

# PENNSYLVANIA BULLETIN

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Department of Banking and Securities

Department of Environmental Protection

Department of Health

Department of Labor and Industry

Department of Public Welfare

Department of Revenue

Department of Transportation

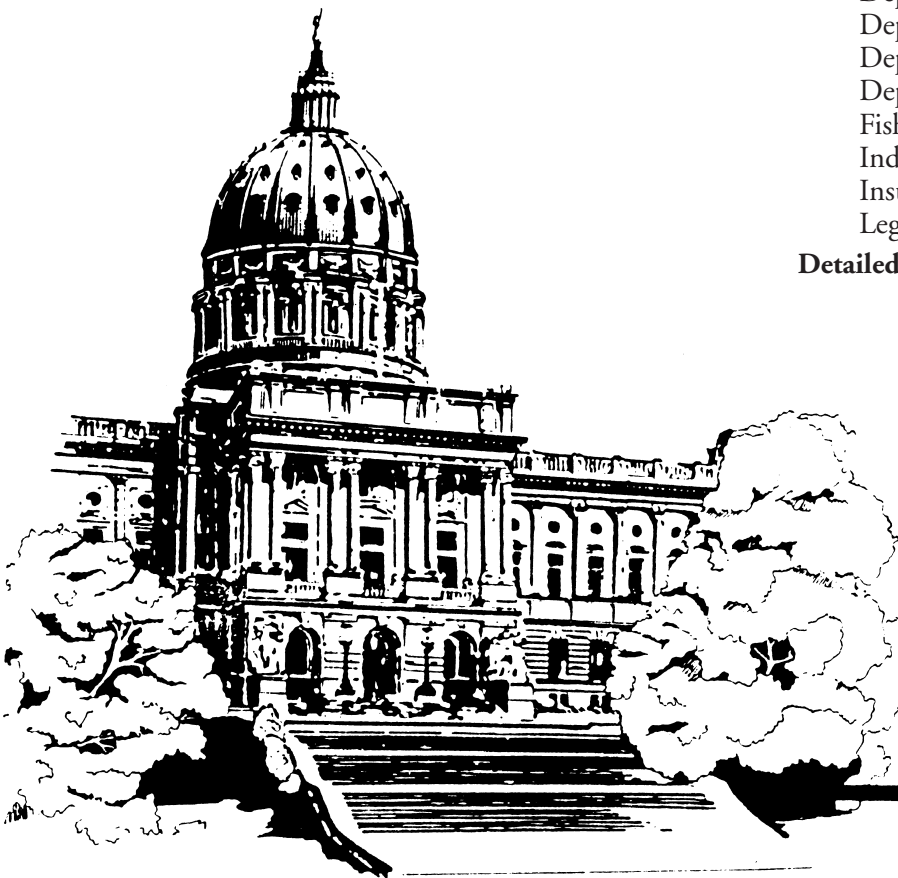
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Independent Regulatory Review Commission

Insurance Department

Legislative Reference Bureau

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 201—RULES OF JUDICIAL ADMINISTRATION

[ 201 PA. CODE CH. 19 ]

**Adoption of Rules 1907.1 and 1907.2 of the Rules of Judicial Administration; No. 408 Judicial Administration Doc.**

### Order

*Per Curiam*

*And Now*, this 28th 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 Rules 1907.1 and 1907.2 of the Pennsylvania Rules of Judicial Administration are adopted in the following form.

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

### Annex A

#### TITLE 201. RULES OF JUDICIAL ADMINISTRATION

#### CHAPTER 19. MISCELLANEOUS ADMINISTRATIVE PROVISIONS

#### CONSTABLES

#### Rule 1907.1. Definitions.

“Constable.” Includes any elected or appointed constable or deputy constable engaged to perform services for any court of the unified judicial system.

**Official Note:** For the statutorily prescribed services constables perform for the unified judicial system, *see, e.g.*, 44 Pa.C.S. §§ 7161 and 7161.1.

#### Rule 1907.2. Policies, procedures and standards of conduct.

(a) The Court Administrator shall establish uniform policies, procedures and standards of conduct for constables who perform services for the courts. These policies, procedures and standards of conduct shall be mandatory for all judicial districts and constables engaged to perform services for any court of the unified judicial system.

(b) The president judge of a judicial district is authorized to enact policies and procedures consistent with those established by the Court Administrator in section (a) as local rules pursuant to Pa.R.J.A. No. 103(c). Any policies and procedures enacted by the president judge of a judicial district that may deviate from the uniform policies, procedures and standards of conduct for constables established by the Court Administrator must be approved by the Court Administrator before promulgation. *See* Pa.R.J.A. No. 505(1).

(c) President Judges are responsible for implementing the provisions set forth in this rule within their respective judicial districts.

### Comment

Constables are independent contractors, belonging analytically to the executive branch of government. *In re Act 147 of 1990*, 528 Pa. 460, 598 A.2d 985 (1991). Constables

are defined as “related staff” under the Judicial Code. *Rosenwald v. Barbieri*, 501 Pa. 563, 462 A.2d 644 (1983). While these Rules are established pursuant to Pa. Const. Art. V, § 10(c), nothing herein, or in any document created under these Rules, shall be construed to alter the status of constables as independent contractors and related staff.

[Pa.B. Doc. No. 13-1070. Filed for public inspection June 14, 2013, 9:00 a.m.]

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

[ 210 PA. CODE CHS. 11, 17 AND 33 ]

**Order Amending Rules 1114, 1702 and 3316 and Adopting New Rules 1704 and 3341 of the Rules of Appellate Procedure; No. 231 Appellate Procedural Rules Doc.**

### Order

*Per Curiam*

*And Now*, this 31st day of May, 2013, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been submitted without publication in the interests of efficient administration:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rules of Appellate Procedure 1114, 1702 and 3316 are amended and that new Rules 1704 and 3341 of the Pennsylvania Rules of Appellate Procedure are adopted, in the following form.

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

### Annex A

#### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE II. APPELLATE PROCEDURE

#### CHAPTER 11. APPEALS FROM COMMONWEALTH COURT AND SUPERIOR COURT

#### PETITION FOR ALLOWANCE OF APPEAL

Rule 1114. [ **Considerations** ] **Standards** Governing Allowance of Appeal.

(a) **General Rule.** Except as prescribed in [ **Rule Pa.R.A.P.** 1101 (appeals as of right from the Commonwealth Court), review of a final order of the Superior Court or the Commonwealth Court is not a matter of right, but of sound judicial discretion, and an appeal will be allowed only when there are special and important reasons therefor.

(b) **Standards.** A petition for allowance of appeal may be granted for any of the following reasons:

(1) the holding of the intermediate appellate court conflicts with another intermediate appellate court opinion;

(2) the holding of the intermediate appellate court conflicts with a holding of the Pennsylvania Supreme Court or the United States Supreme Court on the same legal question;

(3) the question presented is one of first impression;

(4) the question presented is one of such substantial public importance as to require prompt and definitive resolution by the Pennsylvania Supreme Court;

(5) the issue involves the constitutionality of a statute of the Commonwealth;

(6) the intermediate appellate court has so far departed from accepted judicial practices or so abused its discretion as to call for the exercise of the Pennsylvania Supreme Court's supervisory authority; or

(7) the intermediate appellate court has erroneously entered an order quashing or dismissing an appeal.

**Official Note:** [Based in part on U.S. Supreme Court Rule 10. The following, while neither controlling nor fully measuring the discretion of the Supreme Court, indicate the character of the reasons which will be considered:

(1) the holding of the intermediate appellate court conflicts with another intermediate appellate court opinion;

(2) the holding of the intermediate appellate court conflicts with a holding of the Pennsylvania Supreme Court or the United States Supreme Court on the same legal question;

(3) the question presented is one of first impression;

(4) the question presented is of such substantial public importance as to require prompt and definitive resolution by the Pennsylvania Supreme Court;

(5) the issue involves the constitutionality of a statute of this Commonwealth;

(6) the intermediate appellate court has so far departed from accepted judicial practices or so abused its discretion as to call for the exercise of the Pennsylvania Supreme Court's supervisory authority; or

(7) an intermediate appellate court has erroneously entered an order quashing or dismissing an appeal.

Prior to the 2011 amendment to the Official Note to this Rule, the procedural mechanism to seek the Pennsylvania Supreme Court's review of an intermediate appellate court order quashing or dismissing an appeal was by petition for review. See *Vaccone v. Syken*, 587 Pa. 380, 382 n.2, 899 A.2d 1103, 1104 n.2 (2006). The current amendments now provide that such appeals should be pursued by the petition for allowance of appeal process. The 2011 amendment adds Reason (7) to the Official Note,

which provides a basis for seeking review of intermediate appellate court quashals and dismissals through the Chapter 11 petition for allowance of appeal procedure, rather than the Chapter 15 petition for review procedure.]

The petition for allowance of appeal is synonymous with a petition for allocatur.

Pa.R.A.P. 1114(b)(7) supersedes the practice described in *Vaccone v. Syken*, 587 Pa. 380, 384 n.2, 899 A.2d 1103, 1106 n.2 (2006).

## CHAPTER 17. EFFECT OF APPEALS; SUPERSEDEAS AND STAYS

### IN GENERAL

#### Rule 1702. Stay Ancillary to Appeal.

\* \* \* \* \*

(c) *Supreme Court review of appellate court supersedeas and stay determinations.*—No appeal, petition for allowance of appeal or petition for review need be filed in the Supreme Court in connection with a reapplication under Rule 3315 (review of stay orders of appellate courts).

[ (d) *Stay of execution.*—When a trial court enters an order granting or denying a stay of execution in a capital case, such order may be reviewed by the Supreme Court upon application pursuant to Rule 123. No appeal or petition for review need be filed in connection with an application for review of a stay order in a capital case. ]

**Official Note:** Based on former Superior Court Rule 53 and Commonwealth Court Rule 112A, which required the taking of an appeal prior to an application for supersedeas or other interlocutory order. Subdivision (b) is new and is added in recognition of the fact that the drafting of a petition for allowance of appeal or a petition for permission to appeal in the form required by these rules may not be possible prior to the time when an application for *supersedeas* may have to be made in the appellate court in order to avoid substantial harm.

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

#### Rule 1704. Application in a Capital Case for a Stay of Execution or for Review of an Order Granting or Denying a Stay of Execution.

Prior notice of the intent to file an application in a capital case for a stay or review of an order granting or denying a stay of execution shall be provided to the Prothonotary of the Pennsylvania Supreme Court, if prior notice is practicable.

The application for stay or review shall set forth the following:

1. The date the warrant issued; the date and nature of the order that prompted the issuance of the warrant; and the date the execution is scheduled, if a date has been set;

2. Whether any direct or collateral challenges to the underlying conviction are pending, and, if so, in what court(s) or tribunal(s);

3. Whether any other applications for a stay of the pending execution have been filed, and, if so, in what court(s) or tribunal(s), when, and the status of the application(s);

4. The grounds for relief and the showing made to the trial court of entitlement to a stay under 42 Pa.C.S. § 9545(c), if applicable;

5. A statement certifying that emergency action is required and setting forth a description of the emergency.

All dockets, pleadings, and orders that are referred to in 1—5 above must be attached to the application. If any of the information provided in the application changes while the motion is pending, the party seeking the stay or review must file with the Pennsylvania Supreme Court written notice of the change within 24 hours.

No notice of appeal or petition for review needs to be filed in order to file an application under this rule.

### ARTICLE III. MISCELLANEOUS PROVISIONS

#### CHAPTER 33. BUSINESS OF THE SUPREME COURT

##### SUPERSEDEAS AND STAYS

#### Rule 3316. Review of Stay of Execution Orders in Capital Cases.

[ **Wen** ] When a trial court has entered an order granting or denying a stay of execution in a capital case, such order may be reviewed by the Supreme Court in the manner prescribed in [ **Rule 1702(d)** ] **Pa.R.A.P. 1704**.

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

#### PETITIONS FOR CERTIFICATION OF QUESTIONS OF PENNSYLVANIA LAW

#### Rule 3341. Petitions for Certification of Questions of Pennsylvania Law.

(a) *General Rule.*—On the motion of a party or sua sponte, any of the following courts may file a petition for certification with the Prothonotary of the Supreme Court:

- (1) The United States Supreme Court; or
- (2) Any United States Court of Appeals.

(b) *Content of the Petition for Certification.*—A petition for certification need not be set forth in numbered paragraphs in the manner of a pleading, and shall contain the following (which shall, insofar as practicable, be set forth in the order stated):

- (1) A brief statement of the nature and stage of the proceedings in the petitioning court;
- (2) A brief statement of the material facts of the case;
- (3) A statement of the question or questions of Pennsylvania law to be determined;
- (4) A statement of the particular reasons why the Supreme Court should accept certification; and
- (5) A recommendation about which party should be designated Appellant and which Appellee in subsequent pleadings filed with the Supreme Court.

There shall be appended to the petition for certification copies of any papers filed by the parties regarding certification, e.g., a motion for certification, a response thereto, a stipulation of facts, etc.

(c) *Standards.*—The Supreme Court shall not accept certification unless all facts material to the question of law to be determined are undisputed, and the question of

law is one that the petitioning court has not previously decided. The Supreme Court may accept certification of a question of Pennsylvania law only where there are special and important reasons therefor, including, but not limited to, any of the following:

- (1) The question of law is one of first impression and is of such substantial public importance as to require prompt and definitive resolution by the Supreme Court;
- (2) The question of law is one with respect to which there are conflicting decisions in other courts; or
- (3) The question of law concerns an unsettled issue of the constitutionality, construction, or application of a statute of this Commonwealth.

[Pa.B. Doc. No. 13-1071. Filed for public inspection June 14, 2013, 9:00 a.m.]

### PART I. RULES OF APPELLATE PROCEDURE

#### [ 210 PA. CODE CH. 37 ]

#### Amendments to Rules 3702, 3709, 3712, 3714, 3715, 3751 and 3761

The Commonwealth Court on May 14, 2013 unanimously approved the following amendments to Chapter 37 of the Pennsylvania Rules of Appellate Procedure governing Business of the Commonwealth Court.

#### Annex A

#### TITLE 210. APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE III. MISCELLANEOUS PROVISIONS

#### CHAPTER 37. BUSINESS OF THE COMMONWEALTH COURT

#### THE COMMONWEALTH COURT

#### Rule 3702. Office of the Prothonotary.

All business of the Commonwealth Court, except as otherwise provided by law, by these rules or by order of court, shall be administered through the [ **principal** ] Office of the [ **Prothonotary** ] **Chief Clerk** maintained by the court at the seat of government in the City of Harrisburg. All matters within the jurisdiction of the court may be filed in the [ **principal** ] Office of the [ **Prothonotary or in the filing office of the court maintained in the City of Philadelphia for transmission to the principal Office of the Prothonotary** ] **Chief Clerk**. Writs or other process issuing out of the court shall exit [ **only from the principal Office of the Prothonotary** ] **from the Office of the Chief Clerk** and shall be returnable there.

\* \* \* \* \*

#### ORIGINAL MATTERS

#### Rule 3709. Designation of Legal Aid Sources.

Whenever a matter not subject to Chapter 15 (judicial review of governmental determinations) is brought before the Commonwealth Court within its original jurisdiction, the following names and related information shall be included in the notice to defend set forth in the complaint pursuant to [ **Pa.R.Civ.P.** ] **Pa.R.C.P. No. 1018.1:**



[ **Central Pennsylvania Legal Services, Inc.** ]  
**MidPenn Legal Services**  
 [ **213** ] **213-A** North Front Street  
 Harrisburg, Pennsylvania 17101  
 (717) 232-0581

and

[ **Public Services and Lawyers Referral  
 Committee,** ]  
**Dauphin County Lawyer Referral Service**  
 Dauphin County Bar Association  
 213 North Front Street  
 Harrisburg, Pennsylvania 17101  
 (717) 232-7536

\* \* \* \* \*

**LISTING OF CASES FOR ARGUMENT**

Rule 3712. [ **Manner** ] **Method** of Listing of Cases.

Subject to the time limitations and conditions of [ **Rule** ] **Pa.R.A.P.** 3713 (argument *en banc* or before a panel) where applicable:

(1) Each appeal from a court of common pleas, each other matter which under the applicable law is required to be determined by the court upon the record before the government unit below, and each matter subject to [ **Rule** ] **Pa.R.A.P.** 1542 (oral argument and evidentiary hearing) in which no order for an evidentiary hearing has been entered, shall be listed for argument by the [ **Prothonotary** ] **Chief Clerk** on a specified date, of which notice shall be given by the [ **Prothonotary** ] **Chief Clerk** to the parties.

(2) An election case shall be argued before the [ **judge** ] **judges** to whom it is assigned immediately after the record is closed and briefs shall be submitted to the court at or before argument as directed.

(3) An appeal or petition for review (except a matter subject to Paragraphs (1) or (2) of this rule) which under the applicable law may be determined in whole or in part upon the record made before the court, shall be listed for argument by the [ **Prothonotary** ] **Chief Clerk** on a specified date upon order of the judge to whom the case was assigned or upon *praecipe* of either party certifying that it is at issue for argument, and notice shall be given by the [ **Prothonotary** ] **Chief Clerk** to the parties of the date fixed.

(4) A matter, except a matter subject to [ **Rule** ] **Pa.R.A.P.** 1542, commenced in the court within its original jurisdiction when at issue for argument on preliminary matters or after the record has been made shall be listed by the [ **Prothonotary** ] **Chief Clerk** for argument upon the order of the President Judge or the judge before whom the record has been made.

\* \* \* \* \*

**Rule 3714. Listing of Cases and Briefing Schedules.**

(a) *Matters heard solely on certified record.* An appeal from a court of common pleas and each other matter which under the applicable law is required to be determined by the court upon the record before the government unit below shall be eligible for listing for argument after the record has been filed. When all briefs and reproduced records have been filed, the [ **Prothonotary** ] **Chief Clerk** shall list the case for oral argument on a specified date and shall give at least ten days written

notice by first class mail to all parties of the date scheduled for the argument. The Court may direct any matter to be submitted on briefs without oral argument.

(b) *Original jurisdiction matters.* A matter commenced in whole or in part within the original jurisdiction of the court including matters under [ **Rule** ] **Pa.R.A.P.** 1571 (determinations of the Board of Finance and Revenue) when at issue for argument on preliminary matters or after the record has been made shall be listed for oral argument [ **on a specified date with at least 70 days written notice of that date to all parties. In every such case, not more than 30 days after the date of such notice, the moving party shall file 15 copies of his brief with the Prothonotary, and shall concurrently serve upon the responding party one copy of his brief. The responding party, not more than 60 days after the date of such notice, shall file 15 copies of his brief with the Prothonotary, and shall concurrently serve upon the moving party one copy of his brief** ] after the court establishes a briefing schedule.

\* \* \* \* \*

**Rule 3715. Distribution of Briefs.**

The [ **Prothonotary** ] **Chief Clerk** shall distribute to each judge who is to hear an argument, whether *en banc* or before a panel, at least five days before the argument date, copies of all briefs and reproduced records [ **which** ] that have been filed by the parties.

\* \* \* \* \*

**COSTS**

**Rule 3751. Taxation of Costs.**

A party who desires costs to be taxed under [ **Rule** ] **Pa.R.A.P.** 2762(b) (procedure for collection of costs on appeal) shall state them in an itemized and verified bill of costs which such party shall file with the [ **Prothonotary** ] **Chief Clerk** within 14 days after entry of the judgment or other final order.

\* \* \* \* \*

**ENFORCEMENT PROCEEDINGS**

**Rule 3761. Enforcement Proceedings.**

\* \* \* \* \*

(c) *Hearing and Notice.* Upon the filing of a petition to enforce, the court will issue an order setting a date for a hearing and a date by which the respondent must answer the petition. The petitioner shall serve the court's order upon the respondent in the manner prescribed by [ **Rules** ] **Pa.R.A.P.** 121 and 122.

\* \* \* \* \*

*Official Note:* [ **Rule 3761** (relating to enforcement proceedings) has been promulgated by the Commonwealth Court of Pennsylvania pursuant to authority granted to it by Pa.R.A.P. 104. The rule was made necessary by the opinion issued by the Supreme Court of Pennsylvania in *Pennsylvania Human Relations Commission v. School District of Philadelphia*, 732 A.2d 578 (Pa. 1999), in which the Court held that the "rules of appellate procedure, rather than the rules of civil procedure, govern enforcement proceedings in Commonwealth Court.

Prior to the Supreme Court ruling in *PHRC*, Commonwealth Court had treated enforcement pro-

ceedings as matters resting within the Court's original jurisdiction and thereby governed in part by the rules of Appellate Procedure and in part by the Rules of Civil Procedure. In *PHRC*, the Supreme Court made clear that enforcement proceedings are within Commonwealth Court's appellate jurisdiction and that only the Rules of Appellate Procedure apply. The Supreme Court's ruling left a void, however, because the Rules of Appellate Procedure did not prescribe specific procedures governing enforcement proceedings.

Consistent with *PHRC*, therefore, Rule 3761 was adopted to establish a Rule of Appellate Procedure to codify the practice which the Commonwealth Court had theretofore followed in enforcement proceedings when those proceedings were regarded as matters within the Court's original jurisdiction. This special rule governing Commonwealth Court practice adheres to the Supreme Court's opinion in *PHRC* and should prove to be of benefit to both the bench and bar. ]

Pa.R.A.P. 3761 implements *Pennsylvania Human Relations Commission v. School District of Philadelphia*, 557 Pa. 126, 132, 732 A.2d 578, 581 (1999), in which the Court held that "just as enforcement proceedings are not originally commenced in Commonwealth Court, they are also in the appellate, rather than the original, jurisdiction of the court. It then follows that the rules of appellate procedure, rather than the rules of civil procedure, govern enforcement proceedings in Commonwealth Court." This analysis was confirmed in *Department of Environmental Protection v. Township of Cromwell*, 613 Pa. 1, 32 A.3d 639 (2012). Petitions for enforcement are not within any other provisions of the Rules of Appellate Procedure. Thus absent Pa.R.A.P., 3761, there would be no clear method of presenting enforcement actions to the Commonwealth Court.

[Pa.B. Doc. No. 13-1072. Filed for public inspection June 14, 2013, 9:00 a.m.]

## PART II. INTERNAL OPERATING PROCEDURES

### [ 210 PA. CODE CH. 63 ]

#### Amendment of the Internal Operating Procedures of the Supreme Court; No. 409 Judicial Administration Doc.

##### Order

*Per Curiam*

*And Now*, this 31st day of May, 2013, *It Is Ordered* that the Internal Operating Procedures of the Supreme Court are amended as set forth in the following form. The amendments shall be effective immediately.

##### Annex A

#### TITLE 210. APPELLATE PROCEDURE

#### PART II. INTERNAL OPERATING PROCEDURES

#### CHAPTER 63. INTERNAL OPERATING PROCEDURES OF THE SUPREME COURT

##### § 63.6. [ Allocatur ] Allowance of Appeal.

A. [ *Standards*. Petitions for allowance of appeal ("allocatur") may be granted for any of the following reasons:

1. the holding of the intermediate appellate court conflicts with another intermediate appellate court opinion;

2. the holding of the intermediate appellate court conflicts with a holding of this Court or the United States Supreme Court on the same legal question;

3. the question presented is one of first impression;

4. the question presented is one of such substantial public importance as to require prompt and definitive resolution by this Court;

5. the issue involves the constitutionality of a statute of this Commonwealth;

6. the intermediate appellate court has so far departed from accepted judicial practices or so abused its discretion as to call for the exercise of this Court's supervisory authority; or

7. the intermediate appellate court has erroneously entered an order quashing or dismissing an appeal.

B. ] *Assignment*. The Prothonotary shall initially screen [ *allocatur* ] petitions for allowance of appeal for compliance with the applicable appellate rules. Untimely petitions may be refused for filing by the Prothonotary without further action of the Court.

Petitions for allowance of appeal shall be assigned to individual Justices by the Prothonotary on a rotating basis by seniority for preparation of an [ *allocatur* ] allowance of appeal report. Petitions from the same district presenting the same question shall be consolidated; petitions from different districts that present the same question may be consolidated at the discretion of the Court.

[ C. ] B. *Circulation and Disposition*. [ *Allocatur* ] Allowance of appeal reports shall be circulated within ninety (90) days of the receipt of such an assignment. The proposed disposition date shall not be greater than sixty (60) days from the date of circulation. Holds may be placed on [ *allocatur* ] petitions for allowance of appeal only upon written notice to the members of the Court as to the reasons for the hold, e.g., the existence of another petition from another district presenting the same question. No hold may be placed on a petition without the existence of a terminus, e.g., the issuance of an opinion on a petition presenting the same question. Where a hold results from the existence of another petition presenting the same issue, the parties shall be notified of the hold and the case that will determine the issue. A hold for the purpose of preparing a counter-report shall not exceed thirty (30) days; only by vote of the majority may a hold be extended beyond thirty (30) days, but in no event shall a hold for such purpose exceed ninety (90) days.

Notwithstanding any contrary procedures set forth above, [ *allocatur* ] allowance of appeal reports in Children's Fast Track appeals are to be circulated within thirty (30) days of the receipt of the assignment, and the proposed disposition date shall not be greater than thirty (30) days from the date of circulation. A hold for purposes of preparing a counter-report in a Children's Fast Track appeal shall not exceed fifteen (15) days; only by vote of the majority may a hold be extended beyond fifteen (15) days, but in no event shall a hold exceed forty-five (45) days.

Upon the affirmative vote of three or more Justices, [ **allocatur** ] **allowance of appeal** will be granted and the case will be listed for oral argument, unless the order indicates that the matter will be submitted on the briefs. An order granting an [ **allocatur** ] **petition for allowance of appeal** shall specify the issues upon which [ **allocatur** ] **allowance of appeal** was granted.

A per curiam order granting [ **allocatur** ] **allowance of appeal** and reversing an order of the lower court must cite to controlling legal authority or provide a full explanation of the reasons for reversal.

A Justice may request that the order resolving the [ **allocatur** ] **petition for allowance of appeal** record that he or she voted for a different disposition. All orders shall indicate if a Justice did not participate in the consideration or decision of the matter.

[ **D.** ] **C. Reconsideration Applications.**

1. *Assignment.* The Prothonotary shall direct applications for reconsideration to the Justice who authored the [ **allocatur** ] **allowance of appeal** report.

2. *Circulation and Disposition.* The assigned Justice shall circulate to the Court a recommended disposition within fourteen (14) days of the date of the assignment, or within seven (7) days of the date of assignment in Children’s Fast Track appeals. A Justice who disagrees with the recommended disposition shall circulate a counter-recommendation within fourteen (14) days of the

original recommendation, or within seven (7) days of the date of the original recommendation in Children’s Fast Track appeals. A vote of the majority is required to grant reconsideration. In any case in which reconsideration has been denied, a Justice may request that the order record that he or she voted to grant reconsideration. All orders shall indicate if a Justice did not participate in the consideration or decision of the matter.

§ **63.7. Motions, Miscellaneous Petitions, and Applications for Relief.**

A. *Duties of Prothonotary.* All assignments of motions, miscellaneous petitions and applications for relief, including emergency motions and those requesting the exercise of King’s Bench powers, extraordinary jurisdiction and original jurisdiction, shall originate in the Prothonotary’s office. No motions, petitions or applications will be considered which were not first filed in the Prothonotary’s office and thence assigned. Documents may be filed in paper format, or by electronic or facsimile transmission. Once received, motions, petitions and applications will be monitored by the Prothonotary’s office for compliance with applicable appellate rules. Proposed filings that are not in compliance will not be docketed. Proposed filings that are in compliance will be docketed and a response will be allowed. At the expiration of the response period the documents will be forwarded to the Court.

Procedural motions (e.g., requests for extension of time, requests to exceed page limits, and requests to proceed in forma pauperis) may be resolved by the Prothonotary without further action of the Court.

(**Court Note:** Time periods for responses\*)

<i>Filing</i>	<i>Rule</i>	<i>Response Period</i>
Application for Relief (Extensions)	123	14 Days
Jurisdictional Statement	909(b)	14 Days
Petition for [ <b>Allocatur</b> ] <b>Allowance of Appeal</b>	1116	14 Days
Petition for [ <b>Allocatur</b> ] <b>Allowance of Appeal</b> —Children’s Fast Track Cases	1116(b)	10 Days
Reconsideration	1123	No Answer Permitted
Petition for Perm. To Appeal	1314	14 Days
Petition for Review	1516(c)	30 Days
N.B. No Answer Required Unless Petition Contains Notice to Plead		
Application for Release (Bail)	1762	14 Days
Reargument	2545	14 Days
Original Process (e.g., Habeas, Mandamus)	3307	14 Days
Extraordinary Relief	3309	14 Days

\* May be shorter in stay or supersedeas applications when circumstances require, or by court order.)

\* \* \* \* \*

E. *Applications for Stay of Execution in a Capital Case or for Review of an Order Granting or Denying a Stay of Execution.*

1. [ **Contents of application.** The applicant shall set forth the procedural history of the case, certify that the matter involves an emergency, and specify any other applications for stay of execution that have been or will be filed, including those in federal courts. The application shall include any

relevant orders and trial court docket entries. Whenever possible, applicants shall give the Prothonotary advance notice of the anticipated filing of an application for a stay of execution.

2. ] *Assignment.* The application [ **for stay of execution** ] will be assigned to the duty Justice.

[ **3.** ] 2. *Circulation and Disposition.* The assigned Justice shall promptly circulate a proposed disposition and the application shall be resolved according to the vote of the majority.

\* \* \* \* \*



§ 63.8. Certification of Questions of Law.

A. *Court Limitation.* This Court will accept Certification Petitions from the United States Supreme Court or any United States Court of Appeals.

B. [ *Contents of Certification Petition.* A court may file a Certification Petition either on the motion of a party or sua sponte. A Certification Petition shall contain the following:

1. A brief statement of the nature and stage of the proceedings in the petitioning court;
2. A brief statement of the material facts of the case;
3. A statement of the question or questions of Pennsylvania law to be determined;
4. A statement of the particular reasons why this Court should accept certification; and
5. A recommendation as to which party should be designated as the appellant and which should be designated as the appellee in subsequent pleadings filed with this Court.

The petitioning court shall attach to the Certification Petition copies of any papers filed by the parties regarding certification, e.g., a Motion for Certification, a response thereto and a Stipulation of Facts.

C. *Standards for Acceptance.* Acceptance of certification is a matter of judicial discretion. The Court may accept certification of a question of Pennsylvania law only when there are special and important reasons therefore, including, but not limited to, any of the following:

1. The question of law is one of first impression and is of such substantial public importance as to require prompt and definitive resolution by this Court;
2. The question of law is one with respect to which there are conflicting decisions in other courts; or
3. The question of law concerns an unsettled issue of the constitutionality, construction, or application of a statute of this Commonwealth.

The Court shall not accept certification unless all facts material to the question of law to be determined are undisputed, and the question of law is one that the petitioning court has not previously decided.

The Court shall decide whether to accept or decline certification without hearing oral argument.

D. ] *Assignment, Circulation and Disposition.* The Prothonotary shall refer Certification Petitions to the Chief Justice, who will prepare a memorandum setting forth the positions of the parties and a recommended disposition. **Acceptance of certification is a matter of judicial discretion. The Court shall decide whether to accept or decline certification without hearing oral argument.** The recommendation should be circulated within thirty (30) days from the date of assignment, and should contain a proposed disposition date no greater than thirty (30) days from the date of circulation. Every Certification Petition should be decided within sixty (60) days. A vote of the majority is required to implement the proposed disposition. A Justice may request that the order

record that he or she voted for a different disposition. Orders disposing of Certification Petitions shall indicate if a Justice did not participate in the consideration or decision of the matter.

Upon acceptance of certification by the Court, the Prothonotary shall (1) issue an order accepting certification, which shall specify the questions of law for which certification was accepted, and whether the case is to be submitted on the briefs or heard at an argument session; (2) establish a briefing schedule; (3) list the matter for oral argument if oral argument has been granted; and (4) take such further action as the Court directs.

[ E. ] C. *Amicus curiae briefs.* After the Court accepts certification, amicus curiae briefs may be submitted without prior leave of Court. Such briefs shall be filed and served in the manner and within the time directed by the Prothonotary.

[ F. ] D. *Reconsideration Applications.*

\* \* \* \* \*

[Pa.B. Doc. No. 13-1073. Filed for public inspection June 14, 2013, 9:00 a.m.]

## Title 252—ALLEGHENY COUNTY RULES

### ALLEGHENY COUNTY

Civil and Family Rule of the Court of Common Pleas; No. 000001 of 2013 Rules Doc.

#### Amended Order of Court

And Now, to wit, this 28th day of May, 2013, *It Is Hereby Ordered, Adjudged, and Decreed* that Amended Order of Court No. 109 of 2013, dated April 30th, 2013, stating that the amendment of Rule 1301 of the Court of Common Pleas of Allegheny County, Pennsylvania, Civil and Family Division, which was adopted by the unanimous proxy vote of the Board of Judges on April 29th, 2013, shall be effective upon publication on the UJS Web Portal, is *Vacated*.

It is further *Ordered* that the amendment of Rule 1301 of the Court of Common Pleas of Allegheny County, Pennsylvania, Civil and Family Division, which was adopted by the unanimous proxy vote of the Board of Judges on April 29th, 2013, is promulgated and shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 1301 Arbitration Limit

By the Court

DONNA JO McDANIEL,  
President Judge

#### Local Rule 1301. Scope.

(1) The following civil actions shall first be submitted to and heard by a Board of Arbitrators:

(a) Civil actions, proceedings and appeals or issues therein where the demand is for \$35,000 or less (exclusive of interest and costs);

(b) Replevin without bond and replevin with bond once bond has been set by the Court;

(c) Appeals from final judgments of Magisterial District Judges; and

(d) Matters transferred to Compulsory Arbitration by the Court even though the original demand may have exceeded \$35,000.

(2) The following civil actions are not subject to Compulsory Arbitration as set forth, above:

(a) Actions seeking only an accounting;

Note: In an action seeking both money damages and an accounting, a Board of Arbitrators may award money damages but may not order an accounting.

(b) Actions seeking only equitable relief; and

Note: In an action seeking both money damages and equitable relief, a Board of Arbitrators may award money damages but may not order equitable relief.

(c) Actions in which the Commonwealth is a party defendant or an employee of the Commonwealth is a party defendant under the provisions of 42 Pa.C.S., Chapter 85B (relating to actions against Commonwealth parties).

(3) A Board of Arbitrators may not enter an award in favor of any party in excess of \$35,000 (exclusive of interest and costs).

Note: While a Board of Arbitrators may hear a lawsuit in which any party claims an amount in excess of \$35,000, the award of the Board of Arbitrators to any party may not exceed \$35,000 (exclusive of interest and costs). However, with the agreement of all parties, a Board of Arbitrators may award up to the amount agreed upon in excess of \$35,000 if all parties also agree that the arbitration award is final and cannot be appealed to Court.

(4) If a party files a counterclaim or a cross-claim seeking an award in excess of \$35,000 (exclusive of interests and costs), any party may file a petition to transfer the entire case to the General Docket. At the discretion of a judge, such a counterclaim or cross-claim may be severed and transferred to the General Docket.

Effective \_\_\_\_\_

[Pa.B. Doc. No. 13-1074. Filed for public inspection June 14, 2013, 9:00 a.m.]

# Title 255—LOCAL COURT RULES

## MERCER COUNTY

Court of Common Pleas Criminal Division; No. 2 A.D. 2013

### Order

And Now, this 30th day of May, 2013, the court hereby Approves, Adopts and Promulgates Mercer County Local Rule L-527 and Mercer County Local Rule L-571, effective thirty (30) days after the date of publication of these Rules in the *Pennsylvania Bulletin*, pursuant to Rule 103 (c) of the Pennsylvania Rules of Judicial Procedure.

It is also Ordered and Directed the Court Administrator of Mercer County shall file one (1) certified copy of these Rules with the Administrative Office of Pennsylvania

Courts, furnish two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and file one certified copy with the Criminal Procedural Rules Committee.

It is further Ordered and Directed that Local Rules shall be kept continuously available for public inspection and copying in the Office of the Prothonotary of Mercer County. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of the Local Rules. A copy of these Rules shall be published in the *Mercer County Law Journal*.

