

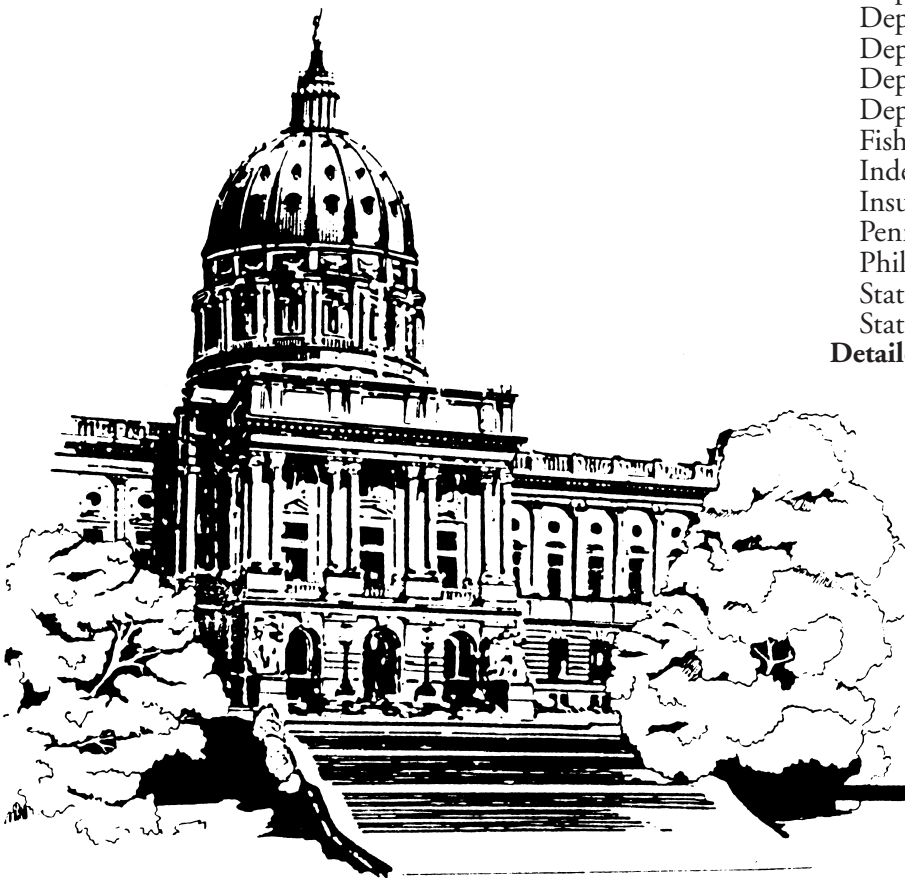
# PENNSYLVANIA BULLETIN

Volume 40  
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**Latest Pennsylvania Code Reporters  
(Master Transmittal Sheets):**

**No. 431, October 2010**

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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 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 where the agency may omit the proposal step; they 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, they must re-propose.

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

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

### ***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* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. 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*.

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.

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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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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 2010.

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Unclassified ..... 23, 24, 237, 238, 414, 415, 523, 701,  
 702, 838, 840, 969, 1079, 1080, 1147, 1403, 1490,  
 1498, 1629, 1630, 1632, 1633, 1730, 1731, 1732,  
 1733, 1893, 1896, 1897, 2014, 2254, 2257, 2414,  
 2416, 2418, 2419, 2420, 2531, 2635, 2636, 2742,  
 2743, 2745, 2934, 2935, 2938, 3083, 3087, 3089,  
 3327, 3493, 3661, 3822, 3823, 3824, 3943, 4153,  
 4248, 4249, 4250, 4251, 4384, 4648, 4745, 4749,  
 4752, 4754, 4918, 4923, 4924, 5063, 5064, 5065,  
 5128, 5129, 5130, 5293, 5453, 5567, 5568, 5569,  
 5570, 5762, 5764, 6079, 6080, 6259, 6260,  
 6261, 6262

