspection May 31, 2013, 9:00 a.m.]

### Telecommunications

**A-2013-2363740. Verizon Pennsylvania, LLC and MetroPCS Pennsylvania, LLC.** Joint petition of Verizon Pennsylvania, LLC and MetroPCS Pennsylvania, LLC for approval of amendment No. 2 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and MetroPCS Pennsylvania, LLC, by its counsel, filed on May, 16, 2013, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 2 to 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 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. 13-1018. Filed for public inspection May 31, 2013, 9:00 a.m.]

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### Telecommunications

**A-2013-2363732. Windstream Pennsylvania, LLC, Windstream D & E, Inc., Windstream Conestoga, Inc., Windstream Buffalo Valley, Inc. and Metropolitan Telecommunications of Pennsylvania, Inc., d/b/a MetTel.** Joint petition of Windstream Pennsylvania, LLC, Windstream D & E, Inc., Windstream Conestoga, Inc., Windstream Buffalo Valley, Inc. and Metropolitan Telecommunications of Pennsylvania, Inc., d/b/a MetTel for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Windstream Pennsylvania, LLC, Windstream D & E, Inc., Windstream Conestoga, Inc., Windstream Buffalo Valley, Inc. and Metropolitan Telecommunications of Pennsylvania, Inc., d/b/a MetTel, by its counsel, filed on May 14, 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 Windstream Pennsylvania, LLC, Windstream D & E, Inc., Windstream Conestoga, Inc., Windstream Buffalo Valley, Inc. and Metropolitan Telecommunications of Pennsylvania, Inc., d/b/a MetTel 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. 13-1019. Filed for public inspection May 31, 2013, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 13-025.6, Pier 80 Sprinkler & Fire Alarm Replacement, until 2 p.m. on Thursday, June 27, 2013. Information (including mandatory prebid information) can be obtained from the web site [www.philaport.com](http://www.philaport.com) under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 13-1020. Filed for public inspection May 31, 2013, 9:00 a.m.]

### Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 13-048.4, Perimeter Lighting Installation at Various PRPA Facilities, until 2 p.m. on Thursday, June 27, 2013. Information (including mandatory prebid information) can be obtained from the web site [www.philaport.com](http://www.philaport.com) under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 13-1021. Filed for public inspection May 31, 2013, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

### Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

### Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Dale Feltman 988 County Road Middleburg, PA 17842	Snyder County/ Franklin Township	132.56	Swine	New	Approved
John K. Stoltzfus, Jr. 126 South Groffdale Road Leola, PA 17540	Lancaster County/ Upper Leacock Township	61.59	Layer	Amended	Approved
Stones Hog Production, LLC 12547 Stage Road McClure, PA 17841	Snyder County/ Spring Township	341.42	Swine	New	Approved

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Spring Maple Farm 421 Penn Grant Road Lancaster, PA 17602	Lancaster County/ West Lampeter Township	790.8	Pullets & Broilers	Amended	Approved

E. CHRISTOPHER ABRUZZO,  
*Acting Chairperson*

[Pa.B. Doc. No. 13-1022. Filed for public inspection May 31, 2013, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Commission Meeting

The Susquehanna River Basin Commission (Commission) will hold its regular business meeting on June 20, 2013, at 1:30 p.m. in the North Office Building, Hearing Room 1 (Ground Level), North Street (at Commonwealth Avenue), Harrisburg, PA 17120. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436.

#### *Opportunity to Appear and Comment*

Interested parties are invited to attend the business meeting and encouraged to review the Commission's Public Meeting Rules of Conduct, which are posted on the Commission's web site at [www.srbc.net](http://www.srbc.net). As identified in the public hearing notice referenced as follows, written comments on the Regulatory Program projects and proposed fee schedule that were the subject of the public hearing, and are listed for action at the business meeting, are subject to a comment deadline of June 3, 2013. Written comments pertaining to any other matters listed for action at the business meeting may be mailed to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391 or submitted electronically through <http://www.srbc.net/pubinfo/publicparticipation.htm>. Comments mailed or electronically sub-

mitted must be received by the Commission on or before June 14, 2013, to be considered.

#### *Supplementary Information*

The business meeting will include actions or presentations on the following items: (1) presentation on upgrades to the Commission's Susquehanna Early Warning System program; (2) election of officers for Fiscal Year (FY) 2014; (3) the proposed Water Resources Program; (4) release for public review and comment of the 2013 update of the Comprehensive Plan for the Water Resources of the Susquehanna River Basin; (5) adoption of FY 2015 budget; (6) amendments to its Regulatory Program Fee Schedule; (7) ratification/approval of contracts and grants; (8) Furman Foods, Inc. and Carrizo (Marcellus), LLC compliance matters; and (9) Regulatory Program projects.

The Regulatory Program projects and the proposed Regulatory Program Fee Schedule listed for Commission action are those that were the subject of a public hearing conducted by the Commission on May 23, 2013, and identified in the notice for the hearing, which was published at 78 FR 24785 (April 26, 2013). Note that the following additional project has been scheduled for rescission action:

- Project Sponsor and Facility: Albemarle Corporation, Borough of Tyrone, Blair County, PA (Docket Nos. 20010203 and 20010203-1).

*Authority:* Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

*Dated:* May 17, 2013.

PAUL O. SWARTZ,  
*Executive Director*

[Pa.B. Doc. No. 13-1023. Filed for public inspection May 31, 2013, 9:00 a.m.]