By the Court

THOMAS R. DOBSON,  
President Judge

### Mercer County Local Rule of Court L-571. Arraignments.

(a) A defendant's arraignment shall take place on Tuesday of the eighth week following defendant's preliminary hearing. If no arraignment court is scheduled for said Tuesday, a defendant's arraignment shall take place on the next scheduled arraignment court.

(b) Notice of arraignment shall be provided to the defendant by the Magisterial District Judge following the preliminary hearing on the form provided in sub-paragraph (e).

(c) The District Attorney of Mercer County shall have available at arraignment ARD application forms for pro se defendants charged with first offense DUI and/or boating DUI's.

(d) The Court Administrator of Mercer County shall provide to each Magisterial District Judge and the District Attorney of Mercer County on or before the last Monday of each calendar year a schedule setting the arraignment dates in accordance with sub-paragraph (a) hereof.

(e) Arraignment Notice Form:

IN THE COURT OF COMMON PLEAS OF MERCER COUNTY, PENNSYLVANIA  
CRIMINAL

COMMONWEALTH OF PENNSYLVANIA :

VS. :

OTN NO.: \_\_\_\_\_

\_\_\_\_\_  
Defendant :

### NOTICE OF ARRAIGNMENT

You are hereby notified that arraignment in the above-captioned matter shall be held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_ m. in Courtroom No. \_\_\_\_ of the Mercer County Courthouse, Mercer, Pennsylvania. This Notice is the only one you will receive.

YOU MUST APPEAR FOR ARRAIGNMENT COURT UNLESS YOU EXECUTE A WRITTEN WAIVER PRIOR TO THE DATE OF ARRAIGNMENT. IF YOU FAIL TO APPEAR OR WAIVE ARRAIGNMENT, A BENCH WARRANT SHALL BE ISSUED FOR YOUR ARREST.

BY THE COURT: \_\_\_\_\_ P.J.

(f) All continuances of arraignment from the date set by the Magisterial District Judge must be approved by the President Judge or most senior judge available should the President Judge not be available.

(g) At arraignment, all defendants charged with DUI shall notify the Court on the record if they appear or in writing if arraignment is waived, whether treatment was recommended as a result of the DUI evaluation and, if so, whether the defendant has commenced said treatment. If the defendant has not, the Court may modify defendant's bail to require defendant successfully complete the recommended treatment in the TASC program.

**Mercer County Local Rule of Court L-527. DUI and CRN Evaluations.**

All defendants charged with at least one count of Driving Under the Influence shall at the time bail is set by the Magisterial District Judge, have D&A and CRN evaluations scheduled and have as a condition of bail a requirement that the defendant attend said evaluations, and if drug and alcohol treatment is recommended, enter into the recommended treatment prior to the date of arraignment and successfully complete the treatment recommended.

[Pa.B. Doc. No. 13-1075. Filed for public inspection June 14, 2013, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

#### [ 58 PA. CODE CH. 65 ]

#### Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) amends 58 Pa. Code Chapter 65 (relating to special fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). This final-form rulemaking modifies and updates the Commission's fishing regulations.

#### A. *Effective Date*

The final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

#### B. *Contact Person*

For further information on the final-form rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

#### C. *Statutory Authority*

The rescission of § 65.10 is published under the statutory authority of section 2102(a) of the code (relating to rules and regulations).

#### D. *Purpose and Background*

The final-form rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the final-form rulemaking is described in more detail under the summary of change.

#### E. *Summary of Change*

As implemented for the 1995 season, the Early Season Trout Stocked Waters Program (Program) was intended to expand angling opportunities through March on a select group of trout stocked lakes and two tail water areas. Under the Program, approximately 30% of the preseason trout allocation is stocked during the late winter (January or February). During March, fishing is allowed under extended season regulations, which permit the harvest of three trout per day. The season closes at midnight on March 31 and the remainder of the preseason allocation is stocked between April 1 and opening day.

Before the implementation of the Program, most of the waters received preseason stocking in early March. These waters required over 40 truck trips to provide a preseason stocking in the short time period between April 1 and opening day. By eliminating the Program, the distribution trips used to stock these waters in April will be better used to stock other waters that require stocking closer to opening day due to trout residency or water quality issues. Furthermore, trout regulations will be simplified by eliminating one special regulation program. The Com-

mission rescinds § 65.10 to read as set forth in the proposed rulemaking published at 42 Pa.B. 7693 (December 22, 2012).

#### F. *Paperwork*

The final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

#### G. *Fiscal Impact*

The final-form rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will not impose new costs on the private sector or the general public.

#### H. *Public Involvement*

Notice of proposed rulemaking was published at 42 Pa.B. 7693. During the public comment period, the Commission received a total of four comments concerning the proposed rescission, two in favor and two opposed. The Commission received two comments opposing the proposed rescission and one comment supporting it after the formal comment period. Copies of the public comments were provided to the Commissioners.

#### *Findings*

The Commission finds that:

(1) Public notice of intention to adopt the 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 promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided and the public comments received were considered.

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

#### *Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 65, are amended by deleting § 65.10 to read as set forth at 42 Pa.B. 7693.

(b) The Executive Director will submit this order and 42 Pa.B. 7693 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and 42 Pa.B. 7693 and deposit them with the Legislative Reference Bureau as required by law.

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

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-239 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 13-1076. Filed for public inspection June 14, 2013, 9:00 a.m.]



# PROPOSED RULEMAKINGS

## FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 75 ]

### Fishing; Endangered Species

The Fish and Boat Commission (Commission) proposes to amend Chapter 75 (relating to endangered species). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments modify and update the Commission’s endangered and threatened species regulations.

*A. Effective Date*

The proposed rulemaking, if approved on final-form rulemaking, will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

*B. Contact Person*

For further information on the proposed rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission’s web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

*C. Statutory Authority*

The proposed amendments to §§ 75.1 and 75.2 (relating to endangered species; and threatened species) are published under the statutory authority of section 2305 of the code (relating to threatened and endangered species).

*D. Purpose and Background*

The specific purpose and background of the proposed rulemaking is described in more detail under the summary of proposal.

*E. Summary of Proposal*

The Eastern Spadefoot (*Scaphiopus holbrookii*) is a small to medium-sized stout-bodied toad (1.7 to 2.2 inches). It is mostly a fossorial (burrowing) creature that comes to the surface to feed during warm, humid conditions. It is known as a sporadic breeder and breeds during major rain storms associated with steep barometric drops. It typically inhabits loose, friable soils where it can use its hind feet for burrowing. In the northeast, Eastern Spadefoot tend to be associated with sandy or loamy soils along the floodplains of streams and rivers and in depressions in agricultural fields (Hulse et al., 2001). These depressions, sometimes quite shallow, may be temporary or permanent and often form ephemeral pools following rains.

The species range from southern New England to the Florida Keys and west to eastern Louisiana, but this Commonwealth forms a break between the New England populations and Maryland (NatureServe, 2010). In this Commonwealth, populations are in the Susquehanna, Delaware and Cumberland Valleys, including occurrences in Adams, Berks, Bucks, Centre, Chester, Clinton, Cumberland, Franklin, Lehigh, Lycoming, Montgomery, Northampton, Northumberland, Union and York Counties.

The Eastern Spadefoot is listed as endangered in Ohio, Connecticut and Rhode Island, threatened in Massachusetts and Species of Concern in Illinois, Indiana and Missouri (Nanjappa and Conrad, 2011). Additionally, NatureServe State rankings list the Eastern Spadefoot as considered “critically imperiled” in Connecticut, Ohio, Rhode Island and West Virginia and “imperiled” in Indiana, Missouri, New York and Massachusetts.

The Eastern Spadefoot was historically distributed in disjunct populations in south-central and central Pennsylvania. Counties of historical occurrence in this Commonwealth include the following (with collection dates): Cumberland (1954); Franklin (1933 and 1937); Northumberland (1938, 1943, and 1985); and Union (1941). The records considered historical were initially documented prior to 1988. Historically documented sites were not considered extirpated until indicated by evidence. Anecdotal observations for the Eastern Spadefoot were recorded in the Delaware Valley from the Philadelphia region north to Monroe County.

More recently, the Eastern Spadefoot was collected in York County in 1989, Berks County in 2003 and Lehigh County in 2003. The Eastern Spadefoot was listed as endangered by the Commission in 2005 due to the absence of observations during the first Pennsylvania Herp Atlas (1995–2001) and only two known breeding areas occur in this Commonwealth. In an attempt to understand the species, a major study investigating the distribution of the Eastern Spadefoot was conducted by East Stroudsburg University and funded by the Commission from 2008–2011. The Eastern Spadefoot was recorded in a total of 15 counties by the study in highly fragmented population centers. The following recent occurrence summary is derived from this work. It is important to note that these sites have been inhabited by the Eastern Spadefoot for an unknown period of time and do not constitute an active expansion of the range of this species but rather an expansion of the knowledge of the distribution. The current distribution of the Eastern Spadefoot in this Commonwealth is likely a relic of what was formerly a much wider range in this Commonwealth evidenced by the highly fragmented manner in which clusters or known sites occur. The following table relates the estimated area of occupancy (actual occupied habitats) in the 15-county Pennsylvania range.

County	Number of Breeding Sites	Estimated Area of Occupancy (ac)	Estimated Area of Occupancy (mi <sup>2</sup> )
Adams	5	172.00	0.27
Berks	8	275.20	0.43
Bucks	4	137.60	0.22
Centre	3	103.20	0.16
Chester	2	68.80	0.11

<i>County</i>	<i>Number of Breeding Sites</i>	<i>Estimated Area of Occupancy (ac)</i>	<i>Estimated Area of Occupancy (mi<sup>2</sup>)</i>
Clinton	4	137.60	0.22
Cumberland	61	2,098.40	3.28
Franklin	29	997.60	1.56
Lehigh	2	68.80	0.11
Lycoming	3	103.20	0.16
Montgomery	4	137.60	0.22
Northampton	4	137.60	0.22
Northumberland	14	481.60	0.75
York	3	103.20	0.16
Union	2	68.80	0.11
<i>Total</i>	148	5,091.20	7.96

The Eastern Spadefoot occurs in broad valleys and the Atlantic Coastal Plain and is threatened by habitat destruction from residential and industrial development. Many known locations exist in areas that receive substantial pressure from these development practices. Habitat alteration and changes in water chemistry from agricultural practices can also impact breeding habitat (Jansen et al., 2001; Wildlife in Connecticut, 1999). The water in which they breed can be temporary pools, which are not necessarily delineated wetlands; thus, wetland regulations cannot be relied upon to provide sufficient protection for the breeding habitat of this species. The level of fragmentation of Eastern Spadefoot habitats is significant both on an individual population level and on a metapopulation level.

Only 12 known breeding sites (8% of 148) have some level of protection: Centre County, 2; Cumberland County, 4; Franklin County, 4; and Berks County, 2. It is important to note that only 2 of 12 ( $\pm 17\%$ ) of protected sites have adequate upland buffers receiving protection. Only 1% of Eastern Spadefoot sites in this Commonwealth can be considered secure from a direct development threat, though other threats (such as drought, disease, poaching or isolation due to fragmentation) may leave these sites vulnerable. Pennsylvania Eastern Spadefoot occur in landscapes heavily disturbed by either urbanization or some types of intensive agriculture (row crops are seemingly compatible as long as breeding pools are not drained). Unfortunately, agricultural easements, a potentially important tool in Eastern Spadefoot conservation, do not factor biological resources.

The Amphibian and Reptile Technical Committee of the Pennsylvania Biological Survey (PABS) reviewed the Heritage rank of the Eastern Spadefoot and recommended it be changed from "critically imperiled" (S1) to "imperiled" (S2) status, rare in this Commonwealth. (State Rank Definitions, 1996). The PABS committee additionally recommended changing the Pennsylvania status to "threatened" based on the supporting data and conclusions of the recent status assessment of the species in this Commonwealth. The PABS definition of a threatened species is a species which was once listed but now cited for delisting (Pennsylvania Biological Survey Suggested Status Definitions, 2005).

After a thorough status assessment was conducted from 2008 to 2011, this species was run through the Commission's amphibian and reptile species documentation and objective listing/delisting criteria and met Threatened Criteria B.1 (Extent of Occurrence is less than 2000

square miles) and B.2 (Area of Occupancy is less than 200 square miles) and three subcriteria under B.2: a) severely fragmented; b) continued decline; and c) extreme in fluctuations.

Enough information is available to make the determination that the Eastern Spadefoot no longer meets Endangered criteria; however, it clearly meets two Threatened species criteria. The Eastern Spadefoot faces considerable threats and is relatively rare in this Commonwealth; therefore, it continues to warrant protection. As two Threatened species criteria have been met, the Commission believes that this justifies removing the Eastern Spadefoot from the Commonwealth's list of Endangered species and adding the Eastern Spadefoot to the list of Threatened species. The Commission therefore proposes to amend §§ 75.1 and 75.2 to read as set forth in Annex A.

#### F. Paperwork

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

#### G. Fiscal Impact

The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will not impose new costs on the private sector or the general public.

#### H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** 48A-245. No fiscal impact; (8) recommends adoption.



Annex A
TITLE 58. RECREATION
PART II. FISH AND BOAT COMMISSION
Subpart B. FISHING
CHAPTER 75. ENDANGERED SPECIES

§ 75.1. Endangered species.

\* \* \* \* \*

(c) Reptiles and amphibians. The following species are endangered:

\* \* \* \* \*

(7) [ Eastern Spadefoot Toad, Scaphiopus holbrookii.

(8) ] Rough Green Snake, Opheodrys aestivus.

[ (9) ] (8) Northern Cricket Frog, Acris crepitans.

[ (10) ] (9) Blue-spotted Salamander, Ambystoma laterale.

[ (11) ] (10) Eastern Mud Turtle, Kinosternon subrubrum subrubrum.

\* \* \* \* \*

§ 75.2. Threatened species.

\* \* \* \* \*

(c) Amphibians and reptiles. The following species are threatened:

\* \* \* \* \*

(2) Eastern Redbelly Turtle, Pseudemys rubriventris.

(3) Eastern Spadefoot Toad, Scaphiopus holbrookii.

(d) Invertebrates. The following species are threatened:

\* \* \* \* \*

[Pa.B. Doc. No. 13-1077. Filed for public inspection June 14, 2013, 9:00 a.m.]

[ 58 PA. CODE CH. 63 ]
Fishing; General Fishing Regulations

The Fish and Boat Commission (Commission) proposes to amend Chapter 63 (relating to general fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments modify and update the Commission's fishing regulations.

A. Effective Date

The proposed rulemaking, if approved on final-form rulemaking, will go into effect upon final-form publication in the Pennsylvania Bulletin.

B. Contact Person

For further information on the proposed rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. Statutory Authority

The proposed amendment to § 63.50 (relating to importation of tautog) is published under the statutory author-

ity of section 2102(c) of the code (relating to rules and regulations). Proposed § 63.56 (relating to replacement costs for fish killed) is published under the statutory authority of section 923(c.1) of the code (relating to classification of offenses and penalties).

D. Purpose and Background

The proposed rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the proposed rulemaking is described in more detail under the summary of proposals.

E. Summary of Proposals

At its July 2007 meeting, the Commission approved a 14-inch minimum size limit on tautog (Tautoga onitis) imported into this Commonwealth. Tautog is a marine fish common on hard bottom from Cape Cod, Massachusetts to Delaware. The Commission promulgated the regulation in 2007 because tautog were being harvested illegally on the Atlantic Coast and being sold in the live fish markets in Philadelphia. The New Jersey Division of Fish and Wildlife asked the Commission to implement a 14-inch minimum size limit on tautog that are imported into the Commonwealth to address the black market sale of sublegal fish.

Recently, the New Jersey Division of Fish and Wildlife raised its size limit to 15 inches. Accordingly, that New Jersey Division of Fish and Wildlife requested that the Commission raise its importation size limit to 15 inches. Coastwide, commercial and recreational size limits are currently either 15 or 16 inches. By raising the Commission's importation size limit to 15 inches rather than 16 inches, the Commission maintains consistency with New Jersey, its closest neighbor to the Atlantic Ocean. A size limit of 16 inches would render it illegal for tautog legally caught in New Jersey with a 15-inch size limit to be imported to the Commonwealth. The Commission therefore proposes that § 63.50 be amended to read as set forth in Annex A.

The act of October 24, 2012 (P.L. 1323, No. 167) amended section 923 of the code to add subsection (c.1). This subsection provides that in addition to other penalties in section 923 of the code, a person convicted of or acknowledging guilt of violating section 2109 or 2110 of the code (relating to serious unlawful take; and taking or possessing by illegal methods) will be assessed the costs incurred by the Commission for the replacement of the species involved in the violation in an amount determined by Commission regulation consistent with the values established by the American Fisheries Society (AFS) or other recognized professional fisheries organization. Replacement costs may only be assessed for violations relating to Federally listed threatened or endangered species and other species of fish designated by the Commission.

When determining the replacement costs for game fish, the Commission consulted guidelines established by AFS, specifically, Southwick, R. I. and A. J. Loftus, ed. (2003). "Investigation and monetary values of fish and freshwater mussel kills." American Fisheries Society Special Publication 30. The Commission updated AFS's 2003 values to 2012 values using the United States Department of Labor, Bureau of Labor Statistics CPI Inflation Calculator at http://www.bls.gov/data/inflation\_calculator.htm. Costs were averaged for the various size groups. The Commission has been relying on AFS values for establishing replacement costs in pollution cases for over 20 years.

AFS has not established values for herptiles and, to the Commission's knowledge, no other recognized professional

fisheries organization has done so. However, it is standard practice for state resource agencies, including the Commission, to look to the commercial market when determining replacement costs for reptiles and amphibians in pollution and poaching cases. The Commission last updated its list of commercial values for herptiles in 2010 and therefore relied on those market values when establishing their replacement costs. Specifically, the median cost of each species from commercial vendors was identified on the Internet using values for adults to simplify the process. The herptiles selected represent the animals that are most targeted in poaching cases and that have relatively high commercial values. The Commission has been relying on commercial values to establish replacement costs for reptiles and amphibians for the last 15 years.

With regard to Federally listed species, the Commission determined that the bog turtle is the species most targeted in poaching cases. Its replacement cost was determined in the same manner as the other herptiles, that is, by determining its commercial value on the Internet.

The Commission proposes that § 63.56 be added to read as set forth in Annex A.

#### F. Paperwork

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

#### G. Fiscal Impact

The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will not impose new costs on the private sector or the general public. New costs to the private sector or the public are the result of section 923(c.1) of the code, which imposes the additional penalties for fish killed in violation of sections 2109 and 2110 of the code.

#### H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** 48A-244. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 58. RECREATION

#### PART II. FISH AND BOAT COMMISSION

#### Subpart B. FISHING

#### CHAPTER 63. GENERAL FISHING REGULATIONS

#### § 63.50. Importation of tautog.

It is unlawful for a person to import into this Commonwealth, sell, offer for sale or purchase tautog (*Tautoga onitis*) measuring less than [ 14 ] 15 inches in length.

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

#### § 63.56. Replacement costs for fish killed.

(a) Under section 923(c.1) of the code (relating to classification of offenses and penalties), the Commission established the following replacement costs in 2012 dollars for fish killed in violation of sections 2109 and 2110 of the code (relating to serious unlawful take; and taking or possessing by illegal methods):

##### (1) *Game fish.*

- (i) Trout, 14 to 20 inches, \$14.
- (ii) Trout, 21 to 30 inches, \$53.
- (iii) Trout, greater than 30 inches, \$106.
- (iv) Black bass (largemouth, smallmouth and spotted), 15 to 21 inches, \$19.
- (v) Black bass (largemouth, smallmouth and spotted), greater than 21 inches, \$36.
- (vi) Striped bass and hybrids, 15 to 27 inches, \$78.
- (vii) Striped bass and hybrids, 28 to 39 inches, \$360.
- (viii) Striped bass and hybrids, greater than 39 inches, \$693.
- (ix) Walleye/Sauger, 15 to 18 inches, \$17.
- (x) Walleye/Sauger, 19 to 23 inches, \$48.
- (xi) Walleye/Sauger, 24 to 28 inches, \$74.
- (xii) Walleye/Sauger, greater than 28 inches, \$149.
- (xiii) Northern pike, 24 to 28 inches, \$71.
- (xiv) Northern pike, greater than 28 inches, \$143.
- (xv) Muskellunge and hybrids, 30 to 40 inches, \$188.
- (xvi) Muskellunge and hybrids, 41 to 50 inches, \$442.
- (xvii) Muskellunge and hybrids, greater than 50 inches, \$693.

##### (2) *Reptiles and amphibians.*

- (i) Wood turtle, \$300.
- (ii) Spotted turtle, \$225.
- (iii) Eastern box turtle, \$80.
- (iv) Snapping turtle, \$160.
- (v) Timber rattlesnake, \$188.
- (vi) Copperhead, \$40.
- (vii) Spotted salamander, \$30.
- (viii) Marble salamander, \$30.
- (ix) Northern spring salamander, \$51.
- (x) Blanding's turtle, \$275.
- (xi) Eastern spiny softshell, \$40.
- (xii) Eastern hognose snake, \$88.

##### (3) *Federally listed threatened and endangered species.*

Bog turtle, \$1,200.

(b) The replacement costs in subsection (a) will be adjusted annually for inflation in accordance with the Consumer Price Index.

[Pa.B. Doc. No. 13-1078. Filed for public inspection June 14, 2013, 9:00 a.m.]

[ 58 PA. CODE CH. 61 ]

**Fishing; Seasons, Sizes and Creel Limits**

The Fish and Boat Commission (Commission) proposes to amend Chapter 61 (relating to seasons, sizes and creel limits). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendment modifies and updates the Commission’s fishing regulations.

*A. Effective Date*

The proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2014.

*B. Contact Person*

For further information on the proposed rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission’s web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

*C. Statutory Authority*

The proposed amendment to § 61.2 (relating to Delaware River, West Branch Delaware River and River Estuary) is published under the statutory authority of section 2102(b) of the code (relating to rules and regulations).

*D. Purpose and Background*

The proposed rulemaking is designed to improve, enhance and update the Commission’s fishing regulations. The specific purpose of the proposed rulemaking is described in more detail under the summary of proposal.

*E. Summary of Proposal*

In 2007, the Atlantic States Marine Fisheries Commission’s Shad and River Herring Technical Committee and American Shad Stock Assessment Subcommittee developed a coastwide stock assessment that indicated that adult American shad stocks in the Delaware River have been declining since 1994. In response, in January 2010, the Commission reduced the daily creel limit of American shad from six to three fish in cooperation and coordination with the other boundary states (New Jersey, New York and Delaware).

The freshwater and marine bureaus of the New Jersey Division of Fish and Wildlife have jurisdiction over different parts of the river. The Bureau of Freshwater Fisheries has jurisdiction over the waters of the Delaware River upstream of the Commodore Barry Bridge. The Bureau of Marine Fisheries has jurisdiction over waters downstream of this bridge. The Bureau of Freshwater Fisheries adopted the three fish limit in 2010. Although the Bureau of Marine Fisheries also had been working on a three fish creel limit for 2010, marine regulations in New Jersey are approved by both the New Jersey Marine Council and the New Jersey Department of Environmental Protection. This prolongs the process for regulatory changes in the marine waters of New Jersey.

To be consistent with New Jersey, the Commission adopted the three fish limit for the Delaware River from the New York/Pennsylvania state line downstream to the Commodore Barry Bridge in 2010. The creel limit remained at six fish in the 2.9-mile section of the river between the bridge and the Pennsylvania/Delaware state line. When the three fish limit was approved by the Commission, the Commission acknowledged that the daily limit would remain at six fish in this section until the

New Jersey Marine Council effectuated a change to three fish. The Commission indicated that it would then seek public comment on an amendment that would reduce the creel limit of the lower section to three fish.

In December 2012, the New Jersey Marine Council and the New Jersey Department of Environmental Protection acted to reduce the creel limit of American shad in the marine waters of New Jersey (including the portion of the Delaware River downstream of the Commodore Barry Bridge) from six to three fish. To coordinate the Commonwealth’s regulation with New Jersey, the Commission proposes to extend the three fish limit to the entire river, including the 2.9-mile section from the Commodore Barry Bridge downstream to the Pennsylvania/Delaware state line. The Commission therefore proposes that § 61.2 be amended to read as set forth in Annex A.

*F. Paperwork*

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

*G. Fiscal Impact*

The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will not impose new costs on the private sector or the general public.

*H. Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/reg](http://www.fishandboat.com/reg) comments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** 48A-243. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart B. FISHING**

**CHAPTER 61. SEASONS, SIZES AND CREEL LIMITS**

**§ 61.2. Delaware River, West Branch Delaware River and River Estuary.**

\* \* \* \* \*

(d) The following seasons, sizes and creel limits apply to the Delaware River, West Branch Delaware River and Delaware River tributaries, from the mouths of the tributaries upstream to the limit of the tidal influence and the Lehigh River from its mouth upstream to the first dam in Easton, Pennsylvania:



SPECIES	SEASONS	MINIMUM SIZE					DAILY LIMIT
		*	*	*	*	*	
AMERICAN SHAD	Open year-round			No minimum			<b>[From Pennsylvania line upstream to the Commodore Barry Bridge: 6 From the Commodore Barry Bridge upstream:] 3</b>
		*	*	*	*	*	

[Pa.B. Doc. No. 13-1079. Filed for public inspection June 14, 2013, 9:00 a.m.]

**[ 58 PA. CODE CHS. 53, 101 AND 105 ]**  
**General Provisions and Boating**

The Fish and Boat Commission (Commission) proposes to amend Chapters 53, 101 and 105 (relating to Commission property; boating accidents; and operational conditions). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments modify and update the Commission’s property and boating regulations.

*A. Effective Date*

The proposed amendments to §§ 53.8, 101.6 and 105.3 (relating to boats; investigation reports by Commission officers; and unacceptable boating practices) and the proposed rescission of § 101.8 (relating to duties of operators involved in boating accidents), if approved on final-form rulemaking, will go into effect on January 1, 2014.

*B. Contact Person*

For further information on the proposed rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission’s web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

*C. Statutory Authority*

The proposed amendment to § 53.8 is published under the statutory authority of section 741 of the code (relating to control of property). The proposed amendments to §§ 101.6 and 105.3 and the proposed rescission of § 101.8 are published under the statutory authority of section 5123 of the code (relating to general boating regulations).

*D. Purpose and Background*

The proposed rulemaking is designed to improve, enhance and update the Commission’s property and boating regulations. The specific purpose of the proposed rulemaking is described in more detail under the summary of proposal. On February 7, 2013, the Boating Advisory Board considered these proposals and recommended that the Commission approve the publication of this proposed rulemaking.

*E. Summary of Proposals*

(1) Effective January 1, 2007, the Commission established a Regional Opening Day of Trout Season Program which allows the Executive Director, with approval of the Commission, to designate waters in certain regions of the

Commonwealth to open for trout fishing beginning the first Saturday after March 28. In 2013, the regional opening day for trout season was March 30 for designated waters in the 18-county southeastern region while the rest of this Commonwealth opened April 13. Recently, the Commission proposed eliminating its Early Season Trout Stocked Waters Program and moved waters in that program to the Approved Trout Waters Open to Year-Round Fishing Program to allow angling to occur from March 1 through the opening day of trout season and increase recreational angling opportunities on these waters.

Section 53.8 permits the overnight mooring of boats at designated mooring areas from April 1 to November 30. This regulation prohibits trout anglers and others using boats from mooring their boats on Commission property for the early regional opening day of trout season or to take advantage of the year-round fishing designation during winter and early spring.

The Commission proposes that § 53.8 be amended to allow for mooring of boats on Commission property at the beginning of March to increase fishing and boating opportunities and encourage greater participation in the two regulatory fishing programs. The Commission proposes that § 53.8 be amended to read as set forth in Annex A.

(2) In accordance with § 101.6(a), Commission officers conduct an investigation when a recreational boating accident occurs involving loss of life, disappearance, medical treatment given beyond first aid or in other circumstances the Commission deems appropriate. A boating accident investigation report is completed for each boating accident investigated and is submitted by the Bureau of Law Enforcement to the Boating Accident Review Officer within the Bureau of Boating and Outreach.

Written reports are required to be submitted by operators or owners involved in recreational boating accidents when one or more of the following conditions exist: a person dies; a person is injured and requires medical treatment beyond first aid; damage to the vessels and other property totals \$2,000 or more or there is complete loss of a vessel; or a person disappears from the boat under circumstances that indicate death or injury is likely. Owner/operator-submitted accident reports are submitted on Form PFBC 260 directly to the Boating Accident Review Officer and are for statistical purposes only. These reports are for the information of the Commission, maintained as confidential and not releasable to the public.

Section 101.6(b) currently states that Commission personnel will complete a boating accident investigation report without referring to the boating accident report (PFBC 260) submitted by the owner or operator of the boat. However, there are limited occasions when an investigating officer may need to reference information in the operator-submitted form (PFBC 260). These limited references by the officer are meant to assist with the completion of the investigation, not to supplant a step in the investigation process or supplement information gained in the investigative process. The Commission proposes to delete § 101.6(b) to read as set forth in Annex A.

(3) The act of November 1, 2012 (P. L. 1716, No. 211) (Act 211) updated the code. In particular, section 5507 of the code (relating to duties of operators involved in boating accidents) was added to be consistent with requirements and penalties for operators involved in motor vehicle accidents in 75 Pa.C.S. (relating to Vehicle Code).

Section 101.8 currently details the duties of operators involved in boating accidents. A violation of this section is a summary of the second degree. Act 211 increased the grading of the violation to a misdemeanor of the first degree and if a victim of an accident dies the violator commits a felony of the third degree. Since the duties detailed in § 101.8 are now law, and to bring the penalties in the Commission’s regulations into conformance, the Commission proposes that § 101.8 be deleted in its entirety.

(4) In 2009, the Commission amended its regulations to prohibit passengers from riding outside the normal passenger carrying area of pontoon boats when the boat is travelling at any speed. Tragic boat accidents proved that riding outside of the passenger carrying area on a pontoon boat at any speed was an unsafe practice because the passenger can very easily fall overboard and will most likely be struck by the boat’s propeller.

Waterways conservation officers encounter as many, if not more, boats travelling at high speeds with persons, most frequently children, riding on closed bow decking with ornamental railings or railings intended for use during docking, mooring or rafting. These railings are not intended to protect a passenger from falling overboard; however, there are not regulations to prohibit passengers from riding in this area of the boat at high speeds. Although, fortunately, the Commission has not had to investigate accidents of this nature, the Commission intends to take a proactive approach to prohibiting this activity before a tragedy occurs. In an effort to simplify and clarify unacceptable boating practices, the Commission proposes to amend § 105.3 to read as set forth in Annex A.

F. Paperwork

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions and will not impose new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commis-

sion, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** 48A-242. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 53. COMMISSION PROPERTY

§ 53.8. Boats.

\* \* \* \* \*

(b) Overnight mooring of boats is permitted at designated mooring areas from [ **April 1** ] **March 1** to November 30. A boat utilizing mooring areas shall be registered and display the official registration number and current validation stickers described under Subpart C (relating to boating) and Part III of the code (relating to boats and boating). The mooring is at the sole risk of the owner.

\* \* \* \* \*

Subpart C. BOATING

CHAPTER 101. BOATING ACCIDENTS

§ 101.6. Investigation reports by Commission officers.

\* \* \* \* \*

(b) [ **A boating accident investigation report will be completed without referring to the boating accident report submitted by the owner or operator of the boat.**

(c) ] Under section 324 of the code (relating to Commission records), boating accident investigation reports are not considered public records and they will not be released except for the following:

\* \* \* \* \*

§ 101.8. [ **Duties of operators involved in boating accidents** ] (Reserved).

[ (a) **General rule.** The operator of a watercraft involved in an accident shall immediately stop the watercraft at the scene of the accident or as close thereto as possible. Every stop shall be made without obstructing the safe navigation of other watercraft more than is necessary.

(b) **Duty to give information.** The operator of a watercraft involved in an accident resulting in injury to or death of a person or damage to property shall give his name, address and the registration number of his watercraft to:

- (1) An officer authorized to enforce this title.

(2) The operator or occupants of any other watercraft involved in the accident.

(3) A person who owns or is in control of any property damaged in the accident.

(c) *Duty to render aid.* The operator of a watercraft involved in an accident involving injury or death shall render reasonable assistance to a person injured in the accident if the operator can reasonably do so without endangering persons or property.

(d) *Duty to remain at or near scene.* The operator of a watercraft involved in a watercraft accident involving injury to or death of a person other than the operator or a passenger of the operator's watercraft or damage to property other than the operator's watercraft or other property contained therein shall remain at or near the scene of the accident until he has fulfilled the duties described in subsection (b) if the operator can reasonably do so without obstructing navigation of other watercraft or endangering persons or property. When circumstances make it clearly impractical to remain at or near the scene of the accident on the water, the operator may fulfill the requirements of this subsection by going to shore at a location near the scene of the accident.

(e) *Purpose.* This section is designated as a regulation for the protection of the health and safety of persons under section 5123(a)(1) of the Code (relating to general boating regulations). ]

CHAPTER 105. OPERATIONAL CONDITIONS

§ 105.3. Unacceptable boating practices.

It is unlawful to:

(1) Operate a motorboat [ not equipped with railings or other safeguards ] at greater than [ a ] slow, no wake speed with a person riding outside the passenger carrying area or while a person is riding on bow decking, gunwales, transom or motor cover. It is not a violation of this paragraph to ride on the motor cover of an inboard motorboat while underway at that speed if the motor cover is designed by the manufacturer for the operator or a passenger to ride on it. **For the purposes of this paragraph, the passenger carrying area is defined as the space intended by the manufacturer for persons to sit or stand while the boat is underway. This prohibition does not apply when the operator of the boat is docking, mooring, anchoring or rafting the boat.**

\* \* \* \* \*

(9) Operate a pontoon boat while a person is riding outside the passenger carrying area. [ **The** ] **For the purposes of this paragraph, the passenger carrying area is defined by continuous railings or enclosed spaces intended for persons to use while the pontoon boat is underway. This prohibition does not apply when the operator of the boat is docking, mooring, anchoring or rafting the pontoon boat.**

\* \* \* \* \*

[Pa.B. Doc. No. 13-1080. Filed for public inspection June 14, 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 June 4, 2013.

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

### BANKING INSTITUTIONS

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-16-2013	PeoplesBank, A Codorus Valley Company York York County	118 Carlisle Street Hanover York County	Opened
5-29-2013	Merchants Bank of Bangor Bangor Northampton County	2 West Broad Street Bethlehem Northampton County	Approved

##### Branch Consolidations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-29-2013	First Priority Bank Malvern Chester County	<i>Into:</i> 1310 Broadcasting Road Wyomissing Berks County  <i>From:</i> 1200 Broadcasting Road Wyomissing Berks County	Approved

##### Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
6-4-2013	Atlantic Central Bankers Bank Camp Hill Cumberland County  Amendment to Article First of the institution's Articles of Incorporation provides for a change of name to Atlantic Community Bankers Bank.	Filed

### SAVINGS INSTITUTIONS

No activity.

### CREDIT UNIONS

No activity.

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

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 13-1081. Filed for public inspection June 14, 2013, 9:00 a.m.]

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of July 2013

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of July, 2013, is 5%.

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

which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 2.59 to which was added 2.50 percentage points for a total of 5.09 that by law is rounded off to the nearest quarter at 5%.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 13-1082. Filed for public inspection June 14, 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
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

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0261050 (Sew)	Quail Creek Homeowners Association 2838 Kissel Hill Road Lititz, PA 17543	Lancaster County Rapho Township	UNT to Chickies Creek / 7-G	Y
PAS803501 (Stormwater)	Susquehanna Area Regional Airport Authority One Terminal Drive, Suite 300 Middletown, PA 17057	Dauphin County Lower Swatara Township	Susquehanna River / 7-C	Y
PA0247197 (IW)	City of Lancaster 120 North Duke Street Lancaster, PA 17608-1599	Lancaster County Lancaster City	Conestoga River / 7-J	Y
PA0111422 (Sew)	Thompsontown Municipal Authority 281 South Mill Street PO Box 154 Thompsontown, PA 17094-0154	Juniata County Delaware Township	Delaware Creek / 12-B	Y
PA0086860 (Sew)	Springfield Township PO Box 75 Seven Valleys, PA 17360	York County Springfield Township	UNT to East Branch Codus Creek / 7-H	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N
PA0218006 Sewage	Conemaugh Twp Muni Water & Sew Auth 710 First St T-510 Saltsburg, PA 15681-8023	Indiana County Conemaugh Twp	Blacklegs Creek	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?
PA0044016 (Concentrated Aquatic Animal Production Facility)	Linesville Fish Culture Station 13300 Hartstown Road Linesville, PA 16424	Crawford County Pine Township	Shenango River (Pymatuning Reservoir) (20-A)	Y
PA0033073 (Sewage)	PA DOT Rest Area 26 I-80 Westbound Reynoldsville, PA 15851	Jefferson County Washington Township	Fivemile Run (17-C)	Y
PA0238911 (IW)	Titusville Dairy Products 217 South Washington Street Titusville, PA 16354-0186	Crawford County Titusville City	Oil Creek and Unnamed Tributary to Oil Creek (16-E)	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*

**PA0020460**, Sewage, SIC Code 4952, **Pennridge Wastewater Treatment Authority**, PO Box 31, Sellersville, PA 18960. Facility Name: Pennridge WWTP. This existing facility is located in West Rockhill Township, **Bucks County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage from Pennridge WWTP located at 180 Maple Avenue, Sellersville, PA 18960.