# THE GENERAL ASSEMBLY

## Recent Actions during the 2010 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2010 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2010 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 072 through 083</b>					
072	Oct 13	HB0400	PN4289	120 days	Construction Workplace Misclassification Act—enactment
073	Oct 19	HB0047	PN3776	60 days	Sudden Infant Death Syndrome Education and Prevention Program Act—enactment
074	Oct 19	HB0727	PN3144	60 days	Crimes Code (18 Pa.C.S.)—trademark counterfeiting
075	Oct 19	HB1515	PN4283	Immediately	First Class Township Code—examinations, rejection of applicant and hearing, manner of filling appointments, probation period, promotions and physical examinations
076	Oct 19	HB1516	PN4284	Immediately	Fire and police departments in cities of third class—examinations, applications, eligibility lists, vacancies, promotions and physical examinations
077	Oct 19	HB1517	PN4285	Immediately	Third Class City Code—Physical and psychological examinations, grading for discharged servicemen, selection of appointee and promotions of civil service applicants
078	Oct 19	HB1518	PN4286	Immediately	Fire and police departments in boroughs, incorporated towns and townships of first class—examinations, manner of filling appointments, probationary period, promotions and physical examinations
079	Oct 19	HB1799	PN4384	60 days	Designations—Purple Heart Interchange, Sergeant Major Morton Shea Landy Memorial Bridge, Lieutenant Governor Ernest P. Kline Memorial Bridge, Trafford Veterans Memorial Bridge and Robert E. Harper Interchange
080	Oct 19	HB2212	PN4391	150 days	Mobile Home Park Rights Act—written leases and disclosure of fees
081	Oct 19	HB2246	PN4397	Immediately*	Vehicle Code (75 Pa.C.S.)—omnibus amendments
082	Oct 19	HB2291	PN4386	Immediately	Capital Budget Project Itemization Act of 2010-2011—enactment
083	Oct 19	HB2375	PN3938	60 days	Transportation (74 Pa.C.S.)—indemnity agreements in motor carrier transportation contracts

\* denotes an effective date with exceptions

### Effective Dates of Statutes

The effective dates specified previously for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

### Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services (Department) shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$25.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0053, accompanied by a check or money order in the sum of \$25, payable to the "Commonwealth of Pennsylvania."

ROBERT W. ZECH, Jr.,  
*Director*  
*Legislative Reference Bureau*

[Pa.B. Doc. No. 10-2036. Filed for public inspection October 29, 2010, 9:00 a.m.]

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# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[ 231 PA. CODE CH. 200 ]

#### Proposed Amendment of Rule 223.1; Governing Conduct of the Trial; Proposed Recommendation No. 247

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 223.1 governing conduct of the trial be amended as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent no later than December 31, 2010 to:

Karla M. Shultz  
Counsel  
Civil Procedural Rules Committee  
601 Commonwealth Avenue, Suite 6200  
P. O. Box 62635  
Harrisburg PA 17106-2635  
fax 717-231-9526  
civilrules@pacourts.us

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 200. BUSINESS OF COURTS

#### Rule 223.1. Conduct of the Trial. Trial by Jury.

\* \* \* \* \*

(c) The court may

\* \* \* \* \*

(2) charge the jury at any time during the trial, [ and ]

\* \* \* \* \*

(3) make exhibits available to the jury during its deliberations[ . ], and

**(4) make a written copy of the charge or instructions, or a portion thereof, available to the jury following the oral charge or instructions at the conclusion of evidence for use during its deliberations.**

#### Explanatory Comment

Current Rule 223.1 governing the conduct of a jury trial does not contain a provision for the trial court to give the jury a written copy of the oral charge or instructions. With the Court's recent adoption of amendments to Pa.R.Crim.P. 646, which permits a trial judge to allow the

jury to have written copies of the judge's charge during deliberations, the Civil Procedural Rules Committee is proposing a similar amendment to Rule 223.1. The amendment to subdivision (c)(4) will permit the trial court to provide the jury with a written copy of the oral charge or instructions at the conclusion of evidence.

*By the Civil Procedural Rules Committee*

ROBERT C. DANIELS,  
*Chair*

[Pa.B. Doc. No. 10-2037. Filed for public inspection October 29, 2010, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### BEAVER COUNTY

#### Reauthorization of a Juvenile Adjudication Alternative Program, Known as the Underage Drinking Prevention Program (UAD), in the 36th Judicial District; Administrative Doc. No. 70 Misc. 2010

#### Administrative Order

*And Now*, this 13th day of October, 2010, it is hereby Ordered and Directed that, pursuant to the provisions of 42 Pa.C.S.A. § 1520, there is hereby reauthorized and re-established an adjudication alternative program, hereinafter to be known as the "Underage Drinking Prevention Program (UAD)", which shall be operated and function according to the provisions of this Order.