The receiving stream(s), East Branch Perkiomen Creek, is located in State Water Plan watershed 3-E and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The nearest public water supply intake is for Aqua PA—Perkiomen Creek Intake.

The proposed effluent limits for Outfall 001 are based on a design flow of 4.325 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>	Report	XXX	XXX	Report	XXX	XXX
Influent	Report	XXX	XXX	Report	XXX	XXX
May 1 - Oct 31	541	830	XXX	15	23	30
Nov 1 - Apr 30	900	1,440	XXX	25	40	50
BOD <sub>5</sub>	Report	XXX	XXX	Report	XXX	XXX
Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	Report	XXX	XXX	Report	XXX	XXX
Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	721	1,082	XXX	20	30	40
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1000
UV Transmittance (%)	XXX	XXX	Report	Geo Mean XXX	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
May 1 - Oct 31	108	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	325	XXX	XXX	9.0	XXX	18.0
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
May 1 - Oct 31	54	XXX	XXX	1.5	XXX	3.0
Nov 1 - Apr 30	72	XXX	XXX	2.0	XXX	4.0
Total Copper	XXX	XXX	XXX	Report	XXX	XXX
Hardness, Total (as CaCO <sub>3</sub> )	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0.000000 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily</i>		<i>Daily</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Dissolved Iron	XXX	XXX	XXX	Report	XXX	XXX

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

- No Stormwater in Sewers
- Obtain Necessary Property Rights
- Proper Sludge Disposal
- Chlorine Minimization
- Small Stream Discharge
- Notification of Responsible Owner
- O&M Plan
- Fecal Limits
- eDMR Requirements
- Pretreatment Program

- Whole Effluent Toxicity Monitoring
- Copper/Water Effects Ratio

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.

**PA0030848**, Sewage, SIC Code 8211, **Unionville Chadds Ford School District**, 740 Unionville Road, Kennett Square, PA 19348. Facility Name: Chadds Ford Elementary School STP. This existing facility is located in 3 Baltimore Pike, Chadds Ford, PA 19317, Pennsbury 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), Ring Run, is located in State Water Plan watershed 3-H and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0063 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	3.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.2
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	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. Total Residual Chlorine Requirement
- F. Notification of Designation of Operator
- G. Remedial Measures if Unsatisfactory Effluent
- H. Small Stream Discharge
- I. Change of Ownership
- J. 2/Month Sampling
- K. I-max Requirements
- L. Fecal Coliform I-max Reporting
- M. Laboratory Certification

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

The EPA Waiver is not in effect.

**PA0244601**, SIC Code 4953, **Pottstown Industrial Investments LLC**, 1751 Easton Road, Willow Grove, PA 19090. Facility Name: Flag Brass Landfill. This proposed facility is located in West Pottsgrove Township, **Montgomery County**.

Description of Proposed Activity: The application is for a new NPDES permit for a discharge of landfill leachate and storm water.

The receiving stream(s), Schuylkill River, is located in State Water Plan watershed 3-D and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0225 MGD.



Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Chemical Oxygen Demand	XXX	XXX	XXX	25	40	50
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Total Dissolved Solids	XXX	XXX	XXX	1,000	2,000	2500
Oil and Grease	XXX	XXX	XXX	10	XXX	20
Ammonia-Nitrogen	XXX	XXX	XXX	5	XXX	10
Total Arsenic	XXX	XXX	XXX	0.02	0.04	0.05
Total Cadmium	XXX	XXX	XXX	0.02	0.04	0.05
Total Chromium	XXX	XXX	XXX	0.05	0.10	0.12
Total Copper	XXX	XXX	XXX	0.05	0.10	0.12
Free Available Cyanide	XXX	XXX	XXX	0.01	0.02	0.025
Dissolved Iron	XXX	XXX	XXX	Report	7.0 Max	XXX
Total Lead	XXX	XXX	XXX	0.01	0.02	0.025
Total Mercury	XXX	XXX	XXX	0.002	0.005	0.005
Total Nickel	XXX	XXX	XXX	0.01	0.02	0.025
Total Silver	XXX	XXX	XXX	0.01	0.02	0.025
Total Zinc	XXX	XXX	XXX	0.3	0.6	0.75

The proposed effluent limits for Outfall 002 for storm water.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Arsenic	XXX	XXX	XXX	XXX	Report	XXX
Total Cadmium	XXX	XXX	XXX	XXX	Report	XXX
Total Chromium	XXX	XXX	XXX	XXX	Report	XXX
Total Cyanide	XXX	XXX	XXX	XXX	Report	XXX
Total Lead	XXX	XXX	XXX	XXX	Report	XXX
Total Mercury	XXX	XXX	XXX	XXX	Report	XXX
Total Nickel	XXX	XXX	XXX	XXX	Report	XXX
Total Silver	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX

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

- Storm water Requirement
- Test Methods

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

The EPA Waiver is in effect.

**PA0011011**, Industrial Waste, SIC Code 3317, **Plymouth Tube Company**, 29W150 Warrenville Road, Warrenville, IL 60555. Facility Name: Plymouth Tube Company. This existing facility is located in Horsham Township, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated groundwater. This groundwater remediation action is related to the former manufacturing of iron and steel pipe on this property.

The receiving stream(s), Park Creek (Pa Stream code 2661), is located in State Water Plan watershed 2-F and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The nearest downstream public water supply intake for AQUA PA is located on Neshaminy Creek.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.028 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Trichloroethylene	XXX	XXX	0.005 Avg Mo	0.010	XXX	0.013



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

- Obtain Property Rights
- Change of Ownership
- Dry Stream Discharge
- BAT/BCT Reopener
- TMDL/WLA Reopener
- Proper Sludge Disposal
- Stripping Tower Cleaning Disposal
- eDMR Reporting Requirements
- Groundwater Monitoring Requirements

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

The EPA Waiver is in effect.

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

**PA0088617**, Sewage, SIC Code 4952, **Bratton Township**, 133 Mountain Lane, McVeytown, PA 17051-8429. Facility Name: Bratton Township STP. This existing facility is located in Bratton Township, **Mifflin 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, Carlisle Run, is located in State Water Plan watershed 12-A and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.09 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Total Annual	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>	19	30 Wkly Avg	XXX	25	40	50
BOD <sub>5</sub> Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	23	34 Wkly Avg	XXX	30	45	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
Nitrate-Nitrite as N	XXX	Report	XXX	Report Annl Avg	XXX	XXX
Total Nitrogen	XXX	Report	XXX	Report Annl Avg	XXX	XXX
Total Kjeldahl Nitrogen	XXX	Report	XXX	Report Annl Avg	XXX	XXX
Total Phosphorus	XXX	Report	XXX	Report Annl Avg	XXX	XXX
UV Dosage (mjoules/cm <sup>2</sup> )	XXX	XXX	Report	Report	XXX	XXX

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

The EPA Waiver is in effect.

**PA0080900**, Sewage, SIC Code 4952, **Berrysburg Municipal Authority**, P. O. Box 183, Berrysburg, PA 17005. Facility Name: Berrysburg STP. This existing facility is located in Berrysburg Borough, **Dauphin County**.

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

The receiving stream(s), Unnamed Tributary of Wiconisco Creek, is located in State Water Plan watershed 6-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.035 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>	4.3	6.5	XXX	15	22.5	30
		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	4.3	6.5	XXX	15	22.5	30
		Wkly Avg				
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
UV Intensity (µW/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	0.73	XXX	XXX	2.5	XXX	5.0
Nov 1 - Apr 30	2.2	XXX	XXX	7.5	XXX	15
Total Phosphorus	XXX	XXX	XXX	Report Annl Avg	XXX	XXX

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

The EPA Waiver is in effect.

**PA0083038**, Sewage, SIC Code 4952, **Skip Waybrant**, PO Box 13, Reliance, TN 37369. Facility Name: Waybrant Oil Office Building. This existing facility is located in Mount Joy Township, **Adams County**.

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

The receiving stream(s), Unnamed Tributary to Rock Creek, is located in State Water Plan watershed 13-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.005 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.48	XXX	1.58
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 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	6.5	XXX	13
Nov 1 - Apr 30	XXX	XXX	XXX	19.5	XXX	39
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.

**PA0087548**, Sewage, SIC Code 4952, **Artillery Ridge Enterprises Inc.**, 610 Taneytown Road, Gettysburg, PA 17325-8777. Facility Name: Artillery Ridge Campground. This existing facility is located in Cumberland Township, **Adams County**.

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

The receiving stream(s), Unnamed Tributary to Rock Creek, is located in State Water Plan watershed 13-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0058 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.03	XXX	0.09
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4.0
Nov 1 - Apr 30	XXX	XXX	XXX	6.0	XXX	12
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Annl Avg Report Annl Avg	Total Annual Report Total Annual	XXX	Annl Avg Report Annl Avg	XXX	XXX

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

The EPA Waiver is in effect.

**Application No. PA0262021**, Concentrated Animal Feeding Operation (CAFO), **Akers Joshua (Joshua Akers Duck CAFO)**, 562 Church Road, Quarryville, PA 17566.

Akers Joshua has submitted an application for an Individual NPDES permit for a new CAFO known as Joshua Akers Duck CAFO, located in East Drumore Township, **Lancaster County**.

The CAFO is situated near Unnamed Tributary to Conowingo Creek in Watershed 7-K, which is classified for High Quality Waters—Cold Water Fishes and. The CAFO will be designed to maintain an animal population of approximately 138.64 animal equivalent units (AEUs) consisting of 38,000 ducks and 9 beef animals. Duck manure will be collected and stored in an HDPE-lined lagoon and the beef manure will be mostly uncollected in the pasture. Prior to operation of the manure storage facilities, the design engineer will be required to submit certification that the facilities were constructed in accordance with appropriate PA Technical Guide Standards. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

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

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

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

**PA0232343**, Industrial Waste, SIC Code 4953, **PA Waste LLC**, 175 Bustleton Pike, Feasterville, PA 19053. Facility Name: Camp Hope Run Landfill. This proposed facility is located in Boggs Township, **Clearfield County**.

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

The receiving stream(s), Clearfield Creek, is located in State Water Plan watershed 8-C and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on industrial wastewater flows of 0.049 MGD and sewage flows of 0.001 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
BOD <sub>5</sub>	Report	Report	XXX	36	138	170
Total Suspended Solids	Report	Report	XXX	27	85	105
Total Dissolved Solids	Report	Report	XXX	Report	Report	XXX
Oil and Grease	Report	XXX	XXX	15	XXX	30
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Ammonia-Nitrogen	Report	Report	XXX	4.8	9.8	12
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Aluminum	0.31	0.62	XXX	0.75	1.5	1.87
Total Antimony	Report	Report	XXX	Report	Report	Report
Hexavalent Chromium	Report	Report	XXX	Report	Report	Report
Total Copper	Report	Report	XXX	Report	Report	Report
Dissolved Iron	XXX	XXX	XXX	XXX	XXX	6.86
Total Iron	0.62	1.25	XXX	1.50	3.00	3.75
Total Lead	Report	Report	XXX	Report	Report	Report
Total Manganese	0.41	0.83	XXX	1.00	2.00	2.50
Sulfate	Report	Report	XXX	Report	Report	XXX
Total Thallium	0.04	0.07	XXX	0.10	0.17	0.25
Total Zinc	Report	Report	XXX	0.10	0.19	0.25
Phenol	Report	Report	XXX	0.014	0.025	0.035
a-Terpineol	Report	Report	XXX	0.015	0.032	0.037
1,4-Dichlorobenzene	13.51	15.87	XXX	32.41	38.06	81.0
Benzoic Acid	Report	Report	XXX	0.069	0.11	0.17
Chloride	Report	Report	XXX	Report	Report	XXX
Bromide	Report	Report	XXX	Report	Report	XXX
p-Cresol	Report	Report	XXX	0.013	0.024	0.03

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

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

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

The EPA Waiver is not in effect.

### 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. WQG02151305**, Sewage, **Willistown Township**, 40 Lloyd Avenue, Suite 204/206, Malvern, PA 19355.



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

Description of Action/Activity: Construction and operation of sewer extension.

**WQM Permit No. 0906407**, Sewage, **Amendment, Warwick Township Water & Sewer Authority**, 1733 Township Greene, P. O. Box 315, Jamison, PA 18929.

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

Description of Action/Activity: Upgrades to the Fish Creek Wastewater Treatment Plant.

**WQM Permit No. WQG02231306**, Sewage, **Thornbury Township**, 6 Township Drive, Cheyney, PA 19319.

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

Description of Action/Activity: Construction and operation of public sewers to serve existing properties on Fox Lair Lane.

**WQM Permit No. WQG02151307**, Sewage, **Kennett Township**, 801 Burrows Run Road, Chadds Ford, PA 19317-9219.

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

Description of Action/Activity: Construction and operation of a sewage pump station.

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

**WQM Permit No. 5413402**, Sewage, **Schuylkill Haven Borough**, Schuylkill County, 12 West Main St., Schuylkill Haven, PA 17972.

This proposed facility is located in Schuylkill Haven Borough, **Schuylkill County**.

Description of Proposed Action/Activity: Pipeline replacement by 12-inch main and 24-inch interceptor pipelines (West End Interceptor Project).

**WQM Permit No. 5813401**, Sewage, **Harford Township**, P. O. Box 1, Harford, PA 18823-9701.

This proposed facility is located in Harford Township, **Susquehanna County**.

Description of Proposed Action/Activity: Installation of UV disinfection system at the existing Harford Township Wastewater Treatment Plant.

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

**WQM Permit No. 2813201**, CAFO, **Burk-Lea Farms, Clinton Burkholder**, 3125 Grand Point Road, Chambersburg, PA 17201.

This proposed facility is located in Greene Township, **Franklin County**.

Description of Proposed Action/Activity: Seeking permit approval to replace an existing earthen storage with a new 120' diameter concrete manure storage tank at facility located at 3099 Grand Point Road, Chambersburg.

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

**WQM Permit No. 1694201, Amendment No. 2**, Industrial Waste, **County Landfill, Inc.**, 344 Walley Run Drive, Leeper, PA 16233.

This existing facility is located in Farmington Township, **Clarion County**.

Description of Proposed Action/Activity: Application for amendment to replace the existing effluent cartridge filtration system with a pressure sand filter with automatic self-source backwash.

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

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

**PAI130540**, MS4, **Trumbauersville Borough Bucks County**, 1 Evergreen Drive Drawer 100, Trumbauersville, PA 18970. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Trumbauersville Borough, **Bucks County**. The receiving stream(s), Morgan Creek and Unnamed Tributary to Unami Creek, is located in State Water Plan watershed 2-D and 3-E and is classified for High Quality Waters—Trout Stocking, Mi, Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA waiver is not in effect.

**PAI130007**, MS4, **Richland Township Bucks County**, 1328 California Road, Suite A, Quakertown, PA 18951. The application is for a new individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Richland Township, **Bucks County**. The receiving stream(s), Beaver Run, Butter Creek, Tohickon Creek and Unnamed Tributary to Unami Creek, is located in State Water Plan watershed 2-D and 3-E and is classified for High Quality Waters—Trout Stocking, Mi, Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA waiver is not in effect.

**PAI130502**, MS4, **Newtown Township Delaware County**, 209 Bishop Hollow Road, Newtown Square, PA 19073-0393. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Newtown Township, **Delaware County**. The receiving stream(s), Darby Creek, Foxes Run, Julip Run, Lewis Run, Preston Run, Reeses Run, Saw Mill Run, Thomas Run, Unnamed Tributary to Crum Creek, Unnamed Tributary to Darby Creek and Unnamed Tributary to Hunter Run, is located in State Water Plan watershed3-G and is classified for Warm Water Fishes, Migratory Fishes, High Quality Waters—Cold Water Fishes, Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA waiver is not in effect.

**PAI130021**, MS4, **Marple Township Delaware County**, 227 S Sproul Road, Broomall, PA 19008. The application is for a new individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Marple Township, **Delaware County**. The receiving stream(s), Crum Creek, Darby Creek, Hotland Run, Langford Run, Trout Run, Unnamed Tributary to Crum Creek and Whetstone Run, is located in State Water Plan watershed 3-G and is classified for Warm Water Fishes, Migratory Fishes, Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA waiver is not in effect.

**PAI130533**, SIC 9199, MS4, **Schuylkill Township Chester County**, 111 Valley Park Road, Phoenixville, PA 19460. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Schuylkill Township, **Chester County**. The receiving stream(s), French Creek, Pickering Creek, Valley Creek and Schuylkill River, is located in State Water Plan watershed 3-D and 3-F and is classified for Warm Water Fishes, Migratory Fishes, High Quality Waters—Trout Stocking, Exceptional Value Waters, Trout Stocking, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA waiver is in effect.

**PAI130003**, SIC 9199, MS4, **Phoenixville Borough Chester County**, 140 Church Street, Phoenixville, PA 19460. The application is for a new individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Phoenixville Borough, **Chester County**. The individual permit replaces a general permit. The receiving stream(s), French Creek, Pickering Creek and Schuylkill River, is located in State Water Plan watershed 3-D and is classified for High Quality Waters—Trout Stocking, Warm Water Fishes, Migratory Fishes, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA waiver is in effect.

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAI134802	Patton Township, 100 Patton Plaza, State College, PA 16803	Centre	Patton Township	Buffalo Run, Unnamed Tributaries to Buffalo Run and Unnamed Tributaries to Big Hollow, HQ-CWF, CWF, MF	Y

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


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


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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01151215(1)	Lakeview Development Associates, L.P. 305 West Bristol Road Warminster, PA 18974	Chester	Wallace Township	Marsh Creek Lake HQ-TSF-MF

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033613003	Melvin S. Burkholder PO Box 436 Myerstown, PA 17076	Lancaster	Elizabeth Township	UNT to Hammer Creek (HQ-CWF, MF/CWF)
PAI032113001	US Army; Carlisle Barracks 330 Engineer Avenue Carlisle, PA 17013	Cumberland	North Middleton and Middlesex Townships, Carlisle Borough	Letort Spring Run (HQ-CWF)

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

<i>Permit No.</i>	<i>Applicant &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI056313003	McDowell Lane Associates, LP. 5851 Brian Drive Bethel Park, PA 15102	Washington	North Strabane Township	Little Chartiers 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

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**CAFO Notices of Intent Received**


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

**PAG123752, CAFO, Harold Shellenberger, Shel-Mar Acres, 580 Colebrook Road, Mount Joy, PA 17552.**

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

Description of Size and Scope of Proposed Operation/Activity: Seeking permit approval for operation of a 480 AEU dairy and swine operation.

The receiving stream, UNT Donegal Creek, is in watershed 7-G, and classified for: TSF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

**PAG123753, CAFO, Stephen L. Hershey, Bridge Valley Farm, LLC, 500 Florin Avenue, Mount Joy, PA 17552.**

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

Description of Size and Scope of Proposed Operation/Activity: Seeking permit approval for the operation of a 1,802.64 AEU poultry (layer) operation.

The receiving stream, Chickies Creek, is in watershed 7-G, and classified for: WWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

## 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. 0213523**, Public Water Supply.

Applicant	<b>Harmar Water Authority</b> 200 Pearl Avenue Cheswick, PA 15024
[Township or Borough]	Harmar Township
Responsible Official	John B. Colpo, Chairman Harmar Water Authority 200 Pearl Avenue Cheswick, PA 15024
Type of Facility	Water system
Consulting Engineer	Gannett Fleming, Inc. 554 South Erie Street Mercer, PA 16137
Application Received Date	May 22, 2013
Description of Action	Painting, rehabilitation and installation of a mixing system at the Harmar Heights #1 water storage tank.

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

**Permit No. 6113502**, Public Water Supply

Applicant	<b>City of Oil City</b>
Township or Borough	City of Oil City
County	<b>Venango</b>
Responsible Official	Eric A. Strahl
Type of Facility	Public Water Supply
Consulting Engineer	Christina J. Sporer, P.E. City of Oil City, City Engineer 21 Seneca Street Oil City, PA 16301
Application Received Date	May 10, 2013
Description of Action	Permit existing waterworks.

### 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. 0313505MA**, Minor Amendment.

Applicant	<b>South Buffalo Township Municipal Authority</b> 382 Iron Bridge Road Freeport, PA 16229
[Township or Borough]	South Buffalo Township
Responsible Official	Kay Covone, Chairperson South Buffalo Township Municipal Authority 382 Iron Bridge Road Freeport, PA 16229
Type of Facility	Water system
Consulting Engineer	Senate Engineering Company 420 William Pitt Way Pittsburgh, PA 15238
Application Received Date	May 15, 2013
Description of Action	Permitting of four bulk load-out stations.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release



of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager; 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Kasper Residence**, 924 State Route 29, **Luzerne County**, James Sposito, James, P. Sposito, Associates, has submitted a Notice of Intent to Remediate on behalf of his clients, Michael and Barbara Kasper, 924 State Route 29, Sweet Valley, PA 18656, concerning the remediation of soil found to have been impacted by #2 fuel oil from a malfunctioned hose connected to the delivery truck while making a delivery to a 275 gallon aboveground storage tank. The applicant proposes to remediate the site to meet the Residential Statewide Health Standards for soil. The intended future use of the site is residential. A summary of the Notice of Intent to remediate was published in *The Suburban News* on May 1, 2012.

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

**East Berlin Crop Center**, 3150 Stoney Point Road, East Berlin, PA 17316, Latimore Township, **Adams County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110-9340, on behalf of GROWMARK, Inc. and GROWMARK FS, LLC, 308 NE Front Street, Milford, DE 19963, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with herbicides and fertilizers from the operation of an agrochemical business. The site will be remediated to the Nonresidential Statewide Health and Site-Specific standards. Future use of the site remains agrochemical. The Notice of Intent to Remediate was published in the *Hanover Evening Sun* on May 22, 2013.

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

**Berry Plastics**, 844 E. Columbus Avenue, City of Corry, **Erie County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335, on behalf of Corry Area Industrial Development Corporation, 1524 Enterprise Road, Corry, PA 16407, submitted a Baseline Environmental Report concerning the remediation of site soil contaminated with Arsenic, Barium, Benzene, Cadmium, Chromium, Cumene, Ethyl Benzene, Lead, Toluene, 1,3,4-Trimethylbenzene (1,2,4-Trimethylbenzene), 1,3,5-Trimethylbenzene, Trichloroethylene (TCE), Xylenes (Total) and site groundwater contaminated with Acetone, Benzene, N-Butylbenzene, Sec Butylbenzene, Chlorobenzene, Cumene (Isopropylbenzene), 1,1-Dichloroethane, 1,1-Dichloroethylene, Cis-1,2-Dichloroethylene, Dichloromethane (Methylene Chloride), Ethylbenzene, 4-Isopropyltoluene, Methyl Ethyl Ketone (2-Butanone), Methyl Isobutyl Ketone (MIBK) (4-Methyl-2-Pentanone), Methyl Tert-Butyl Ether (MTBE), Naphthalene, N-Propylbenzene, Tetrachloroethylene (PCE), Toluene, 1,1,1-Trichloroethane, Trichloroethylene (TCE), 1,3,4-Trimethylbenzene (1,2,4-Trimethylbenzene), 1,3,5-Trimethylbenzene, Vinyl Acetate, Vinyl Chloride, and Xylenes (Total). The report is intended to document remediation of the site to meet the Special Industrial Area Standard.

#### MUNICIPAL WASTE GENERAL PERMITS

**Application(s) Received 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 and the Beneficial Use of Municipal Waste.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.*

**General Permit Application No. WMGM050. N-Viro International Corporation**, 2254 Centennial Road, Toledo, OH 43617; Site: AC Valley Industrial Park, 11 Penn West Way, Emlenton, PA 16373, **Butler County**. The application for a general permit is for the blending of fly ash with municipal wastewater treatment plant sludge to produce an alternative fuel for use at Scrubgrass Generation Company, waste coal power plant in Kennerdell, PA, Venango County. The application was deemed administratively complete on June 3, 2013.

Comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. Persons interested in obtaining more information about the general permit application may contact the Central Office, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

#### RESIDUAL WASTE GENERAL PERMITS

##### **Application Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

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

**General Permit Application No. WMGR143. Kurt J. Lesker Company**, 1925 Route 51, Jefferson Hills, PA 15025; Site: Kurt J. Lesker Reclaim Facility, 1515 Worthington Avenue, Clairton, PA 15025, **Clarion County**. This general permit application is for the processing of used specialty oils and fluids, including silicones, polyphenyl ethers, halocarbons, perfluorinated-polyethers, and organic compounds, by solvent extraction, adsorption, distillation, and filtration for reuse at the point of generation. The used oils and fluids are generated from industrial cooling and other fluid systems. The oils do not include petroleum oils. The application was determined to be administratively complete by Central Office on May 17, 2013.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at [rapbenuseall@pa.gov](mailto:rapbenuseall@pa.gov). When submitting comment via e-mail, place "Comments on WMGR143" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

#### DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

##### **Application(s) for Determination of Applicability for General Permit WMGM017 Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.*

**General Permit Application No. WMGM017D011 Echo Valley Farm**, 377 Echo Valley Road, New Galilee, PA, 16141-2713. This permit is for the processing and beneficial use of compost of manure, yard waste, source separated food scraps from food markets, grocery stores, food banks, food distribution centers, school cafeterias and institutions, source-separated newspaper and source-separated corrugated paper as soil substitute, soil conditioner, fertilizer, mulch or soil amendment. The application was found to be administratively complete by the Bureau of Waste Management on June 3, 2013.

Written Comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. Persons interested in obtaining more information about the general permit application may contact the Division of Municipal and Residual Waste at 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

**General Permit Application No. WMGM017D012 Jay's Composting Operation**, 253 Rohrmann Road, Darlington PA, 16115-2003. This permit is for the processing and beneficial use of compost of manure, yard waste, source separated food scraps from food markets, grocery stores, food banks, food distribution centers, school cafeterias and institutions, source-separated newspaper and source-separated corrugated paper as soil substitute, soil conditioner, fertilizer, mulch or soil amendment. The application was found to be administratively complete by the Bureau of Waste Management on June 3, 2013.

Written Comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. Persons interested in obtaining more information about the general permit application may contact the Division of Municipal and Residual Waste at 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

## AIR QUALITY

### 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*

**46-0005AN: Merck, Sharp & Dohme, Corp.** (770 Sunmeystown Pike, West Point, PA 19486-0004) for redaction and clarification of RACT related condition in the Title V operating permit in **Montgomery County**. The overall air emissions associated with these changes will result in no change in actual or potential emissions from this facility. 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.*

**06-03055A: Oley Valley Animal Clinic** (P. O. Box 109, 900 Blandon Road, Oley, PA 19547) for their pet crematory chamber at their veterinary services facility in Ruscombmanor Township, **Berks County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received an application and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

Plan Approval 06-03055A is for operation of an animal crematory. The company shall be subject to and comply with best available technology (BAT). The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The expected potential emissions from the proposed project are 1163 tpy of CO<sub>2</sub>e, 1.2 tpy of NO<sub>x</sub> and less than one tpy of other major pollutants.

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

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

Plan approvals issued to sources identified in 25 Pa. Code § 127.44(b)(1)—(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

**06-05002-PAL: Lehigh Cement Co., LLC—Evansville Cement Plant and Quarry** (537 Evansville Road, Fleetwood, Pennsylvania 19522-8541) for the implementation of Plantwide Applicability Limits (PAL) at their facility in Maiden Creek Township, **Berks County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received an application and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

Plan Approval No. 06-05002-PAL establishes Plant Wide Applicability Limits (PAL) in accordance with 40 CFR 52.21(aa) and 25 Pa. Code § 127.218. Specifically, PALs will be established for Particulate Matter (PM) (238.00 tpy), Particulate Matter with an aerodynamic diameter less than 10 microns (PM<sub>10</sub>) (336.10 tpy), Particulate Matter with an aerodynamic diameter less than



2.5 microns (PM<sub>2.5</sub>) (291.63 tpy), Carbon Monoxide (CO) (346.70 tpy), Nitrogen Oxides (NO<sub>x</sub>) (2,299.43 tpy), Sulfur Oxides (expressed as SO<sub>2</sub>) (311.23 tpy), Volatile Organic Compounds (VOC) (51.87 tpy), Fluorides (expressed as HF) (3.22 tpy), Sulfuric Acid (H<sub>2</sub>SO<sub>4</sub>) (12.70 tpy), & Lead (Pb) (0.60 tpy). The PALs will be valid for ten (10) years. The plan approval and operating permit will contain monitoring, recordkeeping, reporting, stack testing and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

Plan approvals issued to sources identified in 25 Pa. Code § 127.44(b)(1)–(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

**06-05051D: Morgan Truck Body, LLC—dba Morgan Corp.** (35 Thousand Oaks Boulevard, PO Box 588, Morgantown, PA 19543-8838) for installation of three (3) downdraft spray booths at the truck manufacturing facility in Caernarvon Township, **Berks County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received an application and intends to issue a Plan Approval to the abovementioned company for the abovementioned project.

Plan Approval No. 06-05051D is for the installation of three (3) spray booths. Two (2) booths will be Advanced Finishing System, model DDG-1816-PDT-54-B-B-S spray booths. Each booth will have an airflow of 35,000 acfm and will be controlled by dry filters. Each booth will be equipped with a 3.78 mmBtu/hr direct fired gas heated make-up air unit. The unit will be fired on natural gas. The third booth will be a 44,000 acfm Advanced Finishing System, model DDG-1816-PDT-60-B-B-R-S spray booth. The booth will be controlled by dry filters. The booth will be equipped with two (2) 2.376 mmBtu/hr (4.752 mmBtu/hr total) direct fired gas heated make-up air

units. The unit will be fired on natural gas. Finally, synthetic minor limits will be established during this plan approval. The plan approval will contain monitoring, recordkeeping & work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

Plan approvals issued to sources identified in 25 Pa. Code § 127.44(b)(1)–(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

**36-05024A: Big Bee Steel & Tank Co.** (99 Elizabethtown Road, Manheim, PA 17545) for constructing a new building to reconfigure and add to current production operations to fabricate and paint steel storage tanks at the tank manufacturing facility in Rapho Township, **Lancaster County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

Plan Approval No. 36-05024A is for the construction of a new building to reconfigure and add to current production operations. The new building will house additional metal fabrication activities including hand grinding and welding stations, hydro testing, a roll-in type enclosed abrasive blast system and a new paint booth. Building heat will be provided by three propane gas-fired furnaces with a combined capacity less than 5mmBtu/hr and a propane gas-fired boiler less than 0.4 mmBtu/hr. The facility will use HVLP spray guns. The paint booth will control PM with a fabric filter system, and will control VOC by meeting VOC content limits. The abrasive blasting system will utilize a cartridge filter system that vents internally. The company shall be subject to and comply with 25 Pa. Code § 123.13 for particulate matter, 25 Pa. Code § 123.21 for sulfur dioxide emissions and 25 Pa. Code § 129.52 for surface coatings. The Plan Approval



and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The potential air emissions from the proposed project are 3.9 tpy of NO<sub>x</sub>, 0.3 tpy of SO<sub>x</sub>, 2.3 tpy of CO, 0.7 tpy of PM, 14.3 tpy of VOCs, 12.5 tpy of HAPs and 3,737 tpy of CO<sub>2</sub>.

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

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

Plan approvals issues to sources identified in 25 Pa. Code § 127.44(b)(1)–(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

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

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

**30-00116A: Columbia Gas Transmission, LLC** (1700 MacCorkle Avenue, S.E., Charleston, WV 25314-1518) to install one (1) new Solar Centaur 40 natural gas-fired compressor turbine, one (1) natural gas-fired emergency generator, and ancillary heating equipment at the Waynesburg Compressor Station in Waynesburg Borough, **Greene County**. This is a minor facility Plan Approval application submittal.

**63-00979A:** Notice is hereby given per the requirements of 25 Pa. Code §§ 127.44–127.46 that the Department of Environmental Protection intends to issue an Air Quality Plan Approval: PA-63-00979A to Liquidmetal Coatings (302 North Houston Avenue Suite # 200 Humble TX 77338) to allow the installation and operation of a metal blasting operation rated at 25 lb/hr and Twin Wire Arc Spray (liquid metal coating of various metals) operation rated at 10.6 lb/hr controlled by a dust collector rated at 35,000 ACFM at their metal blasting and coating operation facility located in California Borough, **Washington County**.

The primary pollutant of the concern at this facility is particulate matter from metal blasting and HAP from the

Twin Wire Arc Spray (TWAS)/welding operations. Potential annual emissions from this facility are 0.004 ton of PM<sub>10</sub> and 0.0007 ton of HAP. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the Plan Approval have been derived from the applicable requirements of 25 Pa. Code Chapters 123 and 127.

Any person wishing to provide DEP with additional information that they believe should be considered prior to the issuance of this plan approval may submit the information to DEP at Department of Environmental Protection, Southwest Regional Office, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-63-00979A) and concise statements regarding the relevancy of the information in the proposed Plan Approval or objections to issuance of the Plan Approval.

A public hearing may be held, if DEP, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where DEP determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Jesse Parihar, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222, or (412) 442-4030.

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

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

**43-290C: NLMK of Pennsylvania, Sharon Coatings LLC** (277 Sharpsville Avenue, Sharon, PA 16146) for modification of source level emission limits for sources 101 and 102. This facility is in Sharon City, **Mercer County**.

Pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (DEP) intends to issue Plan Approval 43-290C to Sharon Coatings LLC, Company for the removal of source level NO<sub>x</sub> and CO long term emission limits. The site level long term emission limits for NO<sub>x</sub> and CO will be reduced to the limits specified in the application. This facility is located in Sharon City, Mercer County. The Plan Approval will subsequently be incorporated into the facility Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 43-290C is for the modification of long term emission restrictions for sources 101 and 102. Based on the information provided by the applicant and DEP's own analysis, the combined subject sources will have the projected actual emissions of approximately 45.34 tons per year (tpy) of nitrogen oxides, 38.1 tpy of carbon monoxide, 4.56 tpy of volatile organic compounds, 6.31 tpy of particulate matter and 0.5 tpy of sulfur oxides.

The Plan Approval will contain emission restrictions, along with, recordkeeping and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

## OPERATING PERMITS

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

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

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

**09-00124: Fairless Energy, LLC** (50 Sinter Road, Fairless Hills, PA 19030) for renewal of the facility's Phase II (Title IV) Acid Rain Permit in Falls Township, **Bucks County**. The affected units at the facility consist of four (4) combined cycle gas turbines with duct burners. The affected units shall hold sufficient SO<sub>2</sub> allowances in accordance with 40 CFR § 72.9(c)(1). All monitoring, recordkeeping, and reporting shall be in conformance with 25 Pa. Code § 127.531 and the Acid Rain Permit application.

*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.*

**34-05002: Texas Eastern Transmission, L.P.—Perulack Compressor Station** (3318 Pumping Station Road, East Waterford, PA 17021) for operation of a natural gas transmission compressor station in Lack Township, **Juniata County**.

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

The actual emissions in year 2012 were 42 tons of CO, 249 tons of NO<sub>x</sub>, 2 tons of SO<sub>x</sub>, 5 tons of PM, 17 tons of VOC and 2 tons of Total HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

Gary Helsel, Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality

Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

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

**14-00003: Pennsylvania State University** (101P Physical Plant Bldg, University Park, PA 16802) to issue a renewal Title V operating permit for their facility in College Township, **Centre County**. The facility is currently operating under Title V Operating Permit 14-00003. The facility's main sources include boilers at the West Campus Steam Plant and East Campus Steam Plant. The facility also utilizes several smaller boilers and emergency generators throughout the facility. The facility has potential emissions of 266.5 tons per year of carbon monoxide, 1,101 tons per year of nitrogen oxides, 6,667 tons per year of sulfur oxides, 486.8 tons per year of particulate matter, 29.7 tons per year of volatile organic compounds, 139.2 tons per year of hazardous air pollutants, and 825,653 tons per year of carbon dioxide equivalents (greenhouse gases). No emission or equipment changes are being proposed by this action. The proposed Title V operating permit contains all applicable Federal and State regulatory requirements including monitoring, recordkeeping, and reporting conditions. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and 25 Pa. Code Chapters 121—145.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570 327-0550.

Any person(s) wishing to provide the Department of Environmental Protection with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (Permit No. 14-00003) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

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

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

**63-00027: Jessop Steel, LLC.** (100 River Road, Brackenridge, PA 15014) In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a renewal Title V Operating Permit (TVOP-63-00027) to Jessop Steel, LLC to authorize the continued operation of a stainless steel sheets, strips and plates finishing operations facility located in Washington Municipality, **Washington County**. The name and address of the applicant is Jessop Steel, LLC, 100 River Road, Brackenridge, PA 15014.

The finishing operations at this facility include annealing, shot blasting, batch pickling, plasma arc cutting, shearing, abrasive cutting and machining and other miscellaneous equipment associated with this type of operations. The facility has the potential to emit 1.2 tons per year of SO<sub>2</sub>, 291.3 tons per year of NO<sub>x</sub>, 68.1 tons per year of PM/PM<sub>10</sub> and 31.2 tons per year of VOCs. NO<sub>x</sub> emission is above its respective major facility emission threshold. The proposed TVOP renewal contains conditions relating to monitoring, recordkeeping and work practice standards.

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-63-00027) 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.

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

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

**43-00272: Kinder Morgan Inc.—TGP-Station #219—Tennessee Gas Pipeline Co.** (1211 Greenville-Mercer Road, Mercer, PA 16137), for renewal of a Title V Permit to operate a natural gas compressor station in Jefferson Township, **Mercer County**. The facility's emitting sources include 1) 1-A, C-B, 1100 HP, 2) 2-A, C-B, 1100 HP, 3) 3-A, C-B, 1100 HP, 4) 4-A,C-B, 1100 HP, 5) 5-A, C-B, 1100 HP, 6) 6-A,C-B, 1100 HP, 7) 7A,C-B, 1350 HP, 8) 8-A,C-B, 1350 HP, 9) 9-A,C-B, 1350 HP, 10) 10-A, C-B

1350 HP, 11) 11-A C-B, 1350 HP, 12) 12-A C-B, 1350 HP, 13) 13-A, C-B, 1350 HP, 14) 1-B, C-B, 5500 HP, 15) A-1-A IR, 408 HP, 16) A-2-A,IR, 408 HP, 17) A-3-A,IR,408 HP, 18) Miscellaneous natural gas use, 19) Fugitive miscellaneous gas leakage, 20) Parts washer machine and, 21) Blow down emissions. The three auxiliary generator engines rated 408 HP each are subject to 40 CFR Part 63, Subpart ZZZZ. All applicable conditions of Subpart ZZZZ have been included in the permit. The Jacket water heaters in building "A" and "B" are subject to 40 CFR Part 63, Subpart DDDDD. All applicable conditions of Subpart DDDDD have been included in the source level of the permit. The actual emission of criteria pollutants in the year of 2012 reported, CO: 4.16 Tons per year, NO<sub>x</sub>: 82.46 TPY, PM-10: 0.91, PM-2.5: 0.91 TPY, SO<sub>x</sub>: 0.12 TPY and VOC: 18.01. Emission of HAP reported in the year of 2012: Acetaldehyde (CH<sub>3</sub>CHO): 0.1111 TPY, Acrolein: 0.1079 TPY, Benzene: 0.0460 TPY, Formaldehyde: 0.8039 TPY, Methanol: 0.0804 TPY, Toluene: 0.0182 TPY. The facility is a major facility due to its potential to emit of Volatile Organic Compounds, Oxides of Nitrogen and Carbon Monoxide.

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**Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) 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*

**46-00237: Commerce Drive Enterprises, LLC—dba Numonics** (101 Commerce Drive, Montgomeryville, PA 18936) for renewal of a State Only, Synthetic Minor Operating Permit in Montgomery Township, **Montgomery County**. The facility operates an adhesive spray booth in the manufacture of interactive whiteboard products. There have been no source changes or modifications to the source since this operating permit was last issued. Commerce Drive Enterprises, LLC is categorized as a synthetic minor facility. The permit includes monitoring, record keeping and reporting requirements designed to address all applicable air quality requirements.

**09-00132: McAdoo & Allen—Quaker Color Division** (201 South Hellertown Ave., Quakertown, PA 18951) for operation their pigments dispersions manufacturing facility in Quakertown Borough, **Bucks County**. This action is a renewal of the non-Title V, State Only Operating Permit. The permit was issued on 11-13-2003 and was subsequently on 11-07-2008. The facility's main sources include: one (1) natural gas-fired boiler, two (2) No. 2 fuel oil-fired boilers, and a chip manufacturing process consisting of roll mills and paddle blenders. The facility has elected to cap volatile organic compound (VOC) emissions to less than 25 tons per year; therefore the facility is a Synthetic Minor. The permit 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.*

**01-03012: International Paper Co.** (136 East York Street, Biglerville, PA 17307) for their solid fiber container manufacturing facility in Biglerville Borough, **Adams County**.



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

The facility's boiler plant accounts for almost all of the facility's potential emissions. Those estimated potential emissions are 10.9 tons/year for nitrogen oxides (NO<sub>x</sub>), 7.38 tons/year for carbon monoxide (CO) and 0.05 ton/year for sulfur oxides (SO<sub>x</sub>). Actual emissions are well below those levels. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Copies of the renewal application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

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

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

**14-00019: John B. Brown Funeral Home, Inc.** (2401 South Atherton Street, State College, PA 16801) for renewal of the State Only (Natural Minor) Operating Permit for the Koch Funeral Home in College Township, **Centre County**. The subject facility has the following potential emissions: 0.8 TPY of CO; 0.9 TPY of NO<sub>x</sub>; 0.005 TPY of SO<sub>x</sub>; 0.07 TPY of PM/PM<sub>10</sub>; 0.05 TPY of VOC; 0.05 TPY of HAPs and 1,081 TPY of CO<sub>2</sub>e. The facility's sources include one (1) 0.72 million Btu per hour natural gas/propane-fired All Crematory Corporation Cremator model L-1701 human remains crematory incinerator equipped with a 1.4 million Btu per hour natural gas/propane-fired Eclipse model 936 SIB-H secondary combustion chamber.

The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the NMOP have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145.

The renewal State Only (Natural Minor) operating permit contains applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State air quality regulations.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 14-00019) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to David Shimmel, P.E., Chief, New Source Review Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3568.

**17-00036: Stella Jones Corp.** (392 Larkeytown Road, DuBois, PA 15801) for their facility in Sandy Township, **Clearfield County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the abovementioned facility. The subject facility has the following potential emissions: 9.06 TPY of NO<sub>x</sub>; 24.70 TPY of CO; 1.03 TPY of SO<sub>x</sub>; 37.03 TPY of PM/PM<sub>10</sub>; 66.46 TPY of VOC and 5.5 TPY of total HAPs. The facility's main air contaminations sources are wood preserving operation, a wood fired boiler, wood tie storage area and wood working equipment. The permittee has taken a production throughput restriction on the number of process cycles to 980 cycles per year to become a synthetic minor facility. By taking the process cycle limitation, the facility's potential VOC emissions will be less than 50 tons per year. The operating permit will include emission limits and work practice standards along with monitoring, record keeping and reporting. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the NMOP have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145.

The renewal State Only (Synthetic Minor) operating permit contains applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State air quality regulations.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.



Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 17-00036) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Keith C. Allison, Chief, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3640.

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

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

**26-00569: Holt & Bugbee Hardwoods, Inc.** (1600 Shawsheen St., P. O. Box 37, Tewksbury, MA, 01876) for operation of a hardwood lumber drying and processing facility in North Union Township, **Fayette County**.

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

The subject facility uses a wood waste-fired boiler to kiln dry hardwood lumber and further process the material into dimension boards and architectural moldings. The boiler is controlled by a multi-clone dust collector that limits particulate matter emissions to 0.25 lbs/mmBtu of heat input. The facility also has an 8.4 mmBtu/hr natural gas-fired boiler that is used as a backup unit. A milling building contains the various saws and milling machines where the lumber is processed and wood waste is created. The wood waste is collected by a dedicated baghouse and pneumatically conveyed to a storage silo for feeding the boiler. The potential emissions from the facility are estimated to be 22.1 tons NO<sub>x</sub> per year, 53.0 tons of CO per year, 2.1 tons SO<sub>2</sub> per year, 12.4 tons VOC per year, and 24.4 tons PM<sub>10</sub> per year.

The facility is required to conduct a weekly survey of the facility during daylight hours while the facility is operating to ensure compliance with the visible emission, fugitive emission and malodor restrictions. Records of the weekly survey performed must be recorded. Semi-annual preventative maintenance inspections are to be performed on the control devices and recorded in an on-site log. The proposed authorization is subject to State and Federal Regulations. The permit includes emission limits as well as operation, monitoring, reporting, and recordkeeping requirements.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Nick Waryanka, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (26-00569) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mr. Mark Wayner, Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Mr. Nick Waryanka, Air Quality Engineer, at the same address or phone at (412) 442-4172.

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

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

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

**10-00139: J.S. McCormick Co.** (1043 Branchton Road, Boyers, PA 16020-1405) for issuance of a renewal Natural Minor Operating Permit to operate a facility that processes coke breeze for use in brake manufacturing and metallurgical purposes in Cherry Township, **Butler County**. The facility's primary emission sources include three rotary dryers, coke screening/shaking and three space heating furnaces. Each of the sources contains the restrictions, recordkeeping, reporting, work practice requirements, and additional requirements to assure compliance with the Clean Air Act and the Air Pollution Control Act.

**37-00241: Laurel School District—Laurel High School** (RR 4, Box 30, New Castle, PA 16101) to re-issue a Natural Minor Operating Permit to this educational facility in Hickory Township, **Lawrence County**. The facility's primary emissions are two (2) Boilers used to provide heat and hot water to the facility.

The coal-fired boiler (Source ID: 031) at this facility will be subject to the newly promulgated requirements of 40 CFR 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources. The other boiler (Source ID: 032) is excluded from this subpart because it is fueled exclusively with natural gas.

One of the Emergency Power Generators (Source ID: 101) is subject to the newly promulgated requirements of 40 CFR 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The other generator (Source ID: 102) is excluded based on the date of installation.

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

Contact: Edward Wiener, Chief—Telephone: 215-685-9426

**N12-030: General Electric International, Inc.—Philadelphia Service Center** (1040 East Erie Avenue, Philadelphia, PA 19124) for repair of industrial transformers, retrofitting and refilling of railroad transformers, large motor repair, and rental of energy producing and HVAC equipment City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) paint booths, rail bay open coating, surface coating operations outside paint booths for a motor generator department, two (2) particulate sources, twelve (12) combustion units each rated at less than 2 MMBTU/hr, two (2) cold cleaning degreaser, and two (2) electric insulating varnish tanks. The facility's air emission control devices include two (2) dust collectors, and surface coating filters for particulate capture.

This permit modifies the VOC and HAP emission limit from the electric insulating varnish tanks. The VOC emission from varnish dip tank is limited to 1.5 lb per gallon and VPI tank emission is limited to 3.2 lbs per gallon. The HAP emissions are limited to 0.2 tpy combined from both electric insulating varnish tanks. The facilities' potential emission will be below the significant thresholds.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

#### PLAN APPROVALS

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

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

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

**40-00001A: Fairchild Semiconductor Corp.** (125 Crestwood Road, Mountaintop, PA 18707) for reactivation of an acid scrubber and operation of two (2) burn boxes exhausting to the same acid scrubber at their facility in Wright Township, **Luzerne County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Fairchild Semiconductor Corp. (125 Crestwood Road, Mountaintop, PA 18707) for their facility located in Wright Twp., Luzerne County. This Plan Approval No. 40-00001A will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 40-00001A is for reactivation of an acid scrubber and operation of two (2) burn boxes exhausting to the same acid scrubber. Particulate emissions will not exceed 0.04 grain/dscf. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. The company shall be subject to and comply with 25 Pa. Code § 123.41 for visible emissions. Emissions will be controlled by the use of the acid scrubber. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 40-00001A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

**66-00008B: Oxbow Creek Energy LLC** (301 Oxford Valley Road, Suite 1603A, Yardley, PA 19067) for their facility to be located in Nicholson Township, **Wyoming County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Oxbow Creek Energy LLC (301 Oxford Valley Road, Suite 1603A, Yardley, PA 19067) for their facility to be located in Nicholson Township, Wyoming County. This Plan Approval No. 66-00008B will be incorporated into a Natural Minor Permit through an administrative amendment at a later date.

Plan Approval No. 66-00008B is for the construction of 19MW electric generating plant. The plant will include two (2) Wartsila lean burn natural gas fired engines with oxidation catalysts and SCR technology. The VOC emissions from the facility will not equal or exceed 50 TPY, based on a 12-month rolling sum. The NO<sub>x</sub> emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. Total PM, SO<sub>x</sub>, and CO emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum. The Plan approval and Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

The facility is subject to NSPS Subpart JJJJ, MACT Subpart ZZZZ and 25 Pa. Code § 127.12(a)(5) Best Available Technology (BAT) requirements. The visible emission opacity shall not be equal to or greater than 20% at any time. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions.

Emissions from the engines will meet BAT, MACT ZZZZ & NSPS Subpart JJJJ requirements. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 66-00008B and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35

P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code § 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

### *Coal Applications Received*

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

**Permit No. 11130102 and NPDES No. PA0269212. E.P. Bender Coal Co., Inc.** P. O. Box 594, Carrolltown, PA 15722, commencement, operation and restoration of a bituminous surface and auger mine in Reade Township, Cambria County, affecting 85.0 acres. Receiving streams: Powell Run to Clearfield Creek, classified for the following uses: cold water fishery, warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received May 10, 2013.

**Permit No. 11070201 and NPDES No. PA0262391. Fuel Recovery, Inc.,** 254 Interpower Drive, Colver, PA 15927, permit renewal for the continued operation and restoration of a bituminous surface mine in Washington



Township, **Cambria County**, affecting 87.8 acres. Receiving streams: unnamed tributaries to/and Bear Rock Run and Burgoon Run classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received May 16, 2013.

**Permit No. 56060111 and NPDES No. PA0262269. PBS Coals, Inc.**, 1576 Stoystown Road, P. O. Box 260, Friedens, PA 15541, revision of an existing bituminous surface mine to change the land use from forestland to crop land in Black Township, **Somerset County**, affecting 111.3 acres. Receiving streams: unnamed tributaries to/and Coxes Creek classified for the following use: warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received May 15, 2013.

*Greensburg District Mining Office: Armbrust Professional Center; 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**65-13-01 and NPDES Permit No. PA0252280. David L. Patterson, Jr.** (12 Short Cut Road, Smithfield, PA 15478). Application for a Government Financed Construction Contract to reclaim abandoned mine lands, located in Loyalhanna Township, **Westmoreland County**, affecting 18.8 acres. Receiving streams: unnamed tributaries to Getty Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: May 14, 2013.

**3378BC21 and NPDES Permit No. PA0251348. Milrock Mining, Inc.** (960 Penn Ave., Suite 400, Pittsburgh, PA 15222). Renewal application for continued passive treatment system to an existing bituminous surface mine, located in Wharton and Henry Clay Townships, **Fayette County**, affecting 11.4 acres. Receiving stream: unnamed tributary to Fike Run, classified for the following use: HQ-CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: May 16, 2013.

**03060102 and NPDES Permit No. PA0250902. P & N Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767). Revision application for land use change from forestland to cropland, to an existing bituminous surface mine, located in Sugarcreek Township, **Armstrong County**, affecting 252.2 acres. Receiving streams: Patterson Creek and unnamed tributaries to Patterson Creek, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: May 20, 2013.

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

**17990110 and NPDES No. PA 0238333. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Renewal for the continued operation and restoration of a bituminous surface mine in Chest Township, **Clearfield County** affecting 350.0 acres. Receiving streams: Unnamed Tributaries of Chest Run to Chest Run classified for the following use: Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: May 15, 2013.

**17060101. Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830). Renewal for the continued operation and restoration of a bituminous surface and auger mine in Lawrence Township, **Clearfield County**, affecting 203.0 acres. Receiving streams: Unnamed Tributaries to Little Clearfield Creek, classified for the following use: High Quality Fishes. No point source discharges are authorized for this permit. Application received: May 23, 2013.

**17020110 and NPDES No. PA0243311. RAMM Coal, Inc.** (1092 Spruce Hill Road, Rockton, PA 15856). Permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Sandy and Brady Townships, **Clearfield County**, affecting 145.3 acres. Receiving streams: Unnamed Tributary to LaBorde Branch and LaBorde Branch, classified for the following use(s): Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: May 29, 2013.

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

**40110201C. Mineral Reclamation, LLC**, (30 Market Street, Pittston, PA 18640), correction to an existing anthracite coal refuse reprocessing operation to include surface mining in Dupont and Avoca Boroughs, **Luzerne County** affecting 25.3 acres, receiving stream: Mill Creek, classified for the following use: cold water fishes. Application received: May 7, 2013.

**54980201R3. A/C Fuels Company**, (2929 Allen Parkway, Suite 2200, Houston, TX 77019), renewal of an existing anthracite coal refuse reprocessing operation in Kline, Hazle and Banks Townships, Schuylkill, **Luzerne and Carbon Counties** affecting 197.5 acres, receiving stream: Catawissa Creek, classified for the following use: cold water fishes. Application received: May 10, 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.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**63080601 and NPDES Permit No. PA0251682. Green Global Machine, LLC** (P. O. Box 277, Southwest, PA 15685). Application received for transfer of permit currently issued to Fayette Coal & Coke, Inc., for continued operation and reclamation of a noncoal surface mining site located in Buffalo Township, **Washington County**, affecting 40.1 acres. Receiving streams: unnamed tributaries to Buffalo Creek, classified for the following uses: high-quality, warm water fishes. The first downstream potable water supply intake from the point of discharge is greater than ten miles from the site. Transfer application received: May 23, 2013.

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

**22880301C11 and NPDES Permit No. PA0223948. Rocky Licensing Corp.**, (1001 Paxton Street, PO Box 3331, Harrisburg, PA 17105), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lower Swatara Township, **Dauphin County** affecting 143.1 acres, receiving stream: Swatara Creek, classified for the following use: warm water fishes. Application received: May 14, 2013.

**7274SM1A1C8 and NPDES Permit No. PA0595161. Lehigh Asphalt Paving & Construction Co.**, (PO Box 549, Tamaqua, PA 18252), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in West Penn Township, **Schuylkill County** affecting 97.0 acres, receiving stream: unnamed tributary to Lizard Creek, classified for the following uses: trout stocking and migratory fishes. Application received: May 15, 2013.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if

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

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E36-918: Strasburg Railroad Company**, Route 741 East, Strasburg, Pennsylvania, 17579-0096 in Paradise Township, **Lancaster County**, ACOE Baltimore District.

To abandon an existing concrete culvert and to install and maintain a 48 inch high density polyethylene pipe outfall with concrete endwall and riprap apron along Eshleman Run (CWF) (Latitude 40°00'11", Longitude -76°06'45"). The project is to improve drainage conditions for the railroad, preventing the tracks from becoming inundated with stormwater. No wetlands will be disturbed as a result of the project.

**E36-917: Lancaster County Commissioners**, 150 North Queen Street, Lancaster, Pennsylvania, 17603 in Marietta Borough and West Lampeter Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a 117 foot long, 15 foot, two inch wide, 3 span, pre-stressed concrete adjacent box beam pedestrian bridge on existing piers over Chiques Creek (WWF, MF); 2.) place and maintain 25 cubic yards of fill in the floodplains of Chiques Creek (WWF, MF) and the Susquehanna River (WWF, MF), for the purpose of providing a safe connection between the recreation trail network south of Chiques Creek and the recreation trail network north of Chiques Creek. The project is located approximately 1/2 mile south of the intersection of S.R. 441 and SR 23 (Latitude 40°03'18", Longitude -76°31'37") in West Hempfield Township and Marietta Borough, Lancaster County. No wetlands will be impacted by this project.

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

**E32-500. GenOn Northeast Management Co.**, 121 Champion Way, Suite 300, Canonsburg, PA 15317, West Wheatfield Township, **Indiana County**; ACOE Pittsburgh District

Applicant proposes to place and maintain approximately 700 cubic yards (CY) of fill and concrete, and to remove approximately 12,600 CY of material from the floodplain of the Conemaugh River (WWF), with a net volume of approximately 11,900 CY of material to be removed from the floodplain, for the purpose of constructing a reinforce concrete sump, in place of an existing

stormwater collection pond, to facilitate the collection and use of stormwater in the flue gas desulfurization scrubber or ash handling system, at the Conemaugh Generating Station, which is a coal-fired, steam electric generating station. The project is located on the grounds of the existing generating station, (New Florence Quadrangle: N: 1.26 inches; W: 8.58 inches; Latitude: 40° 22' 54.9"; Longitude: -79° 3' 41.9") at 1442 Power Plant Road, in West Wheatfield Township, Indiana County.

**E56-369. Pennsylvania Department of Transportation—District 9-0**, 1620 North Juniata Street Holidaysburg, PA 16648, Elk Lick Township and Salisbury Borough, **Somerset County**; ACOE Pittsburgh District

Applicant proposes to remove the existing SR 669, two lane, 25.7 ft total width, three span bridge having a total clear span length of 125 ft, and having a minimum underclearance of 13.9 ft; to construct and maintain adjacent to and upstream of the existing bridge a two span, two lane, 33.4 ft width replacement bridge and having a total clear span length of 152 ft, and having a minimum underclearance of 14.52 ft over the Casselman River (WWF) with a drainage area of 96 square miles; fill and maintain 0.04 acre of wetland. 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 Salisbury Borough and Elk Lick Township (Myersdale Quadrangle, Latitude 39° 45' 36" and Longitude -79° 5' 0") in Somerset County.

**E56-368. Pennsylvania Department of Transportation—District 9-0**, 1620 North Juniata Street Holidaysburg, PA 16648, Elk Lick Township, **Somerset County**; ACOE Pittsburgh District

Applicant proposes to remove the existing 24' 10" wide, 66' long, two span, SR 669 bridge with a 90 degree skew and to construct and maintain a new 31' 4" wide, 66' long, single span bridge with minimum 5' 6" underclearance over Tub Mill Run (TSF); to construct and maintain associated outfalls; fill and maintain 0.01 acre of wetland; and construct and remove a temporary 16' wide crossing. The new bridge is located on the existing alignment. (Myersdale Pa Quadrangle; N: 0.6 inch; W: 13.25 inches; Latitude 39° 45' 13"; Longitude 79° 05' 44") Elk Lick Township, Somerset County.

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

**E42-360, Sandra Keppel**, 4130 Route 46, Smethport, PA 16749. Construction of a bridge in Keating Township, **McKean County**, ACOE Pittsburgh District (Smethport, PA Quadrangle N: 41°, 51', 39.46"; W: 78°, 28', 23.07").

The project consists of construction of a bridge across North Fork Cole Creek. The bridge will be constructed of concrete abutments and steel members.

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

**E4129-076: Atlas Resources, LLC**, Park Place Corporate Center One, 1000 Commerce Drive, 4th Fl, Pittsburgh, PA 15275, Gamble Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) one 6-inch gas pipeline and a timber mat bridge impacting 110 linear feet of an unnamed tributary to Murray Run (EV) (Bodines, PA Quadrangle 41°23'20"N 76°56'22"W);

2) one 6-inch gas pipeline bored beneath 47 linear feet of Murray Run (EV) (Bodines, PA Quadrangle 41°23'30"N 76°56'14"W);

3) one temporary mobile bridge impacting 44 linear feet of Murray Run (EV) (Bodines, PA Quadrangle 41°23'29"N 76°56'13"W).

The project will result in a total of 201 linear feet of stream impacts all for the purpose of installing a natural gas gathering line and temporary access roadways for Marcellus well development.

**E0829-023: Chesapeake Appalachia, LLC**, 4 Chesapeake Lane, Sayre, PA 18840, Wilmot Township, **Bradford County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) a 16 inch temporary waterline and a timber mat bridge impacting 67 linear feet of an unnamed tributary to Sugar Run (CWF,MF) and impacting 2,505 square feet of an adjacent Palustrine Emergent Wetland and Palustrine Forested Wetland (Colley, PA Quadrangle, Latitude: 41°33'08", Longitude: -76°19'58");

(2) a 16 inch diameter temporary waterline and a timber mat bridge impacting 28 linear feet of an unnamed tributary to North Branch Mehoopany Creek (CWF, MF) (Colley Quadrangle 41°33'07"N 76°19'58"W),

(3) a 16 inch diameter temporary waterline over an existing culvert on an unnamed tributary to North Branch Mehoopany Creek (CWF, MF) impacting 3 linear feet (Colley Quadrangle 41°33'05"N 76°20'10"W),

(4) a 16 inch diameter temporary waterline and a timber mat impacting 2,420 square feet of Palustrine Emergent Wetland (Colley Quadrangle 41°33'19"N 76°19'43"W),

The project will result in 98 linear feet and 240 square feet of temporary stream impacts and 4,925 square feet (0.11 acre) of temporary PEM wetland impacts from temporary waterlines and timber mat bridge crossings all for the purpose of establishing a temporary water supply for Marcellus well development.

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## ACTIONS

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

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

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

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

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

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

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

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

#### **I. NPDES Renewal Permit Actions**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0060925 (Sewage)	Camp Archbald STP Box 100 Archbald Road Kingsley, PA 18826	Susquehanna County Brooklyn Township	Unnamed Tributary #28950 to Hop Bottom Creek (4-F)	Y
PA0064211 (Sewage)	Schuylkill Valley Sewer Authority WWTP Ridge Road T-770 Blythe Twp., PA 17930	Schuylkill County New Philadelphia Borough	Schuylkill River (3-A)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0032883 (Sew)	Duncansville Borough Municipal Authority PO Box 308 Duncansville, PA 16635	Blair County Duncansville Borough	Blair Gap Run / 11-A	Y
PA0244597 (CAFO)	Walmoore Holsteins, Inc. 1826 Howell Moore Road West Grove, PA 19390	Chester County Londonderry Township London Grove Township	Middle Branch White Clay Creek & East Branch White Clay Creek / 3-I	Y

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

<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>
PAS604803 (Storm Water)	Pat Burns Salvage & Excavating 101 Valley View Road Bellefonte, PA 16823-8705	Centre County Benner Township	Buffalo Run (9-C)	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>
PA0206016 Sewage	Clearview MHP 25 Old Plank Rd Washington, PA 15301	Washington Cnty S Franklin Twp	Chartiers Creek	Y
PA0217824 Sewage	Camp Kon O Kwee Spencer 290 Narrows Rd Fombell, PA 16123-2224	Beaver Cnty Marion Twp	Connoquenessing Creek	Y
PA0030929 Sewage	Torrance St Hosp PO Box 111 Torrance, PA 15779-0111	Westmoreland Cnty Derry Twp	UNT to McGee Run	Y
PA0094013 Sewage	Mutual MHP Greensburg, PA 15601	Westmoreland Cnty Unity Twp	UNT to Brinker Run	Y
PA0095524 Sewage	Tri Community STP Treatment Plant Rd Robinson, PA 15949	Indiana Cnty W Wheatfield Twp	Conemaugh River	Y
PA0096067 Sewage	Westmoreland Homesteads SR 2021 Norvelt, PA 15674	Westmoreland Cnty Mt Pleasant Twp	Sewickley Creek	Y
PA0043435 Sewage	Monaco Manor Parkwood Circle Cecil, PA 15321-1206	Washington Cnty Cecil Twp	UNT of Coal Run	Y
PA0205931 Sewage	Upper Middletown STP PO Box 576 New Salem, PA 15468	Fayette Cnty Menallen Twp	Redstone Creek	Y
PA0094064 Sewage	Keystone Rest & Truck Stop 190 Keystone Dr Loretto, PA 15940	Cambria Cnty Munster Twp	UNT to Noels Creek	Y
PA0217760 Sewage	Barbara Mine 9378 Glades Pike Berlin, PA 15530	Somerset Cnty Stonycreek Twp	Reitz 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>
PA0038482 (Sewage)	Fox Township STP Gahr Road, Kersey, PA 15846-2608	Elk County Fox Township	Unnamed Tributary to Daguscahonda Run (17-A)	Y
PA0000213 (Industrial Waste)	PA American Water Kane Route 321 North Kane, PA 16735	McKean County Wetmore Township	Hubert Run (16-B)	Y
PA0040967 (Sewage)	Wolf Run Marina 250 Marina Lane Clarendon, PA 16313	Warren County Mead Township	Allegheny River (16-B)	Y
PA0222429 (Sewage)	Pilot Travel Center No. 081 2010 New Castle Road, Portersville, PA 16501	Butler County Muddycreek Township	Muddy Creek (20-C)	Y
PA0101389 (Sewage)	Maplewood Elementary School Arnold Drive, Townville, PA 16360	Crawford County Townville Borough	Muddy Creek (16-A)	Y

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

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

**NPDES Permit No. PA0024651 A-1**, Sewage, **Atglen Borough Sewer Authority**, 120 West Main Street, PO Box 250, Atglen, PA 19310.

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

Description of Proposed Action/Activity: Approval for the amendment of an NPDES permit to discharge treated sewage from a facility known as Atglen Borough STP to Valley Creek in Watershed 7-K.

**NPDES Permit No. PA0053554**, Storm Water, **Scotts Company D.B.A. Hyponex Corporation**, 944 Newark Road, Avondale, PA 19311-1133.



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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated Storm Water from a facility known as Scotts Company Potting Soil Facility to Unnamed Tributary of West Branch Red Clay Creek in Watershed 3-I.

**NPDES Permit No. PA0054526**, Industrial, **Unitech Service Group Inc.**, 401 N 3rd Avenue, Royersford, PA 19468-1950.

This proposed facility is located in Royersford Borough, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 0.08 MGD treated industrial wastewater from a facility known as Unitech Service Group to Schuylkill River in Watershed 3-D.

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

**NPDES Permit No. PA0085502**, Sewage, **Ward Realty LLC**, 210 Vardan Drive, York, PA 17403.

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

Description of Proposed Action/Activity: Permit transfer authorizing to discharge from a facility known as Deann MHP to Manada Creek in Watershed 7-D.

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

**NPDES Permit No. PA02284327**, CAFO SIC Code 213, **Country View Family Farms LLC** (Pine Hill Farms CAFO), 1301 Fulling Mill Road, Middletown, PA 17057.

This facility is located in Wells Township, **Bradford County**.

Description of Size and Scope of Proposed Operation/Activity: The CAFO is situated near Mill Creek in Watershed 4-A, which is classified for Trout Stocking and Migratory Fishes. The CAFO is designed to maintain an animal population of approximately 3244 animal equivalent units (AEUs) consisting of 27,012 Swine. Manure is collected and stored in shallow pits, deep pits and lagoons. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

**NPDES Permit No. PA0232378**, Sewage, SIC Code 4952, **Max J. Shower**, 1625 Sunshine Lane, Tavares, FL 32778-4268.

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

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated sewage.

**NPDES Permit No. PA0009318 A-1**, SIC Code 3357, **General Cable Industries Inc.**, 2 Tesseneer Drive, Highland Heights, KY 41076.

This existing facility is located in Williamsport City, **Lycoming County**.

Description of Existing Action/Activity: Transfer and issuance of an NPDES Individual Permit for an existing discharge of treated industrial wastewater and stormwater.

**NPDES Permit No. PA0026239**, Sewage, SIC Code 4952, **University Area Joint Authority**, 1576 Spring Valley Road, State College, PA 16801-8401.

This existing facility is located in Benner Township, **Centre County**.

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

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

**NPDES Permit No. PA0025941-A1** Sewage, **Canonsburg Houston Jt Auth**, 68 E Pike St, Canonsburg, PA 15317-1375

This existing facility is located in Cecil Twp, **Washington Cnty**

Description of Proposed Action/Activity: Permit amendment issuance.

**NPDES Permit No. PA0036293**, Sewage, **Robinson Twp Muni Auth**, PO Box 15539, PGH, PA 15244-0539

This proposed facility is located in Robinson Twp, **Allegheny Cnty**

Description of Proposed Action/Activity: Permit issuance for treated sewage discharge.

**NPDES Permit No. PA0217077**, Industrial Waste, **Almac Machine Co., Inc.**, 205 Morgan Pl., Johnstown, PA 15901-1136

This proposed facility is located in City of Johnstown, **Cambria Cnty**

Description of Proposed Action/Activity: Permit issuance for treated machine show overflow.

**NPDES Permit No. PA0253723-A2**, Industrial Waste, **Appalachian Water Svcs, LLC.**, 195 Enterprise Ln., Connellsville, PA 15425

This existing facility is located in Masontown Boro, **Fayette Cnty**

Description of Proposed Action/Activity: Permit amendment issuance.

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

**PA0272639**, Sewage, SIC Code 8800, **Lawrence D. Scanlon**, 110 Shadow Lane, Coraopolis, PA 15108. Facility Name: Lawrence D. Scanlon SRSTP.

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

Description of Proposed Activity: A new NPDES permit for a new discharge of treated sanitary wastewater.

**PA0002976 A-1**, Industrial Waste, SIC Code 3469, **Zippo Manufacturing Company**, 33 Barbour Street, Bradford, PA 16701-1973. Facility Name: Zippo Manufacturing Company.

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

Description of Existing Activity: The permit is an amendment of an NPDES permit for an existing discharge of treated industrial waste, non-contact cooling water, and stormwater. Changes in this permit amendment include relaxation of effluent limits for cadmium, copper, lead and silver. The TRE special condition is being removed and a new condition related to use of the eDMR system was added.

**PA0103446**, Industrial Waste, SIC Code 4953, **Advanced Disposal Services Greentree Landfill, LLC**, 635 Toby Road, Kersey, PA 15846-1033. Facility Name: Advanced Disposal Services Greentree Landfill.

This existing facility is located in Fox Township, **Elk County**.

Description of Existing Activity: Renewal of an NPDES permit for an existing discharge of treated Industrial Waste.

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

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

**WQM Permit No. WQG02151211**, Sewage, **Pennsylvania American Water Company**, 4 Wellington Blvd. Wyomissing, PA 19610.

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

Description of Action/Activity: Construction and operation of a sewage pump station.

**WQM Permit No. 0911402**, Sewage, **Buckingham Township**, P. O. Box 413, Buckingham, PA 18912-0413.

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

Description of Action/Activity: Operation of a conveyance system, pump station, treatment plant, effluent storage lagoons and four effluent spray areas.

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

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

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

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

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

**WQM Permit No. 2294410 T-1**, Sewerage, **Ward Realty LLC**, 210 Vardan Drive, York, PA 17403.

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

Description of Proposed Action/Activity: Permit transfer approving the operation of sewage facilities consisting of screening, flow equalization, extended aeration, clarification, filtration, chlorination and de-chlorination.

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

**WQM Permit No. 2608201-A2**, Industrial Waste, **Appalachian Water Svcs, LLC**, 195 Enterprise Ln., Connellsville, PA 15425

This existing facility is located in Masontown Boro, **Fayette Cnty**

Description of proposed Action/Activity: Permit amendment issuance.

**WQM Permit No. 0212401**, Sewerage, **Chatham Univ.**, Woodland Rd., PGH, PA 15232

This proposed facility is located in Richland Twp., **Allegheny Cnty**

Description of proposed Action/Activity: Permit issuance for the construction and operation of an STP.

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

**WQM Permit No. 2513401**, Sewage, **Lawrence D. Scanlon**, 110 Shadow Lane, Coraopolis, PA 15108.

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

Description of Proposed Activity: Issuance of a WQM permit for a single residence sewage treatment plant.