The Magisterial District Judges of this 36th Judicial District are hereby authorized to admit persons charged with summary offenses (except offenses under Title 75 (relating to vehicles)) to this alternative program as permitted by Section 1520.

Admission to, attendance in and completion of the Underage Drinking Prevention Program (UAD) shall be governed by the Program Guidelines which are available at all times for review upon request made to the Chief Probation Officer of the Juvenile Services Division of the Court of Common Pleas of Beaver County.

It is further Ordered and Directed that the District Court Administrator of Beaver County shall file one (1) certified copy of this Order with the Administrative Office of Pennsylvania Courts; furnish two (2) certified copies and a computer diskette that complies with the requirements of 1 Pa. Code § 13.11(b) to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and file one (1) certified copy in the Beaver County Law Library, together with the written Procedures and Guidelines, for public inspection.

This Administrative Order shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

HONORABLE JOHN D. MCBRIDE,  
*President Judge*

[Pa.B. Doc. No. 10-2038. Filed for public inspection October 29, 2010, 9:00 a.m.]

**BEAVER COUNTY****Reauthorization of a Juvenile Restitution Fund, Known as the Redeem Fund, in the 36th Judicial District; Administrative Doc. No. 71 Misc. 2010****Administrative Order**

*And Now*, this 13th day of October, 2010, it is hereby Ordered and Directed that, pursuant to the provisions of 42 Pa.C.S.A. § 6352(a)(5), there is hereby reauthorized and re-established a juvenile restitution fund, hereinafter to be known as the "Redeem Fund", which shall be operated and function according to the provisions of this Order.

Every juvenile adjudicated delinquent, whether placed on intensive probation, formal probation, consent decree or non-fine informal adjustment consent, shall be required to pay a fee of \$50.00 to the Redeem Fund for each Petition filed with the Court.

Deposits to, administration of and disbursements from the "Redeem Fund" shall be in accordance with written procedures and guidelines, as approved by the President Judge of Beaver County, initially on March 27, 2007, and as amended from time to time by the President Judge in compliance with the provisions of Section 6352(a)(5) of the Juvenile Act. The primary purposes of the Redeem Fund are to reimburse crime victims for financial losses resulting from delinquent acts and to establish eligibility requirements for juveniles who are found to have committed delinquent acts to participate in community service to pay for required restitution, costs and fees resulting from the delinquency Order of Court.

The Procedures and Guidelines for the Redeem Fund may be amended from time to time by action of the President Judge and are available at all times for review upon request made to the Chief Probation Officer of the Juvenile Services Division of the Court of Common Pleas of Beaver County.

It is further Ordered and Directed that the District Court Administrator of Beaver County shall file one (1) certified copy of this Order with the Administrative Office of Pennsylvania Courts; furnish two (2) certified copies and a computer diskette that complies with the requirements of 1 Pa. Code § 13.11(b) to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and file one (1) certified copy in the Beaver County Law Library, together with the written Procedures and Guidelines, for public inspection.

This Administrative Order shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

HONORABLE JOHN D. MCBRIDE,  
*President Judge*

[Pa.B. Doc. No. 10-2039. Filed for public inspection October 29, 2010, 9:00 a.m.]

**CARBON COUNTY****Temporary Assignment of Cases Between Magisterial District Court 56-3-01 and Magisterial District Court 56-3-02; No. CP-13-AD-0000007-2008****Administrative Order No. 20-2010**

*And Now*, this 18th day of October, 2010, pursuant to the Borough of Parryville's Ordinance No. 2010-02

adopted July 27, 2010 after thirty (30) days written notice to the Borough of Weissport, it is hereby

*Ordered and Decreed* that, effective thirty days after publication in the *Pennsylvania Bulletin*, the Carbon County Court of Common Pleas hereby *Vacates* Administrative Order No. 19-2008 and *Rescinds* the transfer of Traffic and Criminal cases arising in the Borough of Parryville to Magisterial District Court 56-3-01.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File one (1) certified copy of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies, one (1) computer diskette and a copy of the written notifications received from the Criminal Procedural Rules Committee with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish a copy of this Administrative Order on the Unified Judicial System's web site at <http://ujsportal.pacourts.us/localrules/ruleselection.aspx>.

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

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

6. Keep continuously available for public inspection copies of the Order in the Clerk of Courts' Office.

*By the Court*

ROGER N. NANOVIC,  
*President Judge*

[Pa.B. Doc. No. 10-2040. Filed for public inspection October 29, 2010, 9:00 a.m.]