**WQM Permit No. 4298201, Amendment No. 1, Zippo Manufacturing Company, 33 Barbour Street, Bradford, PA 16701-1973.**

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

Description of Proposed Action/Activity: Amendment to add flow equalization equipment after the wastewater treatment processes to equalize effluent flow.

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

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

*Facility Location*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
East Goshen Township Chester County	PAI130520	East Goshen Township Chester County 1580 Paoli Pike West Chester, PA 19380-6107	East Branch Chester Creek and Ridley Creek—3-G	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI01 0906022-R	Sal Lapio Homes 104 Mill Road Sellersville, PA 18960	Bucks	Nockamixon Township	Rapp Run/Tinicum Creek EV
PAI01 151105	Devault Village, LP 555 Country Club Drive, Suite 200 Downingtown, PA 19335	Chester	Charlestown Township	Unnamed Tributary to Pickering Cedar Hallow Creek HQ-TSF-EV
PAI01 1506061-R	Renehan Building Group 318 East King Street Malvern, PA 19355	Chester	East Goshen Township	Unnamed Tributary to Ridley Creek HQ
PAI01 1507056-R	The Stonewall Links 375 Bulltown Road P. O. Box 203 Elverson, PA 19520	Chester	Warwick Township	French Creek EV

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI032110005	Michael Greene 4075 Market Street Camp Hill, PA 17011	Cumberland	Hampden Township	UNT to Trindle Spring Run (HW-CWF)
PAI034413001	Sheetz, Inc. 5700 Sixth Avenue Altoona, PA 16602	Mifflin	Brown Township	UNT to Kishacoquillas Creek (HQ-CWF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI053012003	West Greene School District 1367 Hargus Creek Road Waynesburg, PA 15370	Greene	Center Township	Hargus Creek (HQ-WWF)

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

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The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

**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>
Pennsbury Township Chester County	PAG0200 1513008	Vincent and Kristini M. Russmagno 132 Saint Moritz Drive Wilmington, DE 19807	Unnamed Tributary to Brandywine Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Marlborough Township Chester County	PAG0200 1513004	Longwood Gardens P. O. Box 501 Kennett Square, PA 19348	Unnamed Tributary to Pocopson Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Kennett Township Chester County	PAG0200 1513013	Bancroft Development Co., Inc. 44 Bancroft Mills Road Wilmington, DE 19805	Red Clay Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Franklin Township Chester County	PAG0200 1513020-R Renewal of old #PAR10-G514-R	Creek, LLC 227 Granite Run Drive, Suite 100 Lancaster, PA 17601	Middle Branch White Clay Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
London Grove Township Chester County	PAG0200 1505086-R	SPE-Lisscul Construction 2109 Bellemead Avenue Havertown, PA 19083	Unnamed Tributary to East Branch White Clay Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511229	Toll, PA XV, LP 250 Gibraltar Road, 2E Horsham, PA 19044	Delaware River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511310	The Pennsylvania State University 101 P Physical Plant Building University Park, PA 16802	Delaware River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900



**NOTICES**

**3275**

*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>
Penn Township, Berks County	PAG02000613006	John C. Iglar & Cynthia L. Dolan PO Box 19607	Irish Creek (WWF, MF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Upper Frankford Township, Cumberland County	PAG02002113006	McClure's Gap Church of God Board of Trustees 130 Church of God Road Newville, PA 17241	Bloser Creek (WWF, MF)	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Dickinson and South Middleton Townships, Cumberland County	PAG02002104032R	AC Kuhn Dennison Farm 240 Springview Road Carlisle, PA 17015	Alexander Spring Run (CWF, MF)	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Monroe and Upper Allen Townships, Cumberland County	PAG02002103014R	West Shore Evangelical Free Church 105 South Market Street Mechanicsburg, PA 17055	UNT to Yellow Breeches Creek (CWF)	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Manheim Township, Lancaster County	PAG02003611092R	Charter Homes at Grandview Inc. 1190 Dillerville Road Lancaster, PA 17601	Conestoga River (WWF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
East Hempfield Township, Lancaster County	PAG02003613035	Tobacco Road Associates 191 Broad Street Landisville, PA 17538	UNT to Chickies Creek/Swarr Run (WWF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Straban Township, Adams County	PAG02000113004	Larry R. Redding, Superintendent Gettysburg High School Gettysburg Area School District 900 Biglerville Road Gettysburg, PA 17325	Rock Creek (WWF)	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Kittanning Township, Armstrong County	PAG02-1003-13-004	BAMR P. O. Box 8461 Harrisburg, PA 17105-8461	Mill Run (TSF) to Cowanshannock Creek (TSF) to Allegheny River (WWF)	BAMR P. O. Box 8461 Harrisburg, PA 17105-8461 717-783-7924

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

*Facility Location:*

<i>Municipality and County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Cambria Township, Cambria County	PAG02001113002	Dubyak Restaurant, LP 381 Beaver St. Hastings, PA 16466	UNT to South Branch of Blacklick Creek (CWF)	Cambria County CD 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120
Franklin Township, Greene County	PAG02003013002	Kirby Developments, LLC 130 Meadow Ridge Rd. Mt. Morris, PA 15349	UNT to South fork of Tenmile Creek (WWF)	Greene County CD 19 South Washington Street Waynesburg, PA 15370 (724) 852-5278

<i>Facility Location: Municipality and County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Richhill Township Greene County	PAG02003013005	Richhill Agriculture Society PO Box 125 Windridge, PA 15380	UNT to Dunkard fork of Wheeling Creek (WWF)	Greene County CD 19 South Washington Street Waynesburg, PA 15370 (724) 852-5278
Conemaugh Township Somerset County	PAG02005611001R	Laurel View Village 200 Cambridge Drive Davidsville, PA 15928	UNT to Stonycreek River (CWF)	Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15601 (814) 445-4652
Central City Borough Somerset County	PAG02005610009R	The Community Action Partnership for Somerset County Tableland Services, Inc. 535 East Main Street Somerset, PA 15501	Laurel Run (CWF)	Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15601 (814) 445-4652
California Borough Washington County	PAG02006309015-1	California University Ave. 250 University Ave California, PA 15419	Monongahela River (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Penn Township Westmoreland County	PAG02006507047R	DM Brentzel Builders 30 Penn Towne Drive Irwin, PA 15642	Turtle Creek (TSF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 834-5271

*Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville 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>
City of St. Mary's Elk County	PAG02002413003	JM Delullo Stone Sales Inc 1247 Million Dollar Highway Kersey PA 15846	Iron Run CWF	Elk County Conservation District 814-776-5373
Bradford Township McKean County	PAG02004209003R	University of Pittsburgh at Bradford 300 Campus Drive Bradford PA 16701	W. Br. Tunungwant Creek CWF	McKean County Conservation District 814-887-4001
Green Township & West Salem Township Mercer County	PAG02004313004	Borough of Greenville 125 Main Street Greenville PA 16125	Little Shenango River TSF Shenango River WWF	Mercer County Conservation District 724-662-2242
Farmington Township Warren County	PAG02006213005	Dustin H. Wilcox 1600 Old State Road Russell PA 16345	Unt Kiantone Creek CWF	Warren County Conservation District 814-726-1441

*General Permit Type—PAG-3*

<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>
Scranton City Lackawanna County	PAR232236	CPG International Inc. 801 Corey Street Scranton, PA 18505	Lackawanna River— 5-A CWF,MF	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Harmar Twp Allegheny Cnty	PAR806104	Ward Trucking Corp 2901 Freeport Rd PGH, PA 15238	Lardintown Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
City of Greensburg Westmoreland Cnty	PAR606127	Daniels & Miller, Inc. 242 N Hamilton Ave PO Box 848 Greensburg, PA 15601	Zellers Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Neville Twp Allegheny Cnty	PAR706107	Lindy Paving Inc 586 N Gate Circle New Castle, PA 16105	Moon Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
McDonald Boro Allegheny Cnty	PAR316112	Patterson Svcs Inc 1217 Laurel Hill Rd McDonald, PA 15057	Robinson Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

*General Permit Type—PAG-9*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name</i>	<i>Contact Office &amp; Phone No.</i>
S Huntingdon Twp Westmoreland Cnty	PAG096113	A Affordable Sanitation 425 Fitz Henry Rd Smithton, PA 15479	A Affordable Sanitation	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-10*

<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>
Along Hinkley Road Auburn and Springville Townships Susquehanna County	PAG102284	Williams Field Services Company, LLC Park Place Corporate Center 2 2000 Commerce Drive Pittsburgh, PA 15275	Unnamed Tributaries to West Branch Meshoppen Creek—04G	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
Township Road T548 Bridgewater and Brooklyn Townships Susquehanna County	PAG102279	Williams Field Services Company, LLC 1212 South Abington Road Clarks Summit, PA 18411	Unnamed Tributary to Meshoppen Creek 04G	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
Berks County / Bern & Ruscombmanor Townships	PAG103556	Texas Eastern Transmission, LP, (Team 2014 Project, Bernville Loop) 890 Winter Street, Suite 300 Waltham, MA 02451	Laurel Run and Schuylkill River / CWF, MF, WWF, & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Dauphin County / Middle Paxton & West Hanover Townships	PAG103557	Texas Eastern Transmission, LP, (Team 2014 Project, Shermansdale Loop) 890 Winter Street, Suite 300 Waltham, MA 02451	Fishing Creek, Stony Creek, UNT Fishing Creek & UNT Stony Creek / CWF, MF, WWF & MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Chartiers Twp Washington Cnty	PAG106162	Enterprise Prods Operating LLC PO Box 4324 Houston, TX 77210	UNT to Scott Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-13**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>
Hulmeville Borough Bucks County	PAG130168	Hulmeville Borough Bucks County 321 Main Street Hulmeville, PA 19047	Neshaminy Creek—2-F	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970
Sharon Hill Borough Delaware County	PAG130014	Sharon Hill Borough Delaware County 250 Sharon Avenue Sharon Hill, PA 19079	Darby Creek and Hermesprota Creek—3-G	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970
Lansdowne Borough Delaware County	PAG130126	Lansdowne Borough Delaware County 12 E Baltimore Avenue Lansdowne, PA 19050	Darby Creek—3-G	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970
Falls Township Bucks County	PAG130050	Falls Township Bucks County 188 Lincoln Highway Suite 100 Fairless Hills, PA 19030	Martins Creek, Queen Anne Creek and Rock Run—2-E	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970
Tullytown Borough Bucks County	PAG130161	Tullytown Borough Bucks County 500 Main Street Tullytown, PA 19007	Martins Creek—2-E	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970
Eddystone Borough Delaware County	PAG130087	Eddystone Borough Delaware County 1300 E 12th Street Eddystone, PA 19022	Ridley Creek—3-G	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970
East Lansdowne Borough Delaware County	PAG130124	East Lansdowne Borough Delaware County 155 Lexington Avenue East Lansdowne, PA 19050	Cobbs Creek—3-G	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970



*Facility Location:  
Municipality &  
County*

Nether Providence  
Township  
Delaware County

*Permit No.*

PAG130099

*Applicant Name &  
Address*

Nether Providence  
Township  
Delaware County  
214 Sykes Lane  
Wallingford, PA 19086

*Receiving  
Water / Use*

Crum Creek, Dicks  
Run, Ridley Creek,  
Unnamed Tributary  
to Ridley Creek,  
Unnamed Tributary  
to Vernon Run and  
Vernon Run—3-G

*Contact Office &  
Phone No.*

DEP Southeast  
Regional Office  
Clean Water Program  
2 E Main Street,  
Norristown, PA 19401  
484.250.5970

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

*NPDES  
Permit No.*

PAG138325

*Applicant Name &  
Address*

Seven Fields Borough  
Butler County  
Suite 100  
2200 Garden Drive  
Seven Fields, PA 16046

*County*

Butler  
County

*Municipality*

Seven Fields  
Borough

*Receiving  
Water / Use*

Unnamed Tributary to  
Kaufman Run

*DEP Protocol  
(Y/N)*

Y

**PUBLIC WATER SUPPLY PERMITS**

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Permit No. 1513511, Public Water Supply**

Applicant  
Township

**Valley Township**  
Valley

County

Responsible Official

Type of Facility

Consulting Engineer

Application Received  
Date

Description of Action

**Chester**

Patrice Proctor Chairwomen  
890 West Lincoln Highway  
Coatesville, PA 19320

PWS

Michael J. Ellis, P.E.  
Pennoni Associates, Inc.  
121 Continental Drive  
Suite 207  
Newark, DE 19713

March 11, 2013

Valley Township's Villages of  
Hillview interconnection with  
the Pennsylvania American  
Water Company.

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

**Permit No. 4613506, Minor Amendment. Public Water Supply.**

Applicant

Township

County

Type of Facility

Consulting Engineer

Permit to Operate  
Issued

**Aqua Pennsylvania, Inc.**  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010

Upper Moreland

**Montgomery**

PWS

Gannett Fleming, Inc.  
P. O. Box 80791  
Valley, Forge, PA 19494

May 20, 2013

**Permit No. 1512532, Minor Amendment. Public Water Supply.**

Applicant

Township

County

**Caln MHP**

2323 Warren Avenue  
Coatesville, PA 19320

Caln

**Chester**

Type of Facility PWS  
 Consulting Engineer Cawley Environmental Services, Inc.  
 637 Jeffers Circle  
 Exton, PA 19341  
 Permit to Operate May 22, 2013  
 Issued

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

**Operations Permit** issued to: **Needmore Water Supply, Inc. Company**, 4290004, Belfast Township, **Fulton County** on 5/24/2013 for the operation of facilities approved under Construction Permit No. 2911502 MA.

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

**Permit No. 4113501—Construction** Public Water Supply.

Applicant **Little Pine State Park**  
 Township/Borough Cummings Township  
 County **Lycoming**  
 Responsible Official Barry Eppley, P.E.  
 DCNR—Northcentral  
 Engineering Office  
 Bureau of Facility Design &  
 Construction  
 262 Sizerville Road  
 Emporium, PA 15834  
 Type of Facility Public Water Supply  
 Consulting Engineer N/A  
 Permit Issued June 4, 2013  
 Description of Action Installation of prechlorination,  
 detention time, and “Greensand  
 Plus” filtration for removal of  
 iron and arsenic.

**Pike Township Municipal Authority** (Public Water Supply), **Clearfield County**: On June 4, 2013, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan Pike Township Municipal Authority. The personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP plan was funded by the Department of Environmental Protection (John C. Hamilton, P.E., (570) 327-3650).

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

**Permit No. 3213510**, Public Water Supply.  
 Applicant **Indiana County Municipal Services Authority**  
 602 Kolter Drive  
 Indiana, PA 15701  
 [Borough or Township] Canoe Township  
 County **Indiana**  
 Type of Facility Cherry Tree WTP

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
 1004 Ligonier Street  
 PO Box 853  
 Latrobe, PA 15650  
 Permit to Construct May 15, 2013  
 Issued

**Permit No. 3213501**, Public Water Supply.  
 Applicant **Indiana County Municipal Services Authority**  
 602 Kolter Drive  
 Indiana, PA 15701

[Borough or Township] Montgomery Township  
 County **Indiana**  
 Type of Facility Arcadia WTP  
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
 1004 Ligonier Street  
 PO Box 853  
 Latrobe, PA 15650

Permit to Construct May 15, 2013  
 Issued

**Permit No. 3213513**, Public Water Supply.  
 Applicant **Indiana County Municipal Services Authority**  
 602 Kolter Drive  
 Indiana, PA 15701

[Borough or Township] White Township  
 County **Indiana**  
 Type of Facility Windy Ridge water storage tank  
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
 1004 Ligonier Street  
 PO Box 853  
 Latrobe, PA 15650

Permit to Construct May 15, 2013  
 Issued

**Permit No. 3213503**, Public Water Supply.  
 Applicant **Indiana County Municipal Services Authority**  
 602 Kolter Drive  
 Indiana, PA 15701

[Borough or Township] Armstrong Township  
 County **Indiana**  
 Type of Facility Shelocta water storage tank  
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
 1004 Ligonier Street  
 PO Box 853  
 Latrobe, PA 15650

Permit to Construct May 15, 2013  
 Issued

**Permit No. 3213509**, Public Water Supply.  
 Applicant **Indiana County Municipal Services Authority**  
 602 Kolter Drive  
 Indiana, PA 15701

[Borough or Township] Armstrong Township

County **Indiana**  
 Type of Facility Parkwood water storage tank  
 Consulting Engineer Gibson-Thomas  
 Engineering Co., Inc.  
 1004 Ligonier Street  
 PO Box 853  
 Latrobe, PA 15650  
 Permit to Construct May 15, 2013  
 Issued

**Operations Permit** issued to: **Municipal Authority of the Borough of Oakmont**, PO Box 73, 721 Allegheny Avenue, Oakmont, PA 15139, (PWSID #5020036) Indiana Township, **Allegheny County** on May 28, 2013 for the operation of facilities approved under Construction Permit # 0211517.

**Operations Permit** issued to: **Pittsburgh Water & Sewer Authority, Penn Liberty Plaza I**, 1200 Penn Avenue, Pittsburgh, PA 15222, (PWSID #5020038) City of Pittsburgh, **Allegheny County** on June 3, 2013 for the operation of facilities approved under Construction Permit # 0213505MA.

**Permit No. 3213507MA, Minor Amendment.** Public Water Supply.

Applicant **Indiana County Municipal Services Authority**  
 602 Kolter Drive  
 Indiana, PA 15701

[Borough or Township] Armstrong & Young Townships  
 County **Indiana**  
 Type of Facility Parkwood/West Lebanon  
 waterline

Consulting Engineer Gibson-Thomas  
 Engineering Co., Inc.  
 1004 Ligonier Street  
 PO Box 853  
 Latrobe, PA 15650

Permit to Construct May 15, 2013  
 Issued

**Permit No. 3213508MA, Minor Amendment.** Public Water Supply.

Applicant **Indiana County Municipal Services Authority**  
 602 Kolter Drive  
 Indiana, PA 15701

[Borough or Township] Pine Township  
 County **Indiana**  
 Type of Facility Pine Township/Alverda waterline  
 Consulting Engineer Gibson-Thomas  
 Engineering Co., Inc.  
 1004 Ligonier Street  
 PO Box 853  
 Latrobe, PA 15650

Permit to Construct May 15, 2013  
 Issued

**Permit No. 3213511MA, Minor Amendment.** Public Water Supply.

Applicant **Indiana County Municipal Services Authority**  
 602 Kolter Drive  
 Indiana, PA 15701

[Borough or Township] Susquehanna and Green  
 Townships

County **Cambria and Indiana**  
 Type of Facility Uniontown waterline extension  
 Consulting Engineer Gibson-Thomas  
 Engineering Co., Inc.  
 1004 Ligonier Street  
 PO Box 853  
 Latrobe, PA 15650

Permit to Construct May 15, 2013  
 Issued

**Permit No. 0413501MA, Minor Amendment.** Public Water Supply.

Applicant **Industry Borough Municipal Authority**  
 1149 East Willowbrook Drive  
 Industry, PA 15052

[Borough or Township] Industry Borough  
 County **Beaver**  
 Type of Facility Water system

Consulting Engineer Michael Baker Jr., Inc.  
 4301 Dutch Ridge Road  
 Beaver, PA 15009

Permit to Construct May 23, 2013  
 Issued

**Permit No. 0213521E, Minor Amendment.** Public Water Supply.

Applicant **Pittsburgh Water & Sewer Authority**  
 Penn Liberty Plaza I  
 1200 Penn Avenue  
 Pittsburgh, PA 15222

[Borough or Township] City of Pittsburgh  
 County **Allegheny**  
 Type of Facility Water system

Consulting Engineer  
 Permit to Construct May 16, 2013  
 Issued

**Permit No. 0213520E, Minor Amendment.** Public Water Supply.

Applicant **Pittsburgh Water & Sewer Authority**  
 Penn Liberty Plaza I  
 1200 Penn Avenue  
 Pittsburgh, PA 15222

[Borough or Township] City of Pittsburgh  
 County **Allegheny**  
 Type of Facility Water system

Consulting Engineer  
 Permit to Construct May 16, 2013  
 Issued

**Permit No. 0210503GWR, Minor Amendment.** Public Water Supply.

Applicant **Bay Valley Foods, LLC**  
 1080 River Avenue  
 Pittsburgh, PA 15212

[Borough or Township] City of Pittsburgh

County **Allegheny**  
 Type of Facility Water system  
 Consulting Engineer  
 Permit to Operate May 23, 2013  
 Issued

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

**Operation Permit issued to Erie City Water Authority d/b/a Erie Water Works, PWSID #6250028, City of Erie, Erie County.** Permit Number 2510501 issued May 24, 2013 for the operation of the Johnson Pump Station upgrades. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on May 16, 2013.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

#### Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

##### Plan Location:

Borough or Township	Borough or Township Address	County
Roaring Spring Borough	616 Spang Street, Roaring Spring, PA 16673	Blair

*Plan Description:* The approved plan provides for improvements and upgrades to the existing sewage treatment plant, in addition to the construction of an effluent pumping station and discharge line to transfer treated effluent to the Frankstown Branch of the Juniata River. The plan also provides for the continued rehabilitation and replacement of the collection system. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the

selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

**Lauschtown Trailer Park**, Trailer #1, 553 Lauschtown Road, Denver, PA 17517, Brecknock Township, **Lancaster County**. Hafer Environmental Services, Inc., PO Box 4418, Reading, PA 19606, on behalf of Ronald Weaver, Lauschtown Investments, LLC, 266 Vera Cruz Road, Reinholds, PA 17569, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**Kachel's Ford**, 2400 Lancaster Pike, Reading, PA 19606, Cumru Township, **Berks County**. Liberty Environmental, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of Lee Kachel, 2000 Cambridge Avenue, #188, Wyomissing, PA 19610, submitted a combined Remedial Investigation Report and Final Report concerning site soils and groundwater contaminated with leaded and unleaded gasoline from historical operations as an automotive service and repair garage. The report is intended to document remediation of the site to meet a combination of the Residential Statewide Health and Site-Specific standards.

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

**US Express Diesel Release**, Interstate 80W mile marker 150.5—150.6, Boggs Township, **Centre County**. Mr. Martin Gilgallon, Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403, on behalf of Mr. Brad Kline, Emergency Response Training Solutions (ERTS), 6001 Cochran Road, Suite 3000, Solon, OH 44139 submitted a Final Report concerning remediation of site soils contaminated with Benzene, Ethyl Benzene, Cumene, MTBE, Naphthalene, Toluene, 1,2,4-TMB, 1,3,5-TMB. The report is intended to document remediation of the site to meet the Statewide Health Standard.



**UX Express Diesel Release**, Interstate 80 W mile marker 150.5—150.6, Boggs Township, **Centre County**. Mr. Martin Gilgallon, Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, Pa 18403, on behalf of Mr. Brad Kline, Emergency Response Training Solutions, 6001 Cochran Road, Suite 3000, Solon, OH 44139, submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Ethylbenzene, Cumene, MTBE, Naphthalene, Toluene, 1,2,4-TMB, 1,3,5-TMB. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on May 23, 2013.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

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

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

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information

concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Jerome H. Rhoads, Inc.**, 221 East State Street, Quarryville, PA 17566, Quarryville Borough, **Lancaster County**. Gannett Fleming, Inc., 101 Millersville Road, Lancaster, PA 17603-4250, on behalf of Jerome H. Rhoads, Inc., 624 South Prince Street, Lancaster, PA 17603, submitted a combined Remedial Investigation Report and Risk Assessment Report for site soils and groundwater contaminated with petroleum hydrocarbons and chlorinated solvents. The site will be remediated to the Site-Specific standard. The combined report was approved by the Department on May 28, 2013.

**Susquehanna Valley Nursing & Rehabilitation Center**, 745 Old Chickies Hill Road, Columbia, PA 17512, Columbia Borough, **Lancaster County**. Advantage Engineers, LLC, 910 Century Drive, Mechanicsburg, PA 17055, on behalf of Susquehanna Valley Nursing & Rehabilitation Center, LP, 9900 Walther Boulevard, Baltimore, MD 21234 and Susquehanna Valley Nursing & Rehabilitation Center, LLC, 745 Old Chickies Hill Road, Columbia, PA 17512, submitted a Final Report concerning site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on May 31, 2013.

**DeGol Industrial Center / Former Hollidaysburg Car Shop**, Frankstown Township, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Altoona-Blair County Development Corporation, 3900 Industrial Park Drive, Altoona, PA 16602, submitted a Baseline Remedial Investigation Work Plan concerning site soils and groundwater contaminated with chlorinated solvents, PAHs, VOCs, and Inorganics. The site is being remediated as a Special Industrial Area, and the Work Plan was approved by the Department on May 31, 2013.

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

**Trinity Industries, Inc.—South Plant**, 100 York Street, Hempfield Township, **Mercer County**. Golder & Associates, Inc., on behalf of Trinity Industries, Inc., 2525 Stemmons Freeway, Dallas, TX 75207 submitted a Cleanup Plan concerning the remediation of site soils contaminated with metals—primarily Lead and groundwater contaminated with Manganese and Arsenic. The Plan was approved, with modifications, by the Department on May 24, 2013.

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

**Phillips Station**, Jordan Street, South Heights Borough and Crescent Township **Allegheny County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road,

Aliquippa, PA 15205 on behalf of Phillips Station Riverfront South, L.P., 625 Liberty Avenue, Floor 23, Pittsburgh, PA 15222 submitted a Final Report concerning remediation of site soil and groundwater contaminated with arsenic, lead and nickel. The Final Report demonstrated attainment of a non-residential Site-specific Health Standard and was approved by the Department on June 4, 2013.

#### DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

**Determination of Applicability for General Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities (25 Pa. Code § 271.811 relating to authorization for general permit).**

*South Central Regional Office: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

**General Permit No. WMGM039-SC003. Pennsy Supply, Inc.** Prescott Quarry, 200 Prescott Road, Lebanon, PA 17042. The Department of Environmental Protection has issued a determination of applicability under General Permit WMGM039 to Pennsy Supply, Inc. for their facility located at Prescott Quarry, 200 Prescott Road, Lebanon, PA in South Lebanon Township, **Lebanon County**. This permit was issued on May 31, 2013.

Persons interested in reviewing the general permit may contact John Oren, Facilities Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

**General Permit No. WMGM039-SC004. Pennsy Supply, Inc.** Penn Township Quarry, 20 Pennsy Road, Newville, PA 17241. The Department of Environmental Protection has issued a determination of applicability under General Permit WMGM039 to Pennsy Supply, Inc. for their facility located at Penn Township Quarry, 20 Pennsy Road, Newville, PA in Penn Township, **Cumberland County**. This permit was issued on April 18, 2013.

Persons interested in reviewing the general permit may contact John Oren, Facilities Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

**General Permit No. WMGM039-SC005. Pennsy Supply, Inc.** East Petersburg Quarry, 2742 Lancaster Road, Manheim, PA 17545. The Department of Environmental Protection has issued a determination of applicability under General Permit WMGM039 to Pennsy Supply, Inc. for their facility located at East Petersburg Quarry, 2742 Lancaster Road, Manheim, PA in East Petersburg Township, **Lancaster County**. This permit was issued on April 18, 2013.

Persons interested in reviewing the general permit may contact John Oren, Facilities Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

## AIR QUALITY

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

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

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

**GP14-09-0135: Bucks County Crematories, LLC** (3500 Bristol-Oxford Valley Road) on May 30, 2013, to operate (1) one human crematory unit in Bristol Township, **Bucks County**.

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

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

**GP5-58-002: PVR NEPA Gas Gathering, LLC** (101 West Third Street, Williamsport, PA 17701) on May 24, 2013, to construct and operate five (5) IC Engines, two (2) dehydrators, and four (4) condensate tanks at the Teel Natural Gas Compressor Station site in Springville Township, **Susquehanna County**.

**GP3-58-005: L&D Stoneworks, Inc.** (2774 Stone Street, Montrose, PA 18801) on May 16, 2013, to construct and operate a Portable Crushing Operation with water sprays at their Stone Street Quarry in Forest Lake Township, **Susquehanna County**.

**GP9-58-005: L&D Stoneworks, Inc.** (2774 Stone Street, Montrose, PA 18801) on May 16, 2013, to install and operate five (5) Diesel I/C engines their Stone Street Quarry in Forest Lake Township, **Susquehanna County**.

**GP3-45-001: Haines & Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) on May 31, 2013, to construct and operate a Portable Crushing Operation with water sprays at their Locust ridge Quarry in Tobyhanna Township, **Monroe County**.

**GP9-45-001: Haines & Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) on May 31, 2013, to install and operate a Diesel I/C engine at their Locust ridge Quarry in Tobyhanna Township, **Monroe County**.

**GP14-13-001: Arfan Inc. Crematory** (517-519 Delaware Avenue, Rear, Palmerton, PA 18071) on April 29, 2013, to install and operate a human crematory at their facility in Palmerton Borough, **Carbon 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.*

**GP11-38-05024B: Pennsy Supply, Inc.** (1001 Paxton Street, PO Box 3331, Harrisburg, PA 17105) on May 28, 2013, to install and operate a diesel engine under GP11, to power a shingle shredder at the Prescott Quarry in South Lebanon Township, **Lebanon 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*



**GP9-63-00978: Pennsylvania American Water Co.** (800 West Hershey Park Drive Hershey, PA 15210) on June 3, 2013, to allow installation and operation of two (2) Cummins, diesel-fired engines, each rated at 2,922 bhp, at their Aldrich Treatment Complex Station in Union Township, **Washington County, PA.**

**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*

**09-0014A: Northeast Foods, Inc.—Bake Rite Rolls Division** (2945 Samuel Drive, Bensalem, PA 19020) on May 30, 2013, to replace the old Lanham 4 Roll Oven (Source ID 104) with the new Stewart Systems Roll Oven (Source ID 106) at their manufacturing plant in Bensalem Township, **Bucks County.** Bake Rite Rolls is a major source of Volatile Organic Compound (VOC) emissions, currently operating under TVOP No. 09-00014. The installation will not trigger New Source Review. The plan approval will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**48-00079A: Lehigh Valley Crematory Services, Inc.** (301 Front Street, Hellertown, PA 18055) on May 31, 2013, to install and operate an incinerator in Hellertown Borough, **Northampton 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.*

**22-03076A: Bitner Crematory, LLC** (2100 Linglestown Road, Harrisburg, PA 17110) on May 28, 2013, to operate a human crematory at the Jesse H. Geigle Funeral Home in Susquehanna Township, **Dauphin County.**

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

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

**08-00046A: Lowery Life Appreciation Center, LLC** (225 South Main Street, Athens, PA 18810) on May 28, 2013, to construct a human crematorium at their facility in Athens Borough, **Bradford County.**

**55-00002C: Commonwealth of Pennsylvania Department of Public Welfare** (Selinsgrove Center, 1000 Route 522, Selinsgrove, PA 17870) on May 29, 2013, to install oxidation catalyst control technology on two (2) diesel-fired stand-by power generating processes that include two (2) diesel-fired reciprocating internal combustion engines at their Selinsgrove Center in Penn Township, **Snyder County.**

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

*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.*

**29-05001B: JLG Industries, Inc.** (1 JLG Drive, McConnellsburg, PA 17233-9502) on May 28, 2013, to install a zeolite wheel concentrator and a regenerative thermal oxidizer to replace an existing zeolite wheel concentrator and a recuperative thermal oxidizer, to control the volatile organic compound (VOC) emissions generated from the operation of the Boom Line Spray Paint Booths (Sources 114 and 115) at the McConnellsburg Lift Truck Plant located in Ayr Township, **Fulton County.** The plan approval was extended.

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

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

**08-00031A: Appalachia Midstream Services, LLC** (PO Box 54382, Oklahoma City, OK 73154-1368) on May 28, 2013 to extend the authorization an additional 180 days to November 24, 2013 to allow incorporation of the source operation into an operating permit located in Granville Township, **Bradford County.** The plan approval has been extended.

**57-00004A: Central New York Oil & Gas, LLC** (500 Robinson Road, Owego, NY 13827-6801) on May 28, 2013 to extend the authorization to operate a natural gas compressor station in Davidson Township, **Sullivan County** on a temporary basis to November 22, 2013. The plan approval has been extended.

**14-00016A: Penns Valley Area School District** (4528 Penns Valley Road, Spring Mills, PA 16875) on May 29, 2013, to extend the authorization for the construction of a wood-fired boiler at their facility in Penn Township, **Centre County** to November 26, 2013. The plan approval has been extended.

**41-00080A: PVR NEPA Gas Gathering, LLC.** (101 West Third Street, Williamsport, PA 17701) on May 31, 2013, to extend the authorization for the construction of two natural-gas-fired compressor engines each equipped with oxidation catalysts at the Canoe Run Compressor Station located in Mifflin Township, **Lycoming County** to November 28, 2013. The plan approval has been extended.

**19-00028A: White Pines Landfill** (515 State Route 442, Millville, PA 17846) on May 30, 2013 to extend authorization to operate the sources pursuant to the plan approval an additional 180 days from May 31, 2013 to November 27, 2013 located in Pine Township, **Columbia County.** The plan approval has been extended.

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

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

**10-001N: AK Steel Butler Works** (P.O. Box 832, Butler, PA 16003) on May 30, 2013, effective May 31, 2013, to issue a plan approval extension for modification of the No. 26 Carlite Furnace which includes increasing

the line speed of the unit from 440 fpm to 580 and installation of new low NO<sub>x</sub> burners (increasing the fire rate from 24.4 mmbtu/hr to 26.8 mmbtu/hr) in **Butler County**. This is a Title V facility.

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

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

**15-00060: Southeastern Chester County Refuse Authority—SECCRA** (PO Box 221, Kennett Square, PA 19348) on May 28, 2013, for the initial Title V Operating Permit for an existing municipal solid waste landfill and its landfill gas collection and control system, in London Grove Township, **Chester County**. The facility has become a Title V facility, since its potential to emit carbon monoxide (CO) has increased to over 100 tons/year. The initial Title V Operating Permit includes conditions from the State Only Operating Permit SOOP 15-00060, for an Emergency Generator (102 hp), 2 Leachate Evaporators (1.5 MMBtu/hr each), and an IC Engine/Generator (1148 hp) in addition to the landfill and its landfill gas collection and control system. The Title V Operating Permit also incorporates Plan Approval 15-0060D for an Enclosed Flare (Source ID C07). Sources of minor significance at the facility include a parts washer (40 gallon non-HAP solvent capacity), a #2 distillate fuel fired space heater (118,000 Btu/hr), and fuel, water and leachate storage tanks. No increases in facility-wide emissions in tons/year per 12-month rolling period for volatile organic compounds (VOC), nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), sulfur oxides (SO<sub>x</sub>), particulate matter less than 10 microns (PM<sub>10</sub>), particulate matter less than 2.5 microns (PM<sub>2.5</sub>), and hazardous air pollutants (HAPs) beyond that previously approved are allowed. The emergency generator and IC Engine/Generator are subject to the requirements of National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE), 40 CFR Part 63, Subpart ZZZZ. The initial Title V Operating Permit contains all applicable requirements including monitoring, recordkeeping and reporting.

**46-00033: Waste Management Disposal Services of Pennsylvania—Pottstown Landfill** (1425 Sell Road, Stowe, Pa 19464) on May 28, 2013, for a renewal to Title V Operating Permit 46-00033 located partly in West Pottsgrove Township in Montgomery County and the remainder in Douglass Township, **Berks County**. The permit is being amended to address the concerns expressed for monitoring frequency of the control devices. The renewed Title V operating permit will contain monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

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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*

**46-00078: G-Seven Ltd.** (2289 North Penn Road, Hatfield, PA 19440) on May 30, 2013, for renewal of the

Title V Operating Permit in Hatfield Township, **Montgomery County**, which was issued on June 7, 2007. G-Seven Ltd. has requested to be a Synthetic Minor facility from the Title V facility. This proposed renewal of the Operating permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The manufacturing process at G-Seven Ltd. includes cutting, shaping, sanding, bending, and finishing of wood substrates. The finishing process includes two (2) manual spray booths, Staining Operation, Glue press, and Clean Up operation. The wood substrates are coated in Spray Booth. Overspray in the Spray Booth is contained on filter media. The filters have a 95% overall efficiency. After the coating operation is complete, the wood substrates are air-dried. During the staining operation, coating is applied via hand (brush or cloth) and the wood substrate is air-dried. All emissions from this process are fugitive. The facility uses air-assisted airless spray guns during their finishing process. The spray guns have a 60% transfer efficiency. The facility is major for emissions of Volatile Organic Compounds (VOC). The facility is subject to the requirements 25 Pa. Code § 129.52 and the federal requirements of 40 CFR 63, Subpart JJ-National Emission Standards for HAPs. Wooding coating drying oven was only the source removed since the last renewal of the operating permit issued on June 7, 2007.

**46-00150: Montgomery County SPCA** (1059 Sweiford Road, Perkiomenville, PA 18074) on May 30, 2013, for a renewal of State-Only Operating Permit (“SOOP”) No. 46-00150 in Upper Frederick Township, **Montgomery County**. The Montgomery County SPCA operates and maintains an animal crematory unit, from which the main pollutants emitted are nitrogen oxides (“NO<sub>x</sub>”) and particulate matter (“PM”). The actual emission rates of NO<sub>x</sub> and PM from the crematory unit are each less than one ton per year. No changes have occurred at the facility since the permit was previously renewed in 2008. The renewed permit will continue to include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00059: Handelok Bag Co., Inc.** (701a West 5th Street, Lansdale, PA 19446) on May 30, 2013, for operation of a printing facility in Lansdale Borough, **Montgomery County**. The permit is for a non-Title V (State only) facility. The facility has requested a synthetic minor limit of 24.9 tons of VOC emissions. One source (104) was added to the facility in October 2011 through the Department’s RFD process. The facility is not subject to PSD for Greenhouse Gases. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**35-00016: Sandvik, Inc.** (P. O. Box 1220, Scranton, PA 18501-1220) on May 29, 2013, to operate an iron and steel pipe and tube manufacturing facility in Scott Township, **Lackawanna County**. The operation of the facility consists of two (2) boilers with sawing and treating. The emissions from the sources are controlled by baghouse/cyclones and scrubbers. This is a renewal of a state-only



operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**40-00123: Vita-Line Products, Inc.** (1111 North Park Drive, Hazle Township, PA 18202) on May 28, 2013, to operate a pet food manufacturing facility in Hazle Township, **Luzerne County**. The operation consists of a receiving operation, product mixing, cutting and drying. The emissions from the operation are controlled by cyclones and baghouses. This is a new State-Only operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**66-00009: Raymond J. Malak—d/b/a—Noxen Sand and Materials** (2162 Chase Road, Shavertown, PA 18708) on May 29, 2013, to operate a sand and gravel quarry in Noxen Borough, **Wyoming County**. The operation of the facility consists of stone crushers and conveyors. The sources control the particulate emissions through the operation of water sprays. This is a new state-only operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**58-00005: Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034-9467) on May 31, 2013, for crushed and broken stone mining and quarrying operations in Clifford Township, **Susquehanna County**. The primary sources consist of crushers, screens, conveyors and a batch asphalt plant. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. This is a renewal State-Only Natural Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**06-05001: Adelphi Kitchens, Inc.** (300 East Penn Avenue, Robesonia, PA 19551) on May 22, 2013, for the wood custom cabinetry manufacturing facility in Heidelberg Township, **Berks County**. The State-only permit was renewed.

**36-03166: L & S Sweeteners** (388 East Main Street, Leola, PA 17540-1925) on May 23, 2013, for their liquid and dry bulk receiving and transfer facility in Upper Leacock Township, **Lancaster County**. The State-only permit was renewed.

**67-03110: Protech Powder Coating, Inc.** (939 Monocacy Road, York, PA 17404-1615) on May 28, 2013, for the powder coating facility in York City, **York County**. The State-only permit was renewed.

**22-03044: Mack Trucks, Inc.** (2800 Commerce Drive, Middletown, PA 17057-3294) on May 28, 2013, for their engine remanufacturing facility in Lower Swatara Township, **Dauphin County**. The State-only permit was renewed.

**38-03036: Cargill, Inc.** (320 North 16th Street, Lebanon, PA 17046-4511) on May 29, 2013, for their animal feed mill in Lebanon City, **Lebanon County**. The State-only permit was renewed.

**36-03139: Ross Technology Corp.** (104 North Maple Avenue, Leola, PA 17540-9799) on May 30, 2013, for their sandblasting and metal fabrication facility in Upper Leacock Township, **Lancaster County**. The State-only permit was renewed.

**22-03090: Hershey Co.** (19 East Chocolate Avenue, PO Box 819, Hershey, PA 17033) on May 29, 2013, for the boilers, print shop and generators at the Hershey 19 East Offices in Derry Township, **Dauphin County**.

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

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

**60-00021: Iddings Quarry, Inc.** (900 Chestnut Street, Mifflinburg, PA 17844) on May 28, 2013, issued a state only operating permit for their facility in Limestone Township, **Union County**. The facility's main sources include a stone crushing and screening operation and four diesel engines. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**17-00060: Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201-1504) on May 29, 2013, issued a state only operating permit for their Lady Jane facility located in Huston Township, **Clearfield County**. The facility's main sources include various equipment for coal handling, stockpiling and truck loading. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**17-00064: Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201-1504) on May 29, 2013, issued a state only operating permit for their Cherry Tree facility in Burnside Township, **Clearfield County**. The facility's main sources include various equipment for coal stockpiling and truck loading and a 1,000 bhp diesel-fired emergency generator. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**47-00010: Kurt Weiss Danville, LLC** (233 PPL Road, Danville, PA 17821) on May 29, 2013, was issued a state only operating permit for their greenhouse facility in Anthony Township, **Montour County**. The facility's main sources include nine (9) No. 2 fuel oil-fired boilers and one hundred and sixty (160) No. 2 fuel oil-fired space heaters. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**41-00028: Koppers, Inc.** (PO Box 189, Montgomery, PA 17752-0189) on May 29, 2013, issued a State Only (Synthetic Minor) operating permit renewal for their Railroad Tie Plant located in Clinton Township, **Lycoming County**. The operating permit renewal includes emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

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

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

**42-00198: Elkhorn Gas Processing, LLC—Kane Plant** (6307 Route 6, Kane, PA 16735) on May 29, 2013, for renewal of the Natural Minor Permit to operate a natural gas processing facility at Wetmore Township, **McKean County**. The facility's emitting sources included, 1) Oil—Medium Heater (Hot Oil Heater), 2) 800 HP Compressor Engine (Inlet 1), 3) 800 HP Compressor Engine (Inlet 2), 4) 365 HP Compressor Engine (Refrigerant), 5) Equipment Leaks (including the exempted DeButanizer), 6) Glycol Regenerator (dehydrator), 7) Loading and storage tanks, and, 8) 600 HP new compressor. The emissions of pollutants from the facility are less than Title V threshold limits. Thus, the facility is natural minor. The existing natural gas compressor engine, SI RICE are subject to 40 CFR Part 63 Subpart ZZZZ and the new compressor engine SI ICE is subject to 40 CFR Part 60 Subpart JJJJ. The VOC emission from the facility is greater than 10 tons per year. Thus, facility will submit emission statement annually. The actual emission based on 2012 are as follows: PM-10: 0.06 TPY (Tons per year), VOC: 23.22 TPY, NO<sub>x</sub>: 4.20 TPY, SO<sub>x</sub>: 0.05 TPY and, CO: 28.72 TPY.

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

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

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

**46-00268: Colorcon, Inc.** (275 Ruth Road, Harleysville, PA 19438) on May 29, 2013, for a Minor Modification of State Only (Synthetic Minor) Operating Permit No. 46-00268 for its facility in Harleysville, Lower Salford Township, **Montgomery County**. The Minor Modification reduces the frequency of CO and NO<sub>x</sub> emission testing for the generator set from on an annual basis to either every five (5) years or once during the term of the SOOP, and indicates that the generator set is used only for emergency purposes.

The Minor Modification is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.461—127.462.

**46-00158: Colorcon, Inc.** (415 Moyer Boulevard, West Point, PA 19486) on May 29, 2013, for an Administrative Amendment to State Only (Natural Minor) Operating Permit No. 46-00158 for its facility in Upper Gwynedd Township, **Montgomery County**. The Administrative Amendment identifies a change to the permit contact person for the facility, removes all requirements for and references to No. 2 fuel oil for the Building 415 boilers

(Source IDs 032 and 035) from the permit, and incorporates the requirements of Plan Approval No. 46-0158D for the following changes:

- Routing of the exhaust gas flow from the lake plant grinders, blenders, and packaging operations (formerly Source IDs 121, 122, and 124, respectively) from the high-energy wet scrubber (Source ID C119), which exhausts into the outdoor atmosphere, to an existing (unpermitted) dust collector, which exhausts into the indoor atmosphere. (As such, the requirements for these lake plant sources are not included in the amended permit.)

- Operation of the dry dispersion area blenders and grinders (Source ID 125A) and wet dispersion area blenders (Source ID 127A) when either one or both of the associated dust collectors (Source IDs C125-C126) is operated, instead of only when both dust collectors are operated.

- Installation of a new central vacuum system and associated dust collector.

The Administrative Amendment is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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

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

**49-00019: Sunoco Partners Marketing & Terminals, L. P.** (515, Fritztown Road, Sinking Springs, PA 19608) issued a revised operating permit, on May 30, 2013, for their Northumberland Terminal located in Point Township, **Northumberland County**. This revision is to incorporate the plan approval 49-00019A conditions for the vapor recovery unit under Source ID P101 in accordance with the provision of 25 Pa. Code Section 127.450. The State Only operating permit contains monitoring, recordkeeping and reporting conditions to ensure compliance with applicable regulatory requirements.

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

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

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

**10-00369: ESM SMT, Inc.** (955 Saxonburg Blvd, Suite A, Saxonburg, PA 16056) for its facility located in Saxonburg Borough, **Butler County**. The De minimis emission increase is for the reactivation of Source 104A (Super Eddy Current Pulverizer). In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 PA Code 127.449(i). This list includes the De minimis emission increases since the Operating Permit issuance on November 29, 2011.

Date	Source	PM <sub>10</sub> (tons)	SO <sub>x</sub> (tons)	NO <sub>x</sub> (tons)	VOC (tons)	CO (tons)
6-3-13	Reactivation of Source 104A	0.5993				
Total Reported Increases		0.5993				

<i>Date</i>	<i>Source</i>	<i>PM<sub>10</sub> (tons)</i>	<i>SO<sub>x</sub> (tons)</i>	<i>NO<sub>x</sub> (tons)</i>	<i>VOC (tons)</i>	<i>CO (tons)</i>
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

**25-00025: GE Transportation-Erie Plant** (2901 East Lake Road, Bldg 9-201, Erie, PA 16531) for its facility located in Lawrence Park Township, **Erie County**. The De minimis emission increase is for the construction of braze booths (4). In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 PA Code 127.449(i). This list includes the De minimis emission increases since the Title V Operating Permit issuance on September 29, 2011.

<i>Date</i>	<i>Source</i>	<i>PM<sub>10</sub> (tons)</i>	<i>SO<sub>x</sub> (tons)</i>	<i>NO<sub>x</sub> (tons)</i>	<i>VOC (tons)</i>	<i>CO (tons)</i>
11-14-11	Additional oven (8) for VPI process	0.024	0.002	0.315	0.017	0.265
3-12-13	Braze Booths (4)	0.0062				
Total Reported Increases		0.0302	0.002	0.315	0.017	0.265
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

**25-01006: HERO BX, LLC** (1540 East Lake Road, Suite 300, Erie, PA 16511) for its facility located in Erie City, **Erie County**. The De minimis emission increase is for the construction of a 10 mmgal/yr Biodiesel Reactor. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 PA Code 127.449(i). This list includes the De minimis emission increases since the Operating Permit issuance on May 14, 2009.

<i>Date</i>	<i>Source</i>	<i>PM<sub>10</sub> (tons)</i>	<i>SO<sub>x</sub> (tons)</i>	<i>NO<sub>x</sub> (tons)</i>	<i>VOC (tons)</i>	<i>CO (tons)</i>
5-30-13	Biodiesel Reactor				0.72	
Total Reported Increases					0.72	
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).**

### *Coal Permits Actions*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**30841312. Consolidation Coal Company**, (1 Bridge Street, Monongah, WV 26554). To revise the permit for the Blacksville Mine No. 2 in Gilmore Township, **Greene County** to install a water line between Clawson Run

Shaft and Staggers Shaft. Surface Acres Proposed 5.0. No additional discharges. The application was considered administratively complete on October 24, 2012. Application received June 18, 2012. Permit issued May 28, 2013

**03871303 and NPDES No. PA0213667. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Darmac No. 2 Deep Mine in Plumcreek and Washington Townships, **Armstrong County** and Armstrong Township and Shelocta Borough, **Indiana County** and related NPDES permit. No additional discharges. The application was considered administratively complete on June 27, 2012. Application received May 2, 2012. Permit issued May 29, 2013.

**32021301. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Rossmoyne No. 1 Deep Mine in South Mahoning Township, **Indiana County** for a land use change to 2.1 permitted acres from a pre-mining land use of forestland and pastureland/land occasionally cut for hay to a post-mining land use of industrial/commercial. No additional discharges. The application was considered administratively complete on August 20, 2012. Application received July 12, 2012. Permit issued May 31, 2013

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

**Permit No. 11900201 and NPDES No. PA0599051, Maple Coal Company**, 254 Interpower Drive, Colver, PA 15927, renewal of NPDES permit, Barr and Blacklick



Townships, **Cambria County**. Receiving stream: Elk Creek classified for the following use: cold water fisheries. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received July 13, 2012. Permit issued May 28, 2013.

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

**48080302. Penn Big Bed Slate Co., Inc.**, (PO Box 184, Slatington, PA 18080), commencement, operation and restoration of a quarry operation in Pen Argyl Borough, **Northampton County** affecting 49.39 acres, receiving stream: Waltz Creek, classified for the following uses: cold water and migratory fishes. Application received: September 2, 2008. Permit issued: May 30, 2013.

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

**24020104 and NPDES Permit No. PA0242268. RES Coal, LLC** (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920) Transfer of an existing bituminous surface and auger mine from Hepburnia Coal Company in Fox Township, **Elk County** affecting 260.0 acres. Receiving streams: Little Toby Creek. Application received: February 11, 2013. Permit Issued May 29, 2013.

**24020104 and NPDES Permit No. PA0242268. RES Coal, LLC** (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920) Renewal of an existing bituminous surface and auger mine in Fox Township, **Elk County** affecting 260.0 acres. Receiving streams: Little Toby Creek. Application received: February 11, 2013. Permit Issued May 29, 2013.

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

**17110105 and NPDES No. PA0257630. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Commencement, operation and restoration of a bituminous surface and auger mine located in Girard Township, **Clearfield County**, affecting 233.9 acres. Receiving streams: Unnamed Tributaries to Bald Hill Run and Bald Hill Run classified for the following use(s): Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. In conjunction with this approval, the Department is granting 401 Water Quality Certification certifying that the approved activities will comply with the applicable provision of Sections 301—303, 306, and 307 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341) and will not violate applicable Federal and State water quality standards. Application received: April 25, 2011. Permit issued: May 22, 2013.

**17070103 and NPDES No. PA0256498. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650), Renewal for the continued operation and restoration of a bituminous surface mine in Girard Township, **Clearfield County**, affecting 326.1 acres. Receiving streams: Unnamed Tributaries to Deer Creek and Deer Creek, classified for the following use(s): Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: January 3, 2013. Permit issued May 22, 2013.

**17030116 and NPDES No. PA0243621. RES Coal LLC** (224 Grange Hall Road, Armagh, PA 15920). Transfer of an existing bituminous surface and auger mine from Hepburnia Coal Company (P. O. Box 1, Grampian, PA 16838) located in Jordan Township, **Clearfield County** affecting 142.2 acres. Receiving streams: North Witmer Run, Unnamed Tributaries to North Witmer Run, and Unnamed Tributaries to Wilson Run classified for the

following use(s): Cold Water Fishes and Migratory Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: January 4, 2013. Permit issued: May 24, 2013.

**17970110 and NPDES No. PA0220655. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Penn Township, **Clearfield County**, affecting 256.0 acres. Receiving streams: Unnamed Tributary to Bell Run and Bell Run classified for the following use(s): Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received February 7, 2013. Permit issued: May 22, 2013

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

**54111302. S & J Coal Mine**, (15 Motter Drive, Pine Grove, PA 17963), commencement, operation and restoration of an anthracite underground mine operation in Cass Township, **Schuylkill County** affecting 1.9 acres, receiving stream: West Branch Schuylkill River. Application received: November 17, 2011. Permit issued: May 22, 2013.

**54111302GP104. S & J Coal Mine**, (15 Motter Drive, Pine Grove, PA 17963), NPDES General Permit for stormwater discharges associated with mining activities on Underground Mining Permit No. 54111302 in Cass Township, **Schuylkill County**, receiving stream: West Branch Schuylkill River. Application received: November 17, 2011. Permit issued: May 22, 2013.

**54-305-030GP12. Wheelabrator Culm Services, Inc.**, (4 Liberty Lane West, Hampton, NH 03842), general operating permit to operate a coal preparation plant on Surface Mining Permit No. 54840201 in Mahanoy Township & Shenandoah Borough, **Schuylkill County**. Application received: March 18, 2013. Permit issued: May 28, 2013.

#### *Noncoal Permits Actions*

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

**48080302. Penn Big Bed Slate Co., Inc.**, (PO Box 184, Slatington, PA 18080), commencement, operation and restoration of a quarry operation in Pen Argyl Borough, **Northampton County** affecting 49.39 acres, receiving stream: Waltz Creek, classified for the following uses: cold water and migratory fishes. Application received: September 2, 2008. Permit issued: May 30, 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*

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

**41134105. Maine Drilling & Blasting, Inc.** (P. O. Box 1140, Gardiner, ME 04345-1140). Blasting for a pond for DCNR Tract 100 Impoundment 5 located in McIntyre Township, **Lycoming County** with an expiration date of May 24, 2014. Permit issued: May 28, 2013.



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

**40134110. MD Drilling & Blasting, Inc.**, (88 Goldledge Avenue, Suite 2, Auburn, NH 03032), construction blasting for Auburn 20 Inch Pipeline Segment C in West Wyoming Borough, **Luzerne County** with an expiration date of May 15, 2014. Permit issued: May 28, 2013.

**66134114. MD Drilling & Blasting, Inc.**, (88 Goldledge Avenue, Suite 2, Auburn, NH 03032), construction blasting for Auburn 20 Inch Pipeline Segment A in Washington, Mehoopany and Eaton Townships, **Wyoming County** with an expiration date of May 15, 2014. Permit issued: May 28, 2013.

**66134115. MD Drilling & Blasting, Inc.**, (88 Goldledge Avenue, Suite 2, Auburn, NH 03032), construction blasting for Auburn 20 Inch Pipeline Segment B in Northmoreland, Franklin and Kingston Townships, **Wyoming and Luzerne Counties** with an expiration date of May 15, 2014. Permit issued: May 28, 2013.

**36134123. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Creekside Foods in Salisbury Township, **Lancaster County** with an expiration date of December 31, 2013. Permit issued: May 29, 2013.

**38134116. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Clear Springs Crossings in North Annville Township, **Lebanon County** with an expiration date of December 30, 2013. Permit issued: May 29, 2013.

**06134105. J Roy's, Inc.**, (P. O. Box 125, Bowmansville, PA 17507), construction blasting for Gerald Wert Subdivision in Brecknock Township, **Berks County** with an expiration date of May 23, 204. Permit issued: May 30, 2013.

**38134117. Abel Construction Co., Inc.**, (PO Box 476, Mountville, PA 17554), construction blasting for Windermere Phase I in South Londonderry Township, **Lebanon County** with an expiration date of July 31, 2014. Permit issued: May 30, 2013.

**45134105. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Twin Lake Estates in Smithfield Township, **Monroe County** with an expiration date of May 21, 2014. Permit issued: May 31, 2013.

**45134106. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Streamside Campground Septic Tank in Jackson Township, **Monroe County** with an expiration date of May 29, 2014. Permit issued: May 31, 2013.

**52134504. Holbert Explosives, Inc.**, (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Jeff Fushe Road Base in Shohola Township, **Pike County** with an expiration date of May 22, 2014. Permit issued: May 31, 2013.

**MINING ACTIVITY NPDES DRAFT PERMITS**

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

*Effluent Limits for Coal Mining Activities*

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

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

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

\* The parameter is applicable at all times.

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

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

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

*Effluent Limits for Noncoal Mining Activities*

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

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

\* The parameter is applicable at all times.

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

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

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

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

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

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

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

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

*Noncoal NPDES Draft Permits*

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

**NPDES Notice (Mining Permit No. 14120302, Tressler Quarry), Graymont (PA), Inc.**, 965 East College Avenue, Pleasant Gap, PA 16823 New Noncoal Surface Mine to an existing NPDES in Spring Township, **Centre County**, affecting 67.3 acres. Receiving stream(s): Logan Branch, classified for the following use(s): CWF, MF. No new discharge is proposed for this permit. Permittee will use existing NPDES permit for the adjacent Gentzel Quarry (NPDES No. PA-0118001). Application received: June 18, 2012.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E05-364: Bedford County Development Association**, 1 Corporate Drive, Suite 101, Bedford, PA, 15522 In Bedford Township, **Bedford County**, ACOE Baltimore District.

To construct and maintain a 24-inch diameter 987-foot Smooth Lined Corrugated Plastic Pipe stream enclosure of an Unnamed Tributary to Dunning Creek (WWF, MF), (2) place and maintain R-4 riprap for scour protection 22-foot wide x 16-foot long, 0.50-foot depressed, in an unnamed tributary to Dunning Creek (WWF, MF), (3) place and maintain fill on both left and right floodways on an unnamed tributary to Dunning Creek (WWF, MF) with an average dimension of 100-foot wide x 987-foot long x 30-foot high, (4) place and maintain fill in 0.003 acre of PEM wetlands, (5) place and maintain fill in 0.007 acre of PFO wetlands, and (6) place and maintain fill in 0.073 acre of PEM wetland for the purpose of constructing a 780,000 square foot commercial facility. The project is located on Innovation Drive (Bedford PA Quadrangle, N: 12.6 inches, W: 3.7 inches, Latitude 40° 04' 10.6", Longitude -78° 31' 36") in the Township of Bedford, Bedford County. The permittee is required to provide a minimum of 0.20 acre of wetland mitigation and riparian vegetation enhancement along 315 linear feet of Brush Run (WWF, MF) off-site.

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

**E30-244. West Greene School District**, 1367 Hargus Creek Road, Waynesburg, PA 15370, Center Township, **Greene County**; ACOE Pittsburgh District

Applicant has been given consent to relocate and place fill in approximately 420 feet within two (2) unnamed tributaries to Hargus Creek (HQ-WWF); to construct and maintain two channels, to construct and maintain a 24-inch stormwater pipe; to remove approximately 48 linear feet of a 12-inch CMP; and to construct and maintain an 18-inch SLCCP in an unnamed tributary to Hargus Creek for the purpose of constructing an elementary school addition and an associated parking lot. To compensate for these impacts vegetative plantings will be done within the riparian corridor, along approximately

640 feet of the right descending bank and along approximately 440 feet of the left descending bank of Hargus Creek, and the construction of three j-hook rock vanes in approximately 70 linear feet of Hargus Creek. The project is located at 1367 Hargus Creek Road in Center Township, Greene County (Holbrook, PA Quadrangle N: 21.14 inches; W: 4.52 inches; Latitude: 39°15'59"; Longitude: 80°16'56").

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, 16335.*

**E20-587, Meadville Medical Center**, 751 Liberty Street, Meadville, PA 16335 in Vernon Township, **Crawford County**, ACOE Pittsburgh District (Geneva, PA Quadrangle N: 41°, 37', 19.3"; W: 80°, 11', 58.4").

to conduct the following activities associated with construction of a new outpatient medical complex:

1. Permanently impact:

a. Wetland A—0.90 acre PEM wetland fill for building parking lot

b. Wetland BCDF—0.71 acre PEM wetland fill for parking and stormwater facilities

0.24 acre PEM wetland fill for parking

0.11 acre PSS wetland fill for parking

2. Construct 2.07 acres of mitigation wetlands:

a. Mitigation A—0.37 acre adjacent to Wetland A

b. Mitigation BCDF1—0.32 acre adjacent to Wetland BCDF

c. Mitigation BCDF2—0.07 acre adjacent to Wetland BCDF

d. Mitigation BCDF3—0.41 acre adjacent to Wetland BCDF

e. Mitigation BCDF4—0.58 acre adjacent to Wetland BCDF

f. Mitigation BCDF5—0.32 acre adjacent to Wetland BCDF

**EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control permits have been issued.

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once.



Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESX13-015-0017 (02)  
 Applicant Name Angelina Gathering Company, LLC  
 Contact Person Danny Spaulding  
 Address 2350 N. Sam Houston Parkway E., Suite 125  
 City, State, Zip Houston, TX 77032  
 County Bradford County  
 Township(s) Stevens Township  
 Receiving Stream(s) and Classification(s) Rockwell Creek, Mill Creek, Ross Creek, UNT to Wyalusing Creek (WWF/MF);  
 Secondary: Wyalusing Creek (WWF/MF)

ESCGP-1 # ESG13-081-0023  
 Applicant Name Anadarko Marcellus Midstream, LLC  
 Contact Person Nathan Bennett  
 Address 33 W. Third Street, Suite 200  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Cascade Township  
 Receiving Stream(s) and Classification(s) UNT West Branch Wallis Run, West Branch Wallis Run (EV/MF);  
 Secondary: West Branch Wallis Run, Wallis Run (EV/MF)

ESCGP-1 # ESX13-015-0030  
 Applicant Name PVR NEPA Gas Gathering, LLC  
 Contact Person Nicholas Bryan  
 Address 101 West Third Street  
 City, State, Zip Williamsport, PA 17701  
 County Bradford County  
 Township(s) West Burlington  
 Receiving Stream(s) and Classification(s) UNT to North Branch Towanda Creek (CWF/MF)

ESCGP-1 # ESG13-015-0020  
 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) Overton Township  
 Receiving Stream(s) and Classification(s) Mill Creek (EV);  
 Little Loyalsock Creek (EV)

ESCGP-1 # ESX13-131-0012  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Wyoming County

Township(s) North Branch Township  
 Receiving Stream(s) and Classification(s) UNT Miller Brook (CWF)

ESCGP-1 # ESX13-131-0014  
 Applicant Name Williams Field Services Company, LLC  
 Contact Person Lauren Stanko  
 Address Park Place Corporate Center 2, 2000 Commerce Drive  
 City, State, Zip Pittsburgh, PA 15275  
 County Wyoming County  
 Township(s) Washington Township  
 Receiving Stream(s) and Classification(s) UNT to Susquehanna River (WWF), Susquehanna River (WWF)/Upper Susquehanna-Tunkhannock Watershed;  
 Secondary: Tunkhannock Creek (WWF)

ESCGP-1 # ESX12-081-0157 (02)  
 Applicant Name Atlas Resources, LLC  
 Contact Person Carla Suszkowski  
 Address 1000 Commerce Drive, 4th Floor  
 City, State, Zip Pittsburgh, PA 15275  
 County Gamble Township  
 Township(s) Lycoming County  
 Receiving Stream(s) and Classification(s) Miller Run, UNTs to Miller Run, Murray Run, UNTs to Murray Run, Mill Creek, UNTs to Mill Creek, West Branch Murray Run, UNTs to West Branch Murray Run (All EV);  
 Secondary: Loyalsock Creek (EV)

ESCGP-1 # ESX13-131-0016  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Wyoming County  
 Township(s) Mehoopany Township  
 Receiving Stream(s) and Classification(s) Little Mehoopany Creek (CWF), Susquehanna River (WWF);  
 Secondary: Susquehanna River (WWF)

ESCGP-1 # ESG13-081-0022  
 Applicant Name Anadarko Marcellus Midstream, LLC  
 Contact Person Nathan Bennett  
 Address 33 W. Third Street, Suite 200  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Mifflin Township  
 Receiving Stream(s) and Classification(s) Little Harbor Run, Little Sandy Hollow and Spook Hollow (All EV/MF);  
 Secondary: Second Fork Larry's Creek and Larry's Creek (EV/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>
30138002	Dominion Transmission 445 West Main Street Clarksburg, WV 26301	Greene	Franklin Township Morgan Township	UNT to South Fork Tenmile Creek (WWF)
30138003	Columbia Gas Transmission 1700 MacCorkle Ave, SE Charleston, WV 25314	Greene	Wayne Township Center Township	Parsley Creek (WWF), Hargus Creek (HQ-WWF), Tustin Run (WWF)



<i>ESCGP-2 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
65138002	Dominion Transmission 501 Martindale Street Suite 400 Pittsburgh, PA 15212	Westmoreland	Salem Township	UNT to Beaver Run (HQ-CWF)

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX13-019-0025—Marburger to Rutledge Pipeline & Gill Lateral  
Applicant Mountain Gathering LLC  
Contact Dewey Chalos  
Address 810 Houston Street  
City Fort Worth State TX Zip Code 76102  
County Butler Township(s) Forward(s)  
Receiving Stream(s) and Classification(s) UNT's to Connoquenessing Creek—WWF

ESCGP-1 #ESX13-085-0012—Reges Well Site  
Applicant Halcon Operating Co. Inc.  
Contact Gregg Stewart  
Address 600 Cranberry Woods Drive  
City Cranberry Township State PA Zip Code 16066  
County Mercer Township(s) Otter Creek(s)  
Receiving Stream(s) and Classification(s) UNT to Neshannock Creek (TSF)/Beaver River Mathay Run (WWF)/Beaver River

#### OIL AND GAS MANAGEMENT

The following Well Permits have been issued with a waiver under 58 Pa.C.S. § 3215(b)(4) (relating to well location restrictions).

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once.

Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483.

*Northwest Region District Oil and Gas Operations, Program Manager, 230 Chestnut St., Meadville, PA 16335*

Well Permit #: 113-20210-00-00  
Well Farm Name LW SW SUL 4H  
Applicant Name: Chesapeake Appalachia, LLC  
Contact Person: Eric Haskins  
Address: 101 North Main Street, Athens, PA 18810  
County: Sullivan

Municipality Cherry 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: Dushore, Lick Creek.

Well Permit #: 039-25777-00-00  
Well Farm Name Nelson Unit 2  
Applicant Name: Kastle Resources Ent. Inc.  
Contact Person: Steve Fleischer  
Address: P O Box 1085, Wooster, OH 44691  
County: Crawford

Municipality Spring 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: Conneautville, UNT to Carr Run

Well Permit #: 015-22522-00-00  
Well Farm Name Maggie BRA 1H  
Applicant Name: Chesapeake Appalachia, LLC.  
Contact Person: Eric Haskins  
Address: 101 North Main Street, Athens, PA 18810  
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, Tributary of the Transue Creek.

Well Permit #: 015-22640-00-00  
Well Farm Name Sharidan BRA 1H  
Applicant Name: Chesapeake Appalachia, LLC.  
Contact Person: Eric Haskins  
Address: 101 North Main Street, Athens, PA 18810  
County: Bradford

Municipality Litchfield 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: Litchfield, Mallory Creek.

## SPECIAL NOTICES

### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of May 2013 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P. L. 238, No. 43 (63 P. S. Sections 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently

certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Joe Amati	7 Rabe Ln. Donora, PA 15033	Testing
David Artigliere	PO Box 4475 Reading, PA 19606	Testing
Brian Bacchus	125 Twin Oaks Dr. Wexford, PA 15090	Testing
Jay Bauder Bauder Basement Systems, Inc.	79 Red Stone Cir. Reinholds, PA 17569	Mitigation
Thomas Biebel	2820 W. 23rd St. Erie, PA 16506	Testing
Robert Blanchfield	2830 Stephens St. Easton, PA 18045	Testing
Deborah Buck	PO Box 63 Saylorsburg, PA 18353	Testing
Ellen Butkus	2291 Cable Hollow Rd. Russell, PA 16345	Testing
Lois Distenfeld	4326 Crestview Rd. Harrisburg, PA 17112	Testing & Laboratory Analysis
Mark Dolph	515 State Route 590 Roaring Brook Twp., PA 18444	Testing
Kevin Dunkle	PO Box 211 Worthington, PA 16262	Testing
Housemaster Home Inspections	9125 Marshall Rd., Ste. B-12 Cranberry Township, PA 16066	Testing
Housing Inspection Services, Inc.	PO Box 373 Murrysville, PA 15668	Testing
Brian Joyce	6195 Boxer Dr. Bethel Park, PA 15102	Testing
Robert Koppenhaver Robert Koppenhaver Builder & Contracting	743 W. Main St. Spring Glen, PA 17978	Mitigation
Robin Lunny	2370 York Rd., A9-C Jamison, PA 18929	Testing
Gary Lyons Disaster Blaster, Inc.	911 Main St. Avoca, PA 18641	Mitigation
Mark Merani Merani Construction, LLC	PO Box 26 Stewartstown, PA 17363	Testing & Mitigation
Robert Meyer, Jr.	247 Mine Bank Rd. Wellsville, PA 17365	Mitigation
Matthew Mielnik	132 Lowry Dr. Duncansville, PA 16635	Testing
Richard Onega	333 Lindsay Rd. Zelienople, PA 16063	Testing
Greg Petruska	112 Lilac Ln. Valencia, PA 16059	Testing
Premier Termite & Pest Control	800 Antietam Dr. Douglassville, PA 19518	Testing
William Roberts	PO Box 2441 Warminster, PA 18974	Testing
Brendan Ryan	216 Logan Rd. Valencia, PA 16059	Mitigation

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Mark Salasky Landauer, Inc.	2 Science Rd. Glenwood, IL 60425	Laboratory Analysis
Fred Shaffer, III	304 Earl Dr. NW Warren, OH 44483	Testing
Dale Thorson	800 Antietam Dr. Douglassville, PA 19518	Testing
ValueGuard USA, Inc.	634 Pine St. Philadelphia, PA 19106	Testing
Roger Weaver	19 Tamarack Ln. White Haven, PA 18661	Testing
Terry Wilver	1015 Green St. Milton, PA 17847	Testing
Jeffrey Zimmerman Gold Star Radon, Inc.	3440 Lehigh St., #265 Allentown, PA 18103	Mitigation
John Zym	219 Grouse Ln. East Stroudsburg, PA 18301	Testing

### General NPDES Permit for Stormwater Discharges Associated with Construction Activities

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

**PAG-2-27-56-13-001, Ridge Energy Company, Inc.**, 265 Swamp Road, Clymer, PA 15728. General NPDES Permit for Storm water Discharges Associated with Construction Activities on GFCC Permit No. 56-10-03 in Lincoln Township, **Somerset County**. Receiving streams: unnamed tributary to North Branch of the Quemahoning Creek and Quemahoning Creek classified for the following use: cold water fishery. There are not potable water supplies located within 10 miles downstream. Notice of Intent for Coverage received: January 4, 2013. Coverage approved: May 28, 2013.

[Pa.B. Doc. No. 13-1083. Filed for public inspection June 14, 2013, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.eLibrary.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Draft Technical Guidance—Substantive Revision*

**DEP ID:** 391-2300-002. **Title:** Operator Certification Program State Board for Certification of Water and Wastewater Systems Operators. **Description:** This guid-

ance serves to further document the policies and procedures the State Board for Certification of Water and Wastewater Systems Operators will follow to administer its responsibilities as defined by the Drinking Water and Wastewater Systems Operator Certification Act and regulations in 25 Pa. Code Chapter 302 (relating to administration of the water and wastewater systems operators' certification program).

**Written Comments:** Interested persons may submit written comments on this draft technical guidance document by July 15, 2013. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Cheri Sansoni, Department of Environmental Protection, Bureau of Safe Drinking Water, Division of Training Technical and Financial Services, Rachel Carson State Office Building, 10th Floor, P. O. Box 8467, Harrisburg, PA 17105-8467 or [csansoni@pa.gov](mailto:csansoni@pa.gov).

**Contact:** Questions regarding this draft guidance document should be directed to Cheri Sansoni at (717) 772-5158 or [csansoni@pa.gov](mailto:csansoni@pa.gov).

**Effective Date:** Upon publication as final in the *Pennsylvania Bulletin*.

#### *Final Technical Guidance Document—Minor Revision*

**DEP ID:** 262-5800-001. **Title:** Guidance for Commonwealth-Funded Water Supply Response Actions. **Description:** This guidance is designed to assist the Department personnel in implementing Commonwealth-funded water supply response actions as authorized by the Hazardous

Sites Cleanup Act and the Storage Tank and Spill Prevention Act. The changes to the attached document are nonsubstantive and include those reflecting the Department program reorganizations.