**ERIE COUNTY****Rules of Family/Orphans' Court****Adopting Order**

*And Now*, to wit, this 29th day of July 2010 it is hereby *Ordered* that Erie County Rule of Family/Orphans' Court 304, (b) and (c) Family Law/Orphans' Division Motion Court, and Rule 1915.19, Request for Court Hearing (B) Objections to Recommended Custody Order, are hereby adopted as a Rule of this Court, effective thirty (30) days after the date of its publication in the *Pennsylvania Bulletin*.

ERNEST J. DISANTIS, Jr.,  
*President Judge*

**Rule 304. Family Law/Orphans' Division Motion Court.**

(b) All other Petitions and Motions seeking a Rule to Show Cause, Argument, or hearing date shall be presented only by counsel or pro se litigant, in duplicate, to the Family/Orphans' Court Administrator between the hours of 9:00 a.m. to 12:00 p.m. and 1:30 p.m. to 4:00 p.m., Monday through Friday.

(c) A Motion Court Cover Sheet in the form which follows this rule shall be completed and attached to all Motions or Petitions presented in Family/Orphans' Motion Court.

**Rule 1915.19. Request for Court Hearing:**

(b) **Objections to Recommended Custody Order:** A party shall object to a Recommended Custody Order by presenting **in duplicate** to Court Administration-Family Division, Room 204, a completed REQUEST FOR ADVERSARIAL HEARING (Form 5) and a copy of the order being appealed. This shall be presented only by counsel or pro se litigant between the hours of 9:00 a.m. and 12:00 p.m. and 1:30 p.m. and 4:00 p.m., Monday through Friday. In order to schedule a date for a Custody Trial, this request must be presented to Court Administration within twenty (20) days from the date the Order was mailed or within twenty (20) days from the date the Order was received, whichever occurs first. Upon receiving a date for trial, counsel or pro se litigant presenting the request shall immediately file the Request for Adversarial Hearing and scheduling order with the Prothonotary Office and effect service on all pro se litigants or opposing counsel of record. Nothing in this Rule shall prohibit any party that has executed a consent agreement from filing a request for an adversarial hearing within twenty (20) days from the date of the mailing of the recommended Order.

\_\_\_\_\_  
Plaintiff : IN THE COURT OF  
COMMON PLEAS  
: OF ERIE COUNTY,  
PENNSYLVANIA  
VS. : FAMILY DIVISION -  
CUSTODY  
:  
Defendant : NO.

**REQUEST FOR ADVERSARIAL HEARING**

At a recent Custody Conciliation conference, an acceptable custody / visitation agreement could not be reached. I have reviewed the Recommended Order and request an Adversarial Hearing before the Family Court Judge.

The issues to be considered at the hearing are as follows: (Place a check mark before the issues to be considered).

- \_\_\_\_\_ Relocation
- \_\_\_\_\_ Time / Length / Number of Visits
- \_\_\_\_\_ Primary Residence
- \_\_\_\_\_ Other: \_\_\_\_\_
- \_\_\_\_\_ Estimated Length of Time for Trial

I verify that the statements made in this demand for Court hearings are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
Date Petitioner or Petitioner's Attorney

**This request must be brought to Court Administration (Room 204) between the hours of 9:00 a.m. and 12:00 p.m. and 1:30 p.m. and 4:00 p.m., Monday through Friday, within twenty (20) days from the date the Order was mailed or within twenty (20) days from the date the Order was received by you,**

**whichever occurs first. Please attach a copy of the Order of Court that you are appealing.**

**NOTE:** Upon notification of the date and time of your Custody Trial by the Family Court Administrator, a Pre-Trial Status Conference may be requested by either party by contacting the assigned Judge.

[Pa.B. Doc. No. 10-2041. Filed for public inspection October 29, 2010, 9:00 a.m.]

**MONROE COUNTY**

**Administrative Order 2010; No. AD 27; No. 5 CV 2010**

**Order**

*And Now*, this 7th day of October, 2010, in accordance with the Pennsylvania Protection from Abuse Act, 23 Pa.C.S.A. § 6113(a), *It Is Ordered* that the following procedure shall be utilized to ensure a policy is in place when a defendant is brought before a Magisterial District Judge due to violation to a Protection From Abuse Order.