*Contact:* Questions regarding this action should be directed to Mark Conaron at (717) 783-9165 or mconaron@pa.gov.

*Effective Date:* June 15, 2013

E. CHRISTOPHER ABRUZZO,  
*Acting Secretary*

[Pa.B. Doc. No. 13-1084. Filed for public inspection June 14, 2013, 9:00 a.m.]

### Bid Opportunity

**OOGM 13-1, Cleaning Out and Plugging One Orphan Oil/Gas Well (William Graziani Property), Cecil Township, Washington County.** The principal items of work and approximate quantities are to clean out and plug one orphan oil/gas well, estimated to be 3,500 feet in depth, to Department of Environmental Protection specifications; to prepare and restore well site; and to mobilize and demobilize plugging equipment. This project issues on June 14, 2013, and bids will be opened on July 23, 2013, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid conference is planned for June 27, 2013, at 12 p.m.

### Nutrient Credit Trading Program; Certification Requests

The Department of Environmental Protection (Department) provides notice of the following certification or recertification requests that have been submitted under the Nutrient Credit Trading Program. See 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed), published at 40 Pa.B. 5790 (October 9, 2010).

The information described in this notice relates to submitted certification requests received in spring of 2013.

#### *Certification Requests*

The following requests are being reviewed by the Department. The Department will accept written comments on these proposed pollutant reduction activities for 30 days.

#### *Applicant*

CET on behalf of Borough of Tyrone Wastewater Treatment Facility. (Blair County) (NPDES Permit No. PA-0026727)

The EADS Group on behalf of Duncansville Municipal Authority. (Blair County) (NPDES Permit No. PA-0032883)

CS Davidson, Inc. on behalf of Jefferson Codorus Joint Authority. (York County) (NPDES Permit No. PA-0248061)

James Holley & Associates on behalf of Stewartstown Borough Authority (York County) (NPDES Permit No. PA0036269)

Snyder Conservation District on behalf of Mac Curits Poultry.

Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@pa.gov for more information on this bid.

E. CHRISTOPHER ABRUZZO,  
*Acting Secretary*

[Pa.B. Doc. No. 13-1085. Filed for public inspection June 14, 2013, 9:00 a.m.]

### Citizens Advisory Council Meeting Cancellation

The meeting of the Citizens Advisory Council scheduled for Tuesday, June 18, 2013, has been cancelled. The next meeting is scheduled for Tuesday, July 16, 2013, at 11 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Questions concerning schedules or agenda items can be directed to Marjorie Hughes at (717) 787-4527 or mahughes@pa.gov. Schedule, agendas and notices of meeting changes will be available through the Public Participation Center on the Department of Environmental Protection's web site at www.dep.state.pa.us.

E. CHRISTOPHER ABRUZZO,  
*Acting Secretary*

[Pa.B. Doc. No. 13-1086. Filed for public inspection June 14, 2013, 9:00 a.m.]

#### *Pollutant Reduction Activity Description*

This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity of the borough's installed wastewater treatment process.

This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity of Duncansville installed wastewater treatment process.

This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity of the Authority's installed wastewater treatment process.

This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity of the borough's installed wastewater treatment process.

This certification request is for nutrient reduction credits to be generated from the incineration of poultry litter.



*Applicant*

Lycoming County Conservation District on behalf of the following operators.

1. Cameron Koons, Franklin Township
2. Charles Bosch, Clinton Township
3. Wayne and Steve Vandine, Muncy Creek Township
4. Myron and Joanne Knepp, Limestone Township
5. Ellen and Wayne Fogleman, Muncy Creek
6. Tom Styer, Muncy Creek
7. Noah Martin, Cogan Station Township
8. Charles Ulmer, Jr., Hepburn Township

*Written Comments*

Interested persons may submit written comments on this proposed pollutant reduction activity by July 15, 2013. The Department will accept comments submitted by e-mail, but comments submitted by facsimile will not be accepted. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Jay Braund, Bureau of Point and Non-Point Source Regulation, Department of Environmental Protection, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-5636, jbraund@pa.gov.

For further information about these certification requests or the Nutrient Credit Trading Program contact Jay Braund, at the previously listed address or phone number or visit the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keywords: "Nutrient Trading").

E. CHRISTOPHER ABRUZZO,  
*Acting Secretary*

[Pa.B. Doc. No. 13-1087. Filed for public inspection June 14, 2013, 9:00 a.m.]

## Pennsylvania Energy Development Authority Board Meeting

A meeting of the Pennsylvania Energy Development Authority Board is scheduled to be held on Wednesday, June 19, 2013, at 9 a.m. in the Delaware Room, 16th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Questions concerning this schedule or agenda items can be directed to David A. Althoff at (717) 783-0542 or [dalthoff@pa.gov](mailto:dalthoff@pa.gov). This schedule, an agenda for the meeting and notices of meeting changes will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.dep.state.pa.us](http://www.dep.state.pa.us).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact David A. Althoff at the previously listed number or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

E. CHRISTOPHER ABRUZZO,  
*Acting Secretary*

[Pa.B. Doc. No. 13-1088. Filed for public inspection June 14, 2013, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

*Pollutant Reduction Activity Description*

This certification request is for nutrient reduction credits to be generated from advanced agricultural field practices such as cover crops and continuous no-till.

York Nursing and Rehabilitation Center  
7101 Old York Road  
Philadelphia, PA 19126  
FAC ID 023802

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(h) (relating to bathing facilities):

Overlook Health and Rehabilitation Center  
520 New Castle Street  
New Wilmington, PA 16142  
FAC ID 150502

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-1089. Filed for public inspection June 14, 2013, 9:00 a.m.]

# DEPARTMENT OF LABOR AND INDUSTRY

## Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Central Renovations & Restorations and Brian Long, individually	641 Maria Drive Harrisburg, PA 17109-4216	5/17/13
	2018 Derry Street Harrisburg, PA 17104-2301	
	JULIA K. HEARTHWAY, <i>Secretary</i>	

[Pa.B. Doc. No. 13-1090. Filed for public inspection June 14, 2013, 9:00 a.m.]

# DEPARTMENT OF PUBLIC WELFARE

## State-Operated Psychiatric Hospitals and Facilities

The Department of Public Welfare (Department) is announcing its intent to provide definition and clarification to the Medical Assistance (MA) cost reimbursement methodology for payments to State-operated psychiatric hospitals and facilities.

### *Background*

Currently, all State-operated psychiatric hospitals and facilities participating in the MA Program use the direct method of cost finding. Allowable costs and the result of the cost finding process are reported electronically on the Medicaid Cost Apportionment Report (Report) on a yearly basis. The Report is prepared using the cash basis of accounting and provides a detailed listing of direct charge items and, when applicable, distributes shared costs to various levels of care.

In conjunction with the Report, all State-operated psychiatric hospitals and facilities prepare a Building Utilization Report each year. The Building Utilization Report categorizes the use of square footage of each building. The costs related to those areas which are not patient-related are deemed unallowable.

The hospitals and facilities use the Report to calculate the actual per diem for the year as well as the interim settlement.

### *Rate Setting Methodology Clarification*

Since the early 1990s, State-operated psychiatric hospitals and facilities calculated their per diem from the Report by dividing total allowable costs by total patient days. To eliminate the possibility of non-Medicaid costs from being included in these per diems, the Department is proposing to better define and clarify the manner in which it calculates the per diem for each hospital.

Specifically, for each hospital and facility, the Department intends to calculate a base per diem rate for the year of the applicable Report by taking all allowable net Medicaid reported facility costs and dividing by total hospital or facility Medicaid patient days. Based on the final submission of the Report, the data available to calculate the rates is 2 years prior, therefore, an inflation factor is applied to this base per diem rate to trend it forward to the payment year. An interim per diem rate is used until the cost report for that year is finalized and a cost settlement can be performed.

MA payments will be made to each State-operated psychiatric hospital and facility based on its interim Medicaid per diem rate multiplied by the number of Medicaid days of care provided to eligible clients. At the close of the fiscal year, payments will be adjusted to reflect allowable costs as established for the State-operated psychiatric hospital or facility and an interim settlement is calculated.

The hospital or facility will use the Report to determine the actual per diem rate, which will be multiplied by the number of Medicaid days to arrive at a Gross Medicaid Cost. For each hospital or facility, income received from patients and third party insurance carriers, including gross adjustments, will be deducted from Gross Medicaid Cost to arrive at Net Medicaid Cost. The Federal portion of the Net Medicaid cost will be compared to payments received and a settlement will be processed.

### *Fiscal Impact*

No fiscal impact will result from this clarification of the rate setting methodology for State-operated psychiatric hospitals and facilities.

### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

BEVERLY D. MACKERETH,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-823. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 13-1091. Filed for public inspection June 14, 2013, 9:00 a.m.]

# DEPARTMENT OF REVENUE

## Pennsylvania Cherry Doubler Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Cherry Doubler.

2. *Price:* The price of a Pennsylvania Cherry Doubler instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Cherry Doubler instant lottery game ticket will contain one play area. The play symbols and their captions, located in the play area are: Bell (BELL) symbol, Stack of Coins (COINS) symbol, Diamond (DMND) symbol, Dollar (DLAR) symbol, 7 (SEVN) symbol, Star (STAR) symbol, Horseshoe (SHOE) symbol, Pot of Gold (GOLD) symbol, Bar (BAR) symbol, Bill (BILL) symbol, Cherry (CHRY) symbol and a 2X (2TIMES) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$40<sup>00</sup> (FORTY), \$100 (ONE HUN), \$400 (FOR HUN) and \$2,000 (TWO THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$25, \$40, \$100, \$400 and \$2,000. The player can win up to 4 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania Cherry Doubler instant lottery game.

### 7. *Determination of Prize Winners:*

(a) Holders of tickets with a Cherry (CHRY) symbol in the play area and a prize symbol of \$2,000 (TWO THO) in the “prize” area under that Cherry (CHRY) symbol, on a single ticket, shall be entitled to a prize of \$2,000.

(b) Holders of tickets with a Cherry (CHRY) symbol in the play area and a prize symbol of \$400 (FOR HUN) in the “prize” area under that Cherry (CHRY) symbol, on a single ticket, shall be entitled to a prize of \$400.

(c) Holders of tickets with a Cherry (CHRY) symbol in the play area and a prize symbol of \$100 (ONE HUN) in the “prize” area under that Cherry (CHRY) symbol, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with a Cherry (CHRY) symbol in the play area and a prize symbol of \$40<sup>00</sup> (FORTY) in the “prize” area under that Cherry (CHRY) symbol, on a single ticket, shall be entitled to a prize of \$40.

(e) Holders of tickets with a 2X (2TIMES) symbol in the play area and a prize symbol of \$20<sup>00</sup> (TWENTY) in

the “prize” area under that 2X (2TIMES) symbol, on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets with a Cherry (CHRY) symbol in the play area and a prize symbol of \$25<sup>00</sup> (TWY FIV) in the “prize” area under that Cherry (CHRY) symbol, on a single ticket, shall be entitled to a prize of \$25.

(g) Holders of tickets with a Cherry (CHRY) symbol in the play area and a prize symbol of \$20<sup>00</sup> (TWENTY) in the “prize” area under that Cherry (CHRY) symbol, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets with a 2X (2TIMES) symbol in the play area and a prize symbol of \$10<sup>00</sup> (TEN DOL) in the “prize” area under that 2X (2TIMES) symbol, on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets with a Cherry (CHRY) symbol in the play area and a prize symbol of \$10<sup>00</sup> (TEN DOL) in the “prize” area under that Cherry (CHRY) symbol, on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets with a 2X (2TIMES) symbol in the play area and a prize symbol of \$5<sup>00</sup> (FIV DOL) in the “prize” area under that 2X (2TIMES) symbol, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets with a Cherry (CHRY) symbol in the play area and a prize symbol of \$5<sup>00</sup> (FIV DOL) in the “prize” area under that Cherry (CHRY) symbol, on a single ticket, shall be entitled to a prize of \$5.

(l) Holders of tickets with a Cherry (CHRY) symbol in the play area and a prize symbol of \$4<sup>00</sup> (FOR DOL) in the “prize” area under that Cherry (CHRY) symbol, on a single ticket, shall be entitled to a prize of \$4.

(m) Holders of tickets with a 2X (2TIMES) symbol in the play area and a prize symbol of \$2<sup>00</sup> (TWO DOL) in the “prize” area under that 2X (2TIMES) symbol, on a single ticket, shall be entitled to a prize of \$4.

(n) Holders of tickets with a Cherry (CHRY) symbol in the play area and a prize symbol of \$2<sup>00</sup> (TWO DOL) in the “prize” area under that Cherry (CHRY) symbol, on a single ticket, shall be entitled to a prize of \$2.

(o) Holders of tickets with a 2X (2TIMES) symbol in the play area and a prize symbol of \$1<sup>00</sup> (ONE DOL) in the “prize” area under that 2X (2TIMES) symbol, on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets with a Cherry (CHRY) symbol in the play area and a prize symbol of \$1<sup>00</sup> (ONE DOL) in the “prize” area under that Cherry (CHRY) symbol, on a single ticket, shall be entitled to a prize of \$1.

(q) Holders of tickets with a Cherry (CHRY) symbol in the play area and a prize symbol of FREE (TICKET) in the “prize” area under that Cherry (CHRY) symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Cherry Doubler instant game ticket or one Pennsylvania Lottery instant game ticket with a \$1 sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Reveal A "CHERRY" (CHRY)  
Symbol, Win Prize Shown  
Under It. Win With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 12,000,000 Tickets
FREE	FREE \$1 TICKET	10	1,200,000
\$1	\$1	75	160,000
\$1 w/ 2X	\$2	25	480,000
\$2	\$2	75	160,000
\$1 × 4	\$4	200	60,000
\$2 w/ 2X	\$4	100	120,000
\$4	\$4	200	60,000
(\$1 × 3) + \$2	\$5	250	48,000
(\$2 × 2) + \$1	\$5	250	48,000
\$5	\$5	187.5	64,000
\$5 w/ 2X	\$10	300	40,000
(\$4 × 2) + \$2	\$10	300	40,000
\$10	\$10	300	40,000
\$5 × 4	\$20	750	16,000
(\$5 × 2) + \$10	\$20	1,500	8,000
\$10 w/ 2X	\$20	1,500	8,000
\$20	\$20	1,500	8,000
\$20 + \$5	\$25	1,200	10,000
\$25	\$25	1,200	10,000
\$10 × 4	\$40	8,000	1,500
(\$10 × 2) + \$20	\$40	8,000	1,500
\$20 w/ 2X	\$40	2,400	5,000
\$40	\$40	6,000	2,000
\$25 × 4	\$100	12,000	1,000
(\$40 × 2) + (\$10 × 2)	\$100	16,000	750
\$100	\$100	16,000	750
\$100 × 4	\$400	117,647	102
\$400	\$400	250,000	48
\$2,000	\$2,000	480,000	25

Reveal a "2X" (2TIMES) symbol, win double the prize show under that symbol.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Cherry Doubler instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Cherry Doubler, prize money from winning Pennsylvania Cherry Doubler instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Cherry Doubler instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania Cherry Doubler or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 13-1092. Filed for public inspection June 14, 2013, 9:00 a.m.]

### Pennsylvania Pyramid Riches Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Pyramid Riches.

2. *Price:* The price of a Pennsylvania Pyramid Riches instant lottery game ticket is \$3.

3. *Play Symbols:* Each Pennsylvania Pyramid Riches instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area, "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5," "GAME 6," "GAME 7," "GAME 8" and a separate "FAST CASH



BONUS" area. The "FAST CASH BONUS" area is played separately. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), 41 (FRYONE), 42 (FRYTWO), 43 (FRYTHR), 44 (FRYFOR), 45 (FRYFIV), 46 (FRYSIX), 47 (FRYSVN), 48 (FRYEGT), 49 (FRYNIN), 50 (FIFTY), 51 (FTYONE), 52 (FTYTWO), 53 (FTYTHR), 54 (FTYFOR), 55 (FTYFIV), 56 (FTYSIX), 57 (FTYSVN), 58 (FTYEGT), 59 (FTYNIN), 60 (SIXTY), 61 (SXTONE), 62 (SXTTWO), 63 (SXTTHR), 64 (SXTFOR), 65 (SXTFIV), 66 (SXTSIX), 67 (SXTSVN), 68 (SXTEGT), 69 (SXTNIN), 70 (SEVNTY), 71 (SVYONE), 72 (SVYTWO), 73 (SVYTHR), 74 (SVYFOR) and 75 (SVYFIV). The play symbols and their captions located in "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5," "GAME 6," "GAME 7" and "GAME 8" are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), 41 (FRYONE), 42 (FRYTWO), 43 (FRYTHR), 44 (FRYFOR), 45 (FRYFIV), 46 (FRYSIX), 47 (FRYSVN), 48 (FRYEGT), 49 (FRYNIN), 50 (FIFTY), 51 (FTYONE), 52 (FTYTWO), 53 (FTYTHR), 54 (FTYFOR), 55 (FTYFIV), 56 (FTYSIX), 57 (FTYSVN), 58 (FTYEGT), 59 (FTYNIN), 60 (SIXTY), 61 (SXTONE), 62 (SXTTWO), 63 (SXTTHR), 64 (SXTFOR), 65 (SXTFIV), 66 (SXTSIX), 67 (SXTSVN), 68 (SXTEGT), 69 (SXTNIN), 70 (SEVNTY), 71 (SVYONE), 72 (SVYTWO), 73 (SVYTHR), 74 (SVYFOR), 75 (SVYFIV), Gem (GEM) symbol and a Dollar Sign (DLRSN) symbol. The play symbols and their captions located in the "FAST CASH BONUS" area are: Star (STAR) symbol, Ring (RING) symbol, Moon (MOON) symbol, Sun (SUN) symbol, Coin (COIN) symbol, Necklace (NCKLACE) symbol, Palm Tree (PALM) symbol and a Pyramid (PYRMD) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "PRIZE" area for "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5," "GAME 6," "GAME 7" and "GAME 8" are: \$3.<sup>00</sup> (THR DOL), \$5.<sup>00</sup> (FIV DOL), \$10.<sup>00</sup> (TEN DOL), \$20.<sup>00</sup> (TWENTY), \$25.<sup>00</sup> (TWY FIV), \$50.<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$150 (ONEHUNFTY), \$300 (THR HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$50,000 (FTY THO). The prize symbols and their captions located in the "FAST CASH BONUS" area are: \$5.<sup>00</sup> (FIV DOL), \$10.<sup>00</sup> (TEN DOL), \$20.<sup>00</sup> (TWENTY), \$25.<sup>00</sup> (TWY FIV), \$50.<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$150 (ONEHUNFTY) and \$300 (THR HUN).

5. *Prizes:* The prizes that can be won in "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5," "GAME 6," "GAME 7" and "GAME 8" are: \$3, \$5, \$10, \$20, \$25, \$50, \$100, \$150, \$300, \$1,000, \$5,000 and \$50,000. The prizes

that can be won in the "FAST CASH BONUS" area are: \$5, \$10, \$20, \$25, \$50, \$100, \$150 and \$300. A player can win up to 8 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,200,000 tickets will be printed for the Pennsylvania Pyramid Riches instant lottery game.

7. *Determination of Prize Winners:*

(a) Determination of prize winners for "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5," "GAME 6," "GAME 7" and "GAME 8" are:

(1) Holders of tickets upon which any one of the "WINNING NUMBERS" play symbols matches one of the play symbols in any "GAME" and a prize symbol of \$50,000 (FTY THO) appears in the "PRIZE" area to the right of the same "GAME," on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets upon which any one of the "WINNING NUMBERS" play symbols matches one of the play symbols in any "GAME" and a prize symbol of \$5,000 (FIV THO) appears in the "PRIZE" area to the right of the same "GAME," on a single ticket, shall be entitled to a prize of \$5,000.

(3) Holders of tickets upon which any one of the "WINNING NUMBERS" play symbols matches one of the play symbols in any "GAME" and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area to the right of the same "GAME," on a single ticket, shall be entitled to a prize of \$1,000.

(4) Holders of tickets upon which any one of the play symbols in any "GAME" is a \$ (DLRSN) symbol and a prize symbol of \$100 (ONE HUN) appears in seven of the "PRIZE" areas and a prize symbol of \$300 (THR HUN) appears in one of the "PRIZE" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(5) Holders of tickets upon which any one of the "WINNING NUMBERS" play symbols matches one of the play symbols in any "GAME" and a prize symbol of \$300 (THR HUN) appears in the "PRIZE" area to the right of the same "GAME," on a single ticket, shall be entitled to a prize of \$300.

(6) Holders of tickets upon which any one of the play symbols in any "GAME" is a \$ (DLRSN) symbol and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears in four of the "PRIZE" areas and a prize symbol of \$25.<sup>00</sup> (TWY FIV) appears in four of the "PRIZE" areas, on a single ticket, shall be entitled to a prize of \$300.

(7) Holders of tickets upon which any one of the "WINNING NUMBERS" play symbols matches one of the play symbols in any "GAME" and a prize symbol of \$150 (ONEHUNFTY) appears in the "PRIZE" area to the right of the same "GAME," on a single ticket, shall be entitled to a prize of \$150.

(8) Holders of tickets upon which any one of the play symbols in any "GAME" is a \$ (DLRSN) symbol and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in seven of the "PRIZE" areas and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in one of the "PRIZE" areas, on a single ticket, shall be entitled to a prize of \$150.

(9) Holders of tickets upon which any one of the "WINNING NUMBERS" play symbols matches one of the play symbols in any "GAME" and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of the same "GAME," on a single ticket, shall be entitled to a prize of \$100.

(10) Holders of tickets upon which any one of the play symbols in any "GAME" is a Gem (GEM) symbol and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of the same "GAME," on a single ticket, shall be entitled to a prize of \$100.

(11) Holders of tickets upon which any one of the play symbols in any "GAME" is a \$ (DLRSN) symbol and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in two of the "PRIZE" areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in six of the "PRIZE" areas, on a single ticket, shall be entitled to a prize of \$100.

(12) Holders of tickets upon which any one of the "WINNING NUMBERS" play symbols matches one of the play symbols in any "GAME" and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "PRIZE" area to the right of the same "GAME," on a single ticket, shall be entitled to a prize of \$50.

(13) Holders of tickets upon which any one of the play symbols in any "GAME" is a Gem (GEM) symbol and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "PRIZE" area to the right of the same "GAME," on a single ticket, shall be entitled to a prize of \$50.

(14) Holders of tickets upon which any one of the "WINNING NUMBERS" play symbols matches one of the play symbols in any "GAME" and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the "PRIZE" area to the right of the same "GAME," on a single ticket, shall be entitled to a prize of \$25.

(15) Holders of tickets upon which any one of the play symbols in any "GAME" is a Gem (GEM) symbol and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the "PRIZE" area to the right of the same "GAME," on a single ticket, shall be entitled to a prize of \$25.

(16) Holders of tickets upon which any one of the "WINNING NUMBERS" play symbols matches one of the play symbols in any "GAME" and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "PRIZE" area to the right of the same "GAME," on a single ticket, shall be entitled to a prize of \$20.

(17) Holders of tickets upon which any one of the "WINNING NUMBERS" play symbols matches one of the play symbols in any "GAME" and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "PRIZE" area to the right of the same "GAME," on a single ticket, shall be entitled to a prize of \$10.

(18) Holders of tickets upon which any one of the play symbols in any "GAME" is a Gem (GEM) symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "PRIZE" area to the right of the same "GAME," on a single ticket, shall be entitled to a prize of \$10.

(19) Holders of tickets upon which any one of the "WINNING NUMBERS" play symbols matches one of the play symbols in any "GAME" and a prize symbol of \$5<sup>00</sup>

(FIV DOL) appears in the "PRIZE" area to the right of the same "GAME," on a single ticket, shall be entitled to a prize of \$5.

(20) Holders of tickets upon which any one of the play symbols in any "GAME" is a Gem (GEM) symbol and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "PRIZE" area to the right of the same "GAME," on a single ticket, shall be entitled to a prize of \$5.

(21) Holders of tickets upon which any one of the "WINNING NUMBERS" play symbols matches one of the play symbols in any "GAME" and a prize symbol of \$3<sup>00</sup> (THR DOL) appears in the "PRIZE" area to the right of the same "GAME," on a single ticket, shall be entitled to a prize of \$3.

(b) Determination of prize winners for the "FAST CASH BONUS" area are:

(1) Holders of tickets with a Pyramid (PYRMD) symbol in the "FAST CASH BONUS" area and a prize symbol of \$300 (THR HUN) in the "prize" area under that Pyramid (PYRMD) symbol, on a single ticket, shall be entitled to a prize of \$300.

(2) Holders of tickets with a Pyramid (PYRMD) symbol in the "FAST CASH BONUS" area and a prize symbol of \$150 (ONEHUNFITY) in the "prize" area under that Pyramid (PYRMD) symbol, on a single ticket, shall be entitled to a prize of \$150.

(3) Holders of tickets with a Pyramid (PYRMD) symbol in the "FAST CASH BONUS" area and a prize symbol of \$100 (ONE HUN) in the "prize" area under that Pyramid (PYRMD) symbol, on a single ticket, shall be entitled to a prize of \$100.

(4) Holders of tickets with a Pyramid (PYRMD) symbol in the "FAST CASH BONUS" area and a prize symbol of \$50<sup>00</sup> (FIFTY) in the "prize" area under that Pyramid (PYRMD) symbol, on a single ticket, shall be entitled to a prize of \$50.

(5) Holders of tickets with a Pyramid (PYRMD) symbol in the "FAST CASH BONUS" area and a prize symbol of \$25<sup>00</sup> (TWY FIV) in the "prize" area under that Pyramid (PYRMD) symbol, on a single ticket, shall be entitled to a prize of \$25.

(6) Holders of tickets with a Pyramid (PYRMD) symbol in the "FAST CASH BONUS" area and a prize symbol of \$20<sup>00</sup> (TWENTY) in the "prize" area under that Pyramid (PYRMD) symbol, on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets with a Pyramid (PYRMD) symbol in the "FAST CASH BONUS" area and a prize symbol of \$10<sup>00</sup> (TEN DOL) in the "prize" area under that Pyramid (PYRMD) symbol, on a single ticket, shall be entitled to a prize of \$10.

(8) Holders of tickets with a Pyramid (PYRMD) symbol in the "FAST CASH BONUS" area and a prize symbol of \$5<sup>00</sup> (FIV DOL) in the "prize" area under that Pyramid (PYRMD) symbol, on a single ticket, shall be entitled to a prize of \$5.

*8. Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

When Any WINNING NUMBER Matches Any Number Found In Any GAME, Win Prize Shown For That Game. Win With:

Games 1-8	Fast Cash Bonus	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 10,200,000 Tickets:
\$3		\$3	9.09	1,122,000
\$5		\$5	23.81	428,400
	\$5	\$5	33.33	306,000
(\$5 w/ GEM) × 2		\$10	83.33	122,400
	\$10	\$10	83.33	122,400
\$10		\$10	100	102,000
\$5 × 4		\$20	500	20,400
\$10 × 2		\$20	500	20,400
\$10 w/ GEM	\$10	\$20	500	20,400
	\$20	\$20	500	20,400
\$20		\$20	1,000	10,200
\$10 × 2	\$5	\$25	500	20,400
(\$5 w/ GEM) × 5		\$25	500	20,400
	\$25	\$25	1,000	10,200
\$25		\$25	1,000	10,200
\$25 × 2		\$50	2,000	5,100
\$10 × 3	\$10×2	\$50	2,000	5,100
\$25 w/ GEM	\$25	\$50	2,000	5,100
	\$50	\$50	2,000	5,100
\$50		\$50	2,000	5,100
\$ w/ (\$20 × 2) + (\$10 × 6)		\$100	2,000	5,100
\$25 × 3	\$25	\$100	8,000	1,275
(\$50 w/ GEM) × 2		\$100	4,000	2,550
	\$100	\$100	8,000	1,275
\$100		\$100	4,000	2,550
\$ w/ (\$20 × 7) + \$10		\$150	6,000	1,700
\$50 × 3		\$150	12,000	850
\$50 × 2	\$50	\$150	12,000	850
(\$25 w/ GEM) × 4	\$25×2	\$150	8,000	1,275
	\$150	\$150	12,000	850
\$150		\$150	12,000	850
\$ w/ (\$50 × 4) + (\$25 × 4)		\$300	12,000	850
\$150 × 2		\$300	40,000	255
\$25 × 2	\$50×5	\$300	40,000	255
(\$100 w/ GEM) × 3		\$300	15,000	680
	\$300	\$300	40,000	255
\$300		\$300	40,000	255
\$ w/ (\$100 × 7) + \$300		\$1,000	30,000	340
\$300 × 3	\$100	\$1,000	30,000	340
\$1,000		\$1,000	30,000	340
\$5,000		\$5,000	120,000	85
\$50,000		\$50,000	680,000	15

Reveal a “GEM” (GEM) symbol in any game, win prize shown for that game.

Reveal a “\$” (DLRSN) symbol, win all 8 prizes shown!

FAST CASH BONUS: Reveal a “PYRAMID” (PYRMID) symbol, win prize shown under it.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Pyramid Riches instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Pyramid Riches, prize money from winning Pennsylvania Pyramid Riches instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If

no claim is made within 1 year of the announced close of the Pennsylvania Pyramid Riches instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets



from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Pyramid Riches or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 13-1093. Filed for public inspection June 14, 2013, 9:00 a.m.]

### Pennsylvania Wheel of Fortune® '13 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Wheel of Fortune '13.

2. *Price:* The price of a Pennsylvania Wheel of Fortune '13 instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Wheel of Fortune '13 instant lottery game ticket will contain one play area featuring a "WINNING LETTERS" area and a "YOUR LETTERS" area. The play symbols and their captions located in the "WINNING LETTERS" area are: B (BBBB), C (CCCC), D (DDDD), F (FFFF), G (GGGG), H (HHHH), J (JJJJ), K (KKKK), L (LLLL), M (MMMM), N (NNNN), P (PPPP), Q (QQQQ), R (RRRR), S (SSSS), T (TTTT), V (VVVV), W (WWWW), X (XXXX), Y (YYYY) and Z (ZZZZ). The play symbols and their captions located in the "YOUR LETTERS" area are: B (BBBB), C (CCCC), D (DDDD), F (FFFF), G (GGGG), H (HHHH), J (JJJJ), K (KKKK), L (LLLL), M (MMMM), N (NNNN), P (PPPP), Q (QQQQ), R (RRRR), S (SSSS), T (TTTT), V (VVVV), W (WWWW), X (XXXX), Y (YYYY), Z (ZZZZ), Bill (BILL) symbol and a 5X (5TIMES) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR LETTERS" area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTN), \$25<sup>00</sup> (TWY FIV), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$25, \$50, \$100, \$200, \$400, \$1,000, \$10,000 and \$100,000. A player can win up to 12 times on a ticket.

6. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct second-chance drawings for which non-winning Pennsylvania Wheel of Fortune '13 instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 9,600,000 tickets will be printed for the Pennsylvania Wheel of Fortune '13 instant lottery game.

#### 8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR LETTERS" play symbols matches any of the "WINNING LETTERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "Prize" area

under the matching "YOUR LETTERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the "YOUR LETTERS" play symbols matches any of the "WINNING LETTERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears in the "Prize" area under the matching "YOUR LETTERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the "YOUR LETTERS" play symbols is a Bill (BILL) symbol and a prize symbol of \$10,000 (TEN THO) appears in the "Prize" area under that Bill (BILL) symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any one of the "YOUR LETTERS" play symbols matches any of the "WINNING LETTERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under the matching "YOUR LETTERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR LETTERS" play symbols is a Bill (BILL) symbol and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under that Bill (BILL) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR LETTERS" play symbols matches any of the "WINNING LETTERS" play symbols and a prize symbol of \$400 (FOR HUN) appears in the "Prize" area under the matching "YOUR LETTERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(g) Holders of tickets upon which any one of the "YOUR LETTERS" play symbols is a Bill (BILL) symbol and a prize symbol of \$400 (FOR HUN) appears in the "Prize" area under that Bill (BILL) symbol, on a single ticket, shall be entitled to a prize of \$400.

(h) Holders of tickets upon which any one of the "YOUR LETTERS" play symbols matches any of the "WINNING LETTERS" play symbols and a prize symbol of \$200 (TWO HUN) appears in the "Prize" area under the matching "YOUR LETTERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(i) Holders of tickets upon which any one of the "YOUR LETTERS" play symbols is a Bill (BILL) symbol and a prize symbol of \$200 (TWO HUN) appears in the "Prize" area under that Bill (BILL) symbol, on a single ticket, shall be entitled to a prize of \$200.

(j) Holders of tickets upon which any one of the "YOUR LETTERS" play symbols is a 5X (5TIMES) symbol and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the "Prize" area under that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$125.

(k) Holders of tickets upon which any one of the "YOUR LETTERS" play symbols matches any of the "WINNING LETTERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR LETTERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "YOUR LETTERS" play symbols is a Bill (BILL) symbol and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under that Bill (BILL) symbol, on a single ticket, shall be entitled to a prize of \$100.



(m) Holders of tickets upon which any one of the "YOUR LETTERS" play symbols is a 5X (5TIMES) symbol and a prize symbol of \$15.00 (FIFTN) appears in the "Prize" area under that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$75.

(n) Holders of tickets upon which any one of the "YOUR LETTERS" play symbols matches any of the "WINNING LETTERS" play symbols and a prize symbol of \$50.00 (FIFTY) appears in the "Prize" area under the matching "YOUR LETTERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which any one of the "YOUR LETTERS" play symbols is a Bill (BILL) symbol and a prize symbol of \$50.00 (FIFTY) appears in the "Prize" area under that Bill (BILL) symbol, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which any one of the "YOUR LETTERS" play symbols is a 5X (5TIMES) symbol and a prize symbol of \$10.00 (TEN DOL) appears in the "Prize" area under that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$50.

(q) Holders of tickets upon which any one of the "YOUR LETTERS" play symbols matches any of the "WINNING LETTERS" play symbols and a prize symbol of \$25.00 (TWY FIV) appears in the "Prize" area under the matching "YOUR LETTERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(r) Holders of tickets upon which any one of the "YOUR LETTERS" play symbols is a Bill (BILL) symbol and a prize symbol of \$25.00 (TWY FIV) appears in the "Prize" area under that Bill (BILL) symbol, on a single ticket, shall be entitled to a prize of \$25.

(s) Holders of tickets upon which any one of the "YOUR LETTERS" play symbols is a 5X (5TIMES) symbol and a prize symbol of \$5.00 (FIV DOL) appears in the "Prize" area under that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$25.

(t) Holders of tickets upon which any one of the "YOUR LETTERS" play symbols matches any of the "WINNING LETTERS" play symbols and a prize symbol of \$15.00 (FIFTN) appears in the "Prize" area under the matching "YOUR LETTERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(u) Holders of tickets upon which any one of the "YOUR LETTERS" play symbols is a Bill (BILL) symbol and a prize symbol of \$15.00 (FIFTN) appears in the "Prize" area under that Bill (BILL) symbol, on a single ticket, shall be entitled to a prize of \$15.

(v) Holders of tickets upon which any one of the "YOUR LETTERS" play symbols matches any of the "WINNING LETTERS" play symbols and a prize symbol of \$10.00 (TEN DOL) appears in the "Prize" area under the matching "YOUR LETTERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets upon which any one of the "YOUR LETTERS" play symbols is a Bill (BILL) symbol and a prize symbol of \$10.00 (TEN DOL) appears in the "Prize" area under that Bill (BILL) symbol, on a single ticket, shall be entitled to a prize of \$10.

(x) Holders of tickets upon which any one of the "YOUR LETTERS" play symbols matches any of the "WINNING LETTERS" play symbols and a prize symbol of \$5.00 (FIV DOL) appears in the "Prize" area under the matching "YOUR LETTERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(y) Holders of tickets upon which any one of the "YOUR LETTERS" play symbols is a Bill (BILL) symbol and a prize symbol of \$5.00 (FIV DOL) appears in the "Prize" area under that Bill (BILL) symbol, on a single ticket, shall be entitled to a prize of \$5.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Letters Match Any Winning Letter, Win Prize Shown Under The Matching Letter. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets:</i>
\$5 w/ BILL	\$5	15	640,000
\$5	\$5	20	480,000
\$5 x 2	\$10	75	128,000
(\$5 w/ BILL) x 2	\$10	85.71	112,000
\$10 w/ BILL	\$10	33.33	288,000
\$10	\$10	85.71	112,000
(\$10 w/ BILL) + (\$5 w/ BILL)	\$15	120	80,000
\$15 w/ BILL	\$15	120	80,000
\$15	\$15	60	160,000
\$5 x 5	\$25	300	32,000
\$15 + \$10	\$25	300	32,000
\$5 w/ 5X	\$25	300	32,000
\$25 w/ BILL	\$25	300	32,000
\$25	\$25	300	32,000
\$25 x 2	\$50	600	16,000
(\$5 w/ 5X) x 2	\$50	600	16,000
\$10 w/ 5X	\$50	600	16,000
\$50 w/ BILL	\$50	600	16,000
\$50	\$50	600	16,000
(\$25 x 2) + (\$5 x 10)	\$100	2,000	4,800
\$10 x 10	\$100	2,000	4,800
\$25 x 4	\$100	2,000	4,800
\$50 x 2	\$100	2,000	4,800
(\$10 w/ 5X) x 2	\$100	3,000	3,200

When Any Of Your Letters Match Any  
Winning Letter, Win Prize Shown  
Under The Matching Letter. Win With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 9,600,000 Tickets:
\$100 w/ BILL	\$100	2,000	4,800
\$100	\$100	2,000	4,800
(\$50 × 2) + (\$10 × 10)	\$200	6,000	1,600
\$100 × 2	\$200	6,000	1,600
(\$10 w/ 5X) × 4	\$200	6,000	1,600
\$200 w/ BILL	\$200	12,000	800
\$200	\$200	12,000	800
(\$25 × 10) + \$100 + \$50	\$400	24,000	400
(((\$10 w/ 5X) × 4) + (((\$5 w/ 5X) × 8)	\$400	24,000	400
\$100 × 4	\$400	24,000	400
\$400 w/ BILL	\$400	24,000	400
\$400	\$400	24,000	400
(((\$15 w/ 5X) × 10) + (((\$25 w/ 5X) × 2)	\$1,000	40,000	240
\$100 × 10	\$1,000	40,000	240
\$1,000 w/ BILL	\$1,000	40,000	240
\$1,000	\$1,000	40,000	240
\$10,000 w/ BILL	\$10,000	274,286	35
\$10,000	\$10,000	274,286	35
\$100,000	\$100,000	960,000	10

Reveal a "BILL" (BILL) symbol, win prize shown under it automatically.  
Reveal a "5X" (5TIMES) symbol, win 5 times the prize shown under it.

Prizes, including top prizes, are subject to availability at the time of purchase.

**10. Pennsylvania Lottery's Wheel of Fortune Hollywood Experience Second-Chance Drawings Requirements:**

(a) To be eligible for the Pennsylvania Lottery's Wheel of Fortune Hollywood Experience second-chance drawings, players must enter one non-winning PA-1037 Wheel of Fortune '13 (\$5) instant lottery ticket via the Lottery's website (palottery.com). To enter non-winning tickets players must visit the Lottery's website, click on the Wheel of Fortune Hollywood Experience second-chance drawings promotional link, follow the instructions to establish an entry account and enter the identifying information from one PA-1037 Wheel of Fortune '13 (\$5) instant lottery ticket.

(1) Players must be members of the Pennsylvania Lottery VIP Players Club to submit entries.

(2) The contents of the entry account must be accurate and complete. Incomplete entry accounts cannot be submitted.

(3) Only one claimant per entry allowed.

(4) Claimant must be 18 years of age or older.

(5) Entries will be limited to Pennsylvania Lottery VIP Players Club members that indicate, at the time of submitting an entry, that their entry is being submitted from an internet connected device located within Pennsylvania.

(6) The only entry method for a Pennsylvania Lottery's Wheel of Fortune Hollywood Experience second-chance drawing is via the Pennsylvania Lottery's website. Entries mailed to the Pennsylvania Lottery will be disqualified.

(b) Entering a non-winning PA-1037 Wheel of Fortune '13 (\$5) instant ticket will entitle the player to either one, two, three, four, five, six, seven, eight, nine or ten entry(ies) into the next available of two Pennsylvania Lottery's Wheel of Fortune Hollywood Experience second-chance drawings. Players may submit unlimited entries

for the Pennsylvania Lottery's Wheel of Fortune Hollywood Experience second-chance drawings.

(c) Players who, at the time of entering a non-winning PA-1037 Wheel of Fortune '13 (\$5) instant ticket in a Wheel of Fortune Hollywood Experience second-chance drawing, also enter the necessary Tune-In Bonus information will receive one entry into the Pennsylvania Lottery's Wheel of Fortune Hollywood Experience Tune-In Bonus drawing. To be a valid Wheel of Fortune Hollywood Experience Tune-In Bonus entry the player must enter the following information:

(1) The television station on which the entrant viewed the Wheel of Fortune Television Game Show.

(2) The date on which the entrant viewed the show.

(3) The position of the winning contestant on the show viewed by the entrant.

**11. Pennsylvania Lottery's Wheel of Fortune Hollywood Experience Second-Chance Drawings and the Pennsylvania Lottery's Wheel of Fortune Hollywood Experience Tune-In Bonus Drawing:**

(a) The Lottery will conduct two Wheel of Fortune Hollywood Experience second-chance drawings and one Wheel of Fortune Hollywood Experience Tune-In Bonus drawing as part of the Pennsylvania Lottery's Wheel of Fortune promotion. All time references in this section are Eastern Time.

(1) All Pennsylvania Lottery's Wheel of Fortune Hollywood Experience second-chance drawing entries received after 11:59:59 p.m. June 23, 2013, through 11:59:59 p.m. August 15, 2013, will be entered in the Pennsylvania Lottery's Wheel of Fortune Hollywood Experience second-chance drawing, which will be held the week of August 19, 2013.

(2) All Pennsylvania Lottery's Wheel of Fortune Hollywood Experience second-chance drawing entries received after 11:59:59 p.m. August 15, 2013, through 11:59:59 p.m. October 3, 2013, will be entered in the Pennsylvania Lottery's Wheel of Fortune Hollywood Experience second-chance drawing, which will be held the week of October 7, 2013.

(3) All Pennsylvania Lottery's Wheel of Fortune Hollywood Experience second-chance drawing entries, that included the Wheel of Fortune Hollywood Experience Tune-In Bonus information as described in section 10(c), received after 11:59:59 p.m. June 23, 2013, through 11:59:59 p.m. October 3, 2013, will be entered in the Pennsylvania Lottery's Wheel of Fortune Hollywood Experience Tune-In Bonus drawing, which will be held the week of October 7, 2013.

(4) The odds of an entry being selected in a Pennsylvania Lottery's Wheel of Fortune Hollywood Experience second-chance drawing or the Pennsylvania Lottery's Wheel of Fortune Hollywood Experience Tune-In Bonus drawing depend upon the number of entries received for that drawing.

(b) To be eligible to participate in the Pennsylvania Lottery's Wheel of Fortune Hollywood Experience second-chance drawings or the Pennsylvania Lottery's Wheel of Fortune Hollywood Experience Tune-In Bonus drawing, entries must have complied with the requirements of section 10.

(c) The Lottery assumes no responsibility for late, lost or misdirected entries not entered into the Pennsylvania Lottery's Wheel of Fortune Hollywood Experience second-chance drawings or the Pennsylvania Lottery's Wheel of Fortune Tune-In Bonus drawing.

(d) If a Pennsylvania Lottery's Wheel of Fortune Hollywood Experience second-chance drawing entry is rejected during or following a Pennsylvania Lottery's Wheel of Fortune Hollywood Experience second-chance drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with these rules and Lottery procedure.

(e) If a Pennsylvania Lottery's Wheel of Fortune Hollywood Experience Tune-In Bonus drawing entry is rejected during or following the Pennsylvania Lottery's Wheel of Fortune Hollywood Experience Tune-In Bonus drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with these rules and Lottery procedure.

(f) A computer-generated randomizer will be used to select the winners.

(g) A player may only win the prize for which they are first selected in each of the Pennsylvania Lottery's Wheel of Fortune Hollywood Experience second-chance drawings. Subsequent entries, from the same individual, selected in the same Pennsylvania Lottery's Wheel of Fortune Hollywood Experience second-chance drawing will be disqualified and a replacement entry will be selected.

(h) If any discrepancy exists between the Pennsylvania Lottery's Wheel of Fortune Hollywood Experience second-chance drawing rules and any material describing the Pennsylvania Lottery's Wheel of Fortune Hollywood Experience second-chance drawings or the Pennsylvania Lottery's Wheel of Fortune Hollywood Experience Tune-In Bonus drawing, the Pennsylvania Lottery's Wheel of Fortune Hollywood Experience second-chance drawing rules shall govern.

(i) Employees of the Pennsylvania Lottery and its agents, or a spouse, child, brother, sister or parent residing as a member of the same household in the principal place of residence of any such person are not

eligible to participate in the Pennsylvania Lottery's Wheel of Fortune second-chance drawings or the Pennsylvania Lottery's Wheel of Fortune Tune-In Bonus drawing. Offer void where prohibited or restricted.

(j) If, for any reason, the Pennsylvania Lottery's Wheel of Fortune second-chance drawings or the Pennsylvania Lottery's Wheel of Fortune Tune-In Bonus drawing are not capable of running as planned due to, without limitation, errors in these rules or advertising, tampering, unauthorized intervention, fraud, technical failures, human error or any other cause beyond the control of the Pennsylvania Lottery that, in the sole judgment of the Pennsylvania Lottery, could corrupt or affect the administration, security, fairness, integrity or proper conduct of the drawings, the Pennsylvania Lottery reserves the right, at its sole discretion, to cancel, terminate, modify or suspend the Pennsylvania Lottery's Wheel of Fortune second-chance drawings and the Pennsylvania Lottery's Wheel of Fortune Tune-In Bonus drawing.

(k) All entries shall be subject to verification by the Pennsylvania Lottery.

(l) The Pennsylvania Lottery's Wheel of Fortune Hollywood Experience second-chance drawings and the Pennsylvania Lottery's Wheel of Fortune Hollywood Experience Tune-In Bonus drawing are governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(m) Prizes must be claimed within one year of the drawing date of the drawing in which the prize was won. However, winners of the Hollywood Experience Trip Package that intend to take the trip must make that election according to Section 13(f).

(n) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(o) The payment of a prize awarded in a Pennsylvania Lottery's Wheel of Fortune Hollywood Experience second-chance drawing or the Pennsylvania Lottery's Wheel of Fortune Hollywood Experience Tune-In Bonus drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

12. *The Pennsylvania Lottery's Wheel of Fortune Hollywood Experience Second-Chance Drawing and the Pennsylvania Lottery's Wheel Of Fortune Hollywood Experience Tune-In Bonus Prizes:*

(a) The Pennsylvania Lottery's Wheel of Fortune Hollywood Experience second-chance drawing held the week of August 19, 2013 will award the following prizes:

(1) The first winner selected shall be entitled to a prize of one Wheel of Fortune Hollywood Experience Trip Package as described in section 13.

(2) The second through the sixth winners selected shall be entitled to a prize of \$1,000.

(b) The Pennsylvania Lottery's Wheel of Fortune Hollywood Experience second-chance drawing held the week of October 7, 2013 will award the following prizes:

(1) The first winner selected shall be entitled to a prize of one Wheel of Fortune Hollywood Experience Trip Package as described in section 13.

(2) The second through the sixth winners selected shall be entitled to a prize of \$1,000.



(c) The first winner selected in the Pennsylvania Lottery's Wheel of Fortune Hollywood Experience Tune-In Bonus drawing, held the week of October 7, 2013, shall be entitled to a prize of one Wheel of Fortune Hollywood Experience Trip Package as described in section 13.

(d) In the event a prize described in this section is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

(e) Prizes are transferrable one time. The original winner will be responsible for all applicable taxes.

(f) Other restrictions may apply.

*13. Wheel of Fortune Hollywood Experience Trip Package Prize Description and Restrictions:*

(a) Each Hollywood Experience Trip Package prize shall consist of a four-day, three-night trip for the prizewinner and up to one (1) guest to Hollywood, California and includes the following:

(1) Roundtrip coach airfare from any U.S. International airport to Los Angeles International Airport in Los Angeles (inclusive of all security fees, taxes and surcharges).

(2) All ground transfers between Los Angeles International Airport and the destination hotel; and between the hotel and Scientific Games International, Inc. hosted events.

(3) Accommodations of one (1) deluxe hotel room for three (3) nights (double occupancy, room and room tax only).

(4) One thousand dollars (\$1,000) spending money for the winner, provided in the form of a check two (2) weeks prior to the scheduled trip departure date.

(5) Two (2) seating passes to a taping of the Wheel of Fortune Television Game Show.

(6) Two (2) passes for a tour of Sony Studios;

(7) One (1) audition for the winner for a chance to become a contestant on the Wheel of Fortune Television Game Show as detailed in section 13(c).

(8) Hosting services.

(9) Federal withholding taxes on the value of the Wheel of Fortune Hollywood Experience Trip Package prize (excluding any additional prizes won in Hollywood on the Wheel of Fortune Television Game Show).

(b) Wheel of Fortune Hollywood Experience Trip Package prizewinner opting for the cash value of the Wheel of Fortune Hollywood Experience Trip Package will receive \$7,500, less required Federal withholding. Wheel of Fortune Hollywood Experience Trip Package prizewinners determined to have outstanding support obligations shall receive the cash equivalent of the Wheel of Fortune Hollywood Experience Trip Package prize, less the amount of the outstanding support obligations, and will not be eligible to receive a Wheel of Fortune Hollywood Experience Trip Package or to participate in the audition to become a contestant on the Wheel of Fortune Television Game Show.

(c) Each Wheel of Fortune Hollywood Experience Trip Package prizewinner shall have the option to audition to be a contestant for the Wheel of Fortune Television Game

Show. In the event an audition participant is selected to be a contestant on the Wheel of Fortune Television Game Show, Scientific Games International, Inc. shall provide such contestant a three-day, two-night trip for two, including airfare, hotel and transfers. In such event, Scientific Games International, Inc. will contact the contestant to inform them of the scheduled taping date(s) in order to schedule the trip, and Scientific Games International, Inc and the contestant will enter into a separate written agreement, including without limitation appropriate contestant waivers, with the contestant concerning the terms and conditions of the trip, and the contestant's participation therein. The contestant's guest may accompany the contestant but will not be eligible to be a participant on the Wheel of Fortune Television Game Show.

(d) Air travel for the Wheel of Fortune Hollywood Experience Trip Package will be booked on a major airline, as defined by the Federal Aviation Administration.

(e) The Wheel of Fortune Hollywood Experience Trip Package does not include: mileage, insurance, gratuities, meals, parking fees, baggage fees, alcoholic beverages, personal expenses such as telephone calls, valet service, laundry, incidentals and the like, revision or cancellation fees which may be charged by the hotel or other suppliers, or any other items not expressly specified herein.

(f) Travel and accommodation dates will be scheduled in accordance with the Wheel of Fortune taping and audition schedules. Prizewinners will be contacted to inform them of the scheduled taping and audition date(s) in order to begin making the trip arrangements at least thirty (30) days in advance of the next available taping and/or audition date. Reservations must be made at least thirty (30) days prior to show taping and are subject to availability, and trips will be scheduled in accordance with the taping and audition schedules. If the Wheel of Fortune taping and audition dates are not available within one (1) year from the date on which the prizewinner was notified to schedule the Wheel of Fortune Hollywood Experience Trip Package, the prizewinner shall receive the cash equivalent of the trip package as described in section 13(b).

(g) If the Wheel of Fortune Hollywood Experience Trip Package prizewinner is traveling via air and fails to appear at the designated time and place of departure, the balance of his or her trip shall be forfeited with the exception of the one thousand dollars (\$1,000) spending money component of the Wheel of Fortune Hollywood Experience Trip Package.

(h) If the Wheel of Fortune Hollywood Experience Trip Package prizewinner fails to check in to the destination hotel when he or she arrives in Hollywood, the balance of the Wheel of Fortune Hollywood Experience Trip Package prize shall be forfeited with the exception of the one thousand dollars (\$1,000) spending money and the return air fare components of the Wheel of Fortune Hollywood Experience Trip Package.

(i) If the Wheel of Fortune Hollywood Experience Trip Package prizewinner fails to arrive for his or her scheduled participation in the Wheel of Fortune Hollywood Experience, the Wheel of Fortune Hollywood Experience Trip Package prizewinner forfeits the right to audition for



a chance to participate on the Wheel of Fortune Television Game Show. Sony Pictures Consumer Products, Inc. reserves the exclusive right to terminate the audition for any reason.

(j) In the event that a Wheel of Fortune Experience Trip Package prizewinner is determined to be unable to attend the trip after the trip has been booked, the balance of the trip prize shall be forfeited with the exception of the one thousand dollars (\$1,000) cash portion of the Wheel of Fortune Experience Trip Package, less any withholding taxes.

(k) The Wheel of Fortune Experience Trip Package prizewinner must be 18 years of age to win the Wheel of Fortune Hollywood Experience Trip Package prize and to audition for the Wheel of Fortune Television Game Show.

(l) The Wheel of Fortune Hollywood Experience Trip Package prizewinner, designee(s), or guest(s) must have a valid credit card or shall be required to post cash deposit for incidentals to check into the hotel.

(m) The Wheel of Fortune Hollywood Experience Trip Package prizewinner is solely responsible for the actions of the guest who accompanies the Wheel of Fortune Experience Trip Package prizewinner on the trip. If a Wheel of Fortune Experience Trip Package prizewinner's guest is a minor, the Wheel of Fortune® Experience Trip Package prizewinner must be the parent or legal guardian of such guest, or must present a notarized, written consent from the minor's parent or legal guardian for the minor guest to accompany the Wheel of Fortune Experience Trip Package prizewinner on the trip.

(n) The Lottery is not responsible for injury, loss or damage to person or property in connection with the Wheel of Fortune Experience Trip Package. Wheel of Fortune Experience Trip Package prizewinners participate solely at their own risk and responsibility.

(o) Other restrictions may apply.

14. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Wheel of Fortune '13 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

15. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Wheel of Fortune '13, prize money from winning Pennsylvania Wheel of Fortune '13 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within one year of the announced close of the Pennsylvania Wheel of Fortune '13 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

16. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

17. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania Wheel of Fortune '13 or through normal communications methods.

DANIEL MEUSER,  
*Secretary*

[Pa.B. Doc. No. 13-1094. Filed for public inspection June 14, 2013, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Bureau of Maintenance and Operations; Access Route Approval

Under the provisions of 75 Pa.C.S. § 4908 (relating to operation of certain combinations on interstate and certain other highways), the Department of Transportation approved on May 21, 2013, the following access route for use by the types of truck combinations as indicated:

1. (X) 96" wide twin trailers (28 1/2' maximum length of each trailer).
2. (X) 102" wide 53' long trailer.
3. (X) 102" wide 48' long trailer.
4. (X) 102" wide twin trailers (28 1/2' maximum length-each).
5. (X) 102" wide maxi-cube.

<i>Route Identification</i>	<i>Route Description</i>	<i>Length Miles</i>
895	from SR 61 to 52 Hickory Drive Auburn, PA	1.8

Questions should be directed to Matthew Hedge at (717) 772-5462.

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

[Pa.B. Doc. No. 13-1095. Filed for public inspection June 14, 2013, 9:00 a.m.]

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P. S. §§ 1381.1—1381.3), intends to sell the following property owned by the Department.

The following is the location of the property available for sale by the Department:

Philadelphia Township, Philadelphia County. Parcel No. 230, located at 241 North 10th Street SR 67045 Section 10A. The parcel contains approximately 1,800 square feet on the corner of 10th and Vine Streets.

The estimated fair market value of this parcel is \$225,000. It has been determined that the land is no longer needed for present or future transportation purposes.

Interested public entities are invited to express their interest in purchasing this parcel within 30 calendar days from the date of publication of this notice by calling Mary

C. Lambright at (610) 502-6507 or writing to the Department of Transportation, Engineering District—06, Lester C. Toaso, District Executive, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525.

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

[Pa.B. Doc. No. 13-1096. Filed for public inspection June 14, 2013, 9:00 a.m.]

### Proposed Disadvantaged Business Enterprise Goal for Participation in Federal Aviation Administration Assisted Contracts for Federal Fiscal Years 2014-2016

The Department of Transportation (Department) is providing notice of its proposed Federal Aviation Administration goal for Federal Fiscal Years 2014-2016. The proposed overall Disadvantaged Business Enterprise (DBE) goal is 7.00%. The methodology used to establish the DBE goal is available for inspection during normal business hours at the Department of Transportation, Bureau of Equal Opportunity, 400 North Street, 5th Floor, Harrisburg, PA 17120-0041, (717) 787-5891, (800) 468-4201, fax (717) 772-4026.

The document can also be viewed online at <http://www.padbgoals.org>.

The document will be available for inspection for 30 days from the date of this notice. The Department also will accept written comments on the methodology and goal for 45 days from the date of this notice. Comments,

questions or suggestions regarding this notice may be directed in writing to Jocelyn I. Harper, Director at the previously listed address.

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

[Pa.B. Doc. No. 13-1097. Filed for public inspection June 14, 2013, 9:00 a.m.]

### Receipt of Applications for Funding under the Section 5310 Program Fiscal Year 2013-2014

The Department of Transportation, Bureau of Public Transportation, under the authority in section 5310 of the Federal Transit Laws (49 U.S.C.A. § 5310), gives notice that it will receive applications for the State-administered Section 5310 Program (Program).

Under this Program, private nonprofit organizations and designated public bodies may apply for Federal capital assistance to pay up to 80% of the purchase cost of new wheelchair accessible small transit vehicles used to provide transportation services for senior citizens and persons with disabilities who cannot be reasonably accommodated by existing transportation providers.

Additional information can be obtained by calling John Levitsky, Bureau of Public Transportation, (717) 787-1206, RA-pdBPT5310Apps@pa.gov.

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

[Pa.B. Doc. No. 13-1098. Filed for public inspection June 14, 2013, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
16A-6110	State Board of Landscape Architects Continuing Education and Elimination of Registration without Examination 43 Pa.B. 1859 (April 6, 2013)	5/6/13	6/5/13
16A-663	Navigation Commission for the Delaware River & its Navigable Tributaries General Revisions 43 Pa.B. 1850 (April 6, 2013)	5/6/13	6/5/13
16A-4515	State Board of Cosmetology Fees—Cosmetology 43 Pa.B. 1855 (April 6, 2013)	5/6/13	6/5/13
16A-4627	State Board of Dentistry Fees 43 Pa.B. 1857 (April 6, 2013)	5/6/13	6/5/13

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
16A-428	State Board of Barber Examiners Fees 43 Pa.B. 1854 (April 6, 2013)	5/6/13	6/5/13

**State Board of Landscape Architects  
Regulation #16A-6110 (IRRC #2994)  
Continuing Education and Elimination of  
Registration without Examination  
June 5, 2013**

We submit for your consideration the following comments on the proposed rulemaking published in the April 6, 2013 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Landscape Architects (Board) to respond to all comments received from us or any other source.

**1. Section 15.56. Registration without examination.—Consistency with statute; Clarity.**

In the Preamble, the Board explains the deletion of Paragraph (a)(3) as follows:

... Also included in § 15.56(a)(3) is a provision which provides for individuals who have passed the examination in another state. Although not affected by Act 24, the Board is also proposing to delete this provision because it is already covered in § 15.57(a) (relating to registration by endorsement)...

While we agree with the deletion of Section 15.56 in its entirety, the remaining provisions of Section 15.57 differ from the statutory provision at 63 P. S. § 906(c). For example, Subsection 15.57(a) does not explain the statutory provision that the applicant must establish that their qualifications from the other state are "... at least equal to the standards of this Commonwealth existing at that time." We also question whether Subsection 15.57(c) is consistent with 63 P. S. § 906(c), which conditionally allows the Board to register and license an applicant without examination. Therefore, we ask the Board to review all of Section 15.57 with the statutory provision at 63 P. S. § 906(c) and either amend the regulation as necessary to reflect the statute or explain how Section 15.57 is consistent with the Landscape Architects' Registration Law.

**2. Section 15.72. Requirement for biennial renewal.—Consistency with statute; Implementation procedure; Reasonableness.**

The increase of continuing education hours from 10 hours to 24 hours implements Act 24 of 2009 (Act 24), which also gave the Board discretion on when to implement this increase. Also, under 63 P. S. § 909.1(e) the Board must "inform licensees of the continuing education requirement prior to the renewal period when continuing education is required."

The actual biennial period in which licensees must comply is not yet officially established in regulation. As of the date of these comments the biennial period commencing June 1, 2013 has already begun. Subsection (a), which implements the new requirement for 24 clock hours of continuing education, will not become effective until a final regulation is published in the *Pennsylvania Bulletin*. Tied to these concerns is the economic impact on licensees

who incur the costs, including time off from work to attend continuing education courses, which may or may not be necessary depending on the publication date of the final regulation. Therefore, we ask the Board to provide an explanation in the final regulation submittal of how the Board has sufficiently informed licensees of the new requirement for 24 hours of continuing education prior to the renewal period that requirement became effective on June 1, 2013.

**3. Section 15.72. Requirement for biennial renewal.—Statutory authority.**

The Landscape Architects' Registration Law states that the Board:

... shall adopt, promulgate and enforce regulations consistent with this act establishing requirements to be met by individuals licensed as landscape architects under this act as a condition for renewal of their licenses ... each person licensed under this act shall be required to obtain twenty-four hours of mandatory continuing education during each two-year license period... 63 P. S. §§ 909.1(a) and (b). (Emphasis added.)

The addition of Subsection (d) to the regulation would state:

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

By allowing licensees to carry forward credits, Subsection (d) would form the basis to allow the renewal of a license in the subsequent renewal period if the licensee completed less than the statutorily required 24 hours of mandatory continuing education during the subsequent renewal period. The Board should either delete Subsection (d), explain its authority under the Landscape Architects' Registration Law to allow licensees to carry forward continuing education credits, or seek amendments to the Landscape Architects' Registration Law to accommodate the carry forward of continuing education credits prior to adding this provision to its regulation.

**Navigation Commission for the Delaware River & its Navigable Tributaries**

**Regulation #16A-663 (IRRC #2995)**

**General Revisions**

**June 5, 2013**

We submit for your consideration the following comments on the proposed rulemaking published in the April 6, 2013 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P. S. § 745.5b). Section 5.1(a) of the RRA (71 P. S. § 745.5a(a)) directs the Navigation Commission for the Delaware River & its Navigable Tributaries (Commission) to respond to all comments received from us or any other source.



**1. Section 405.12. Renewal of license.—Clarity.**

Subsection (b) includes notice that the continuing education requirements contained in the subsection shall become effective July 6, 2004. The Commission is deleting similar language in Section 405.7(b)(1) because the date has already passed. The Commission should delete this obsolete language, as well, in the final-form regulation.

**2. Section 405.36. Federal license.—Clarity.**

Subsection (b) states that if a pilot's federal license is suspended, revoked or surrendered (i.e., inactive), "the Commission *may* . . . revoke, suspend, limit or otherwise restrict the pilot's state license." (Emphasis added.) It is unclear as to how subsection (b) is consistent with new language in Section 405.7(a)(10) which requires an applicant for a pilot's license to "hold and *maintain an active Federal first-class pilot's license*" (emphasis added) and Section 405.12(a)(1) which requires an applicant renewing a pilot's license to satisfy the requirements in Section 405.7(a)(10).

We recognize the need for the Commission to provide notice and an opportunity for a hearing in accordance with the Administrative Agency Law before taking action against a pilot's state license; however, subsection (b) appears to allow for a circumstance in which a pilot can hold an active state pilot's license without an active Federal pilot's license. We ask the Commission to explain how these provisions are consistent, or to address this circumstance in the final-form regulation.

**State Board of Cosmetology**  
**Regulation #16A-4515 (IRRC #2996)**  
**Fees—Cosmetology**  
**June 5, 2013**

We submit for your consideration the following comments on the proposed rulemaking published in the April 6, 2013 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P. S. § 745.5b). Section 5.1(a) of the RRA (71 P. S. § 745.5a(a)) directs the State Board of Cosmetology (Board) to respond to all comments received from us or any other source.

**Comments of the House Professional Licensure Committee**

In a letter dated May 24, 2013, Representative Julie Harhart, Majority Chair of the House Professional Licensure Committee (Committee), and Representative Harry Readshaw, Minority Chair of the Committee, submitted a comment on behalf of the Committee requesting information pertaining to the major cost centers of the Board and any significant increases in the Board's expenditures. We will review the Board's response as part of our determination of whether the final regulation is in the public interest.

**State Board of Dentistry**  
**Regulation #16A-4627 (IRRC #2997)**  
**Fees**  
**June 5, 2013**

We submit for your consideration the following comments on the proposed rulemaking published in the April 6, 2013 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review

Act (71 P. S. § 745.5a(a)) directs the State Board of Dentistry (Board) to respond to all comments received from us or any other source.

**Comments of the House Professional Licensure Committee**

In a letter dated May 24, 2013, Representative Julie Harhart, Majority Chair of the House Professional Licensure Committee (Committee), and Representative Harry Readshaw, Minority Chair of the Committee, submitted a comment on behalf of the Committee requesting information pertaining to the major cost centers of the Board and any significant increases in the Board's expenditures. We will review the Board's response as part of our determination of whether the final regulation is in the public interest.

**State Board of Barber Examiners**  
**Regulation #16A-428 (IRRC #2998)**  
**Fees**  
**June 5, 2013**

We submit for your consideration the following comments on the proposed rulemaking published in the April 6, 2013 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Barber Examiners (Board) to respond to all comments received from us or any other source.

**Comments of the House Professional Licensure Committee**

In a letter dated May 24, 2013, Representative Julie Harhart, Majority Chair of the House Professional Licensure Committee (Committee), and Representative Harry Readshaw, Minority Chair of the Committee, submitted a comment on behalf of the Committee requesting information pertaining to the major cost centers of the Board and any significant increases in the Board's expenditures. We will review the Board's response as part of our determination of whether the final regulation is in the public interest.

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 13-1099. Filed for public inspection June 14, 2013, 9:00 a.m.]

**INSURANCE DEPARTMENT****Certification as an Independent Review Organization; Long-Term Care Benefit Trigger Determinations; Notice 2013-07**

The act of July 9, 2010 (P.L. 362, No. 51) (Act 51) added a provision to the Commonwealth's long-term care insurance laws granting a right to appeal an insurer's determination that a benefit trigger is not met. See section 1111.1 of The Insurance Company Law of 1921 (act) (40 P. S. § 991.1111a). Act 51 also added definitions of "benefit trigger" and "independent review organization" to section 1103 of the act (40 P. S. § 991.1103).

Under this act, an entity must be certified by the Insurance Department (Department) to perform an independent review of benefit trigger determinations. To be certified, an independent review organization (IRO) must:



(a) be certified as an IRO in another state, if the other state requires the IRO to meet substantially similar qualifications as those established by the National Association of Insurance Commissioners; or (b) be certified or approved by the Department. To maintain certification, the IRO shall comply with the requirements of the Act 51 amendments to the long-term care insurance laws and its representations in its application to the Commonwealth or any other state by which it is certified.

The following organizations have been approved, as of May 31, 2013, by the Department to perform independent reviews of long-term care benefit trigger determinations:

Clinix Healthcare  
3492 Snouffer Road, Suite 200  
Columbus, OH 43235  
Telephone: (800) 854-8206  
Fax: (614) 889-2148  
Contact: Olga Magyar

IMX Medical Management Services  
Two Bala Plaza, Suite 600  
P. O. Box 557  
Bala Cynwyd, PA 19004-0557  
Telephone: (610) 667-4463, Ext. 206  
Fax: (610) 667-4764  
Contact: Darcy Saunders

LTCI Independent Eligibility Review Specialists, LLC  
1636 North Cedar Crest Boulevard, Suite 107  
Allentown, PA 18104  
Telephone: (800) 878-9579  
Fax: (484) 661-4757  
Contact: Stephen R. La Pierre

National Medical Reviews, Inc.  
260 Knowles Avenue, Suite 330  
Southampton, PA 18966  
Telephone: (215) 352-7800  
Fax: (215) 352-7801  
Contact: Elaine Nace

MAXIMUS Federal Services, Inc.  
11419 Sunset Hills Road  
Reston, VA 20190-5207  
Telephone: (703) 251-8500  
Fax: (703) 251-8240  
Contact: David Sherman

Permedion, Inc.  
350 Worthington Road, Suite H  
Westerville, OH 43082  
Phone: (614) 895-9900  
Fax: (614) 839-2628  
Contact: Seana Ferris

*Reviews will be conducted at the following location:*

MAXIMUS Federal Services, Inc.  
50 Square Drive, Suite 210  
Victor, NY 14564  
Telephone: (585) 425-5200  
Fax: (585) 425-5290

Questions regarding this notice may be directed to Carolyn M. Morris, Director, Bureau of Consumer Services at (717) 783-9862 or camorris@state.pa.us.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-1100. Filed for public inspection June 14, 2013, 9:00 a.m.]

### Per Diem Charges for Financial Examinations Conducted by the Insurance Department; Notice 2013-06

Under the authority in section 907 of The Insurance Department Act of 1921 (40 P. S. § 323.7) and under 31 Pa. Code § 12.4 (relating to per diem charges), an updated schedule of per diem charges for financial examinations conducted by the Insurance Department (Department) is hereby adopted.

The new schedule of charges is as follows:

Examiner Trainee	\$366 per day
Actuarial Associate 2	\$478 per day
Actuary 2	\$905 per day
Examiner 1	\$501 per day
Examiner 2	\$609 per day
Examiner 3	\$643 per day
Examination Manager	\$689 per day
Insurance Company Information Systems Examiner	\$563 per day
Insurance Company Information Systems Administrator	\$613 per day

As prescribed in 31 Pa. Code § 12.4(c), the Department will calculate and bill per diem charges for financial examination costs in 1/2-hour units.

This schedule is effective July 1, 2013.

This document supersedes the notice published at 42 Pa.B. 3840 (June 30, 2012) and shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-1101. Filed for public inspection June 14, 2013, 9:00 a.m.]

### Per Diem Charges for Market Conduct Examinations of Insurance Companies; Notice 2013-05

Each year, the Insurance Department (Department) updates its schedule of per diem charges for market conduct examinations conducted by the Department. These charges are authorized by section 907 of The Insurance Department Act of 1921 (40 P. S. § 323.7) and 31 Pa. Code § 12.4 (relating to per diem charges).

The new schedule of charges is as follows:

Examiner 1	\$559 per day
Examiner 2	\$638 per day
Examiner Manager	\$798 per day

As prescribed in 31 Pa. Code § 12.4(c), the Department will calculate and bill per diem charges for examination costs in 1/2-hour units.

This schedule is effective July 1, 2013.

This notice supersedes the schedule of per diem charges published at 42 Pa.B. 3841 (June 30, 2012), which prior

notice is hereby repealed. These new charges shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-1102. Filed for public inspection June 14, 2013, 9:00 a.m.]

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### Request to Surrender a Certificate of Authority to Provide a Continuing Care Retirement Community by Masonic Homes

Masonic Homes has submitted a request to surrender their Certificate of Authority to operate four Continuing Care Retirement Communities at Masonic Village at Dallas in Dallas, PA, at Masonic Village at Elizabethtown in Elizabethtown, PA, at Masonic Village at Lafayette Hill in Lafayette Hill, PA and at Masonic Village at Sewickley in Sewickley, PA. The request was received on June 4, 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 (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 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.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-1103. Filed for public inspection June 14, 2013, 9:00 a.m.]

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## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Governor's Office*

Management Directive No. 315.20—Taxability of the Use of State-Provided Vehicles, Amended May 1, 2013.

Management Directive No. 525.4—Temporary Assignment in Higher Classification, Amended May 3, 2013.

Management Directive No. 630.2—Reporting of Employee Liability Claims, Amended May 15, 2013.

Administrative Circular No. 13-08—Closing Instruction No. 4, Fiscal Year 2012-13; Pending Lapse/Lapse Transactions and Reporting Deadlines, Dated May 16, 2013.

Administrative Circular No. 13-09—Closing Instruction No. 5, Fiscal Year 2012-13; Year-End Processing Deadlines, Dated May 16, 2013.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 13-1104. Filed for public inspection June 14, 2013, 9:00 a.m.]

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