*It Is Further Ordered* that seven (7) certified copies of this Order shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies and one (1) diskette shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania; publish a copy of the local rule on the United Judicial System's web site at <http://ujsportal.pacourts.us/localrules/ruleselection.aspx>; one copy to the *Monroe County Legal Reporter* for publication, and that one copy shall be filed with the Prothonotary—Civil—of the Court of Common Pleas of Monroe County.

The effective date of this Order is 60 days after publication in the *Pennsylvania Bulletin*.

1. Once a violation is reported to law enforcement a *Protection from Abuse—Indirect Criminal Contempt* is filled out by the affiant.
2. The defendant is taken before the proper issuing authority or, if after normal court hours, the on-call magisterial district judge for arraignment.
3. If the defendant is not immediately taken into custody after violating the Protection from Abuse Order, the affiant contacts the County Detective/VAWA (Violence Against Women Act) Liaison from the Monroe County District Attorney's office.
4. The VAWA Liaison adds the defendant's information to the PFA warrant list, alerting all Monroe County law enforcement agencies to an active warrant status for the defendant.

*By the Court*  
RONALD E. VICAN,  
President Judge

[Pa.B. Doc. No. 10-2042. Filed for public inspection October 29, 2010, 9:00 a.m.]

**VENANGO COUNTY****Public Access Policy—Official Case Records of the Magisterial District Courts of Venango County—Fees; CIV No. 1136-2010****Administrative Order**

*And Now*, October 1, 2010, the Order of this Court dated August 11, 2010 is hereby vacated and it is hereby Ordered that pursuant to the *Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts* adopted by the Pennsylvania Supreme Court effective July 1, 2010, the following fee schedule is hereby adopted effective immediately:

**Fees:**

(1) Any member of the public requesting access to the public records of the magisterial district courts of Venango County shall be charged the following fees:

- (a) Copying—\$0.25 per page
- (b) Facsimile or other electronic memos—\$0.25 per page
- (c) Conversion to paper from electronic storage—\$0.15 per page
- (d) Postage—actual cost
- (e) \$5.00 for each quarter (1/4) hour associated with the preparation, copying and re-filing of requested records involving complex or voluminous requests. Exactly what is complex or voluminous may vary from court to court depending on factors such as court resources and caseload.

(2) Pre-payment of estimated costs for services may be required at the discretion of the Magisterial District Judge.

(3) Fees paid for services are non-refundable.

(4) Fees may be waived if the magisterial district judge determines that the requestor is indigent.

(5) All fees received pursuant to this Rule shall be identified as revenue to the magisterial district court, but shall be remitted annually to the general fund of the County of Venango.

*By the Court*

OLIVER J. LOBAUGH,  
*President Judge*

[Pa.B. Doc. No. 10-2043. Filed for public inspection October 29, 2010, 9:00 a.m.]

**YORK COUNTY****Local Rules of Juvenile Court Procedure—Dependency; No. CP-67-AD-000033-2010****Administrative Order Adopting Local Rules of Juvenile Court Procedure—Dependency**

*And Now*, this 14th day of October, 2010, it is hereby Ordered and Decreed that the following York County Local Rules of Juvenile Procedure—Dependency are hereby adopted to govern juvenile dependency practice of the Court of Common Pleas of York County, Pennsylvania.

The adoption of York County Rules of Juvenile Procedure shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*, or on the UJS Portal, whichever is later. Any prior local rules, and any prior administrative order or any part of a prior administrative order which is in conflict with any portion of these Rules is vacated and repealed.

*It Is Further Ordered* that in accordance with Pa.R.J.C.P. 1121(F), the District Court Administrator shall:

- (a) Cause the rules to be published on the UJS Portal;
- (b) File one certified copy of the rules with the Administrative Office of Pennsylvania Courts;
- (c) Distribute two certified copies of the rules, and a diskette of the rules to the Legislative Reference Bureau for Publication in the *Pennsylvania Bulletin*;
- (d) Send a copy of the Juvenile Court Procedural Rules Committee approval notice to the Legislative Reference Bureau
- (e) Distribute one (1) certified copy of the rules to the Clerk of Courts of York County, to be kept continuously available for public inspection and for copying. Upon request and payment of reasonable fees for reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule.
- (f) Cause the rules to be posted conspicuously on the web site of the County of York and cause copies to be made in paper and digital format, for distribution, upon payment of reasonable costs of reproduction.
- (g) Supervise the distribution of the rules to all Judges and all members of the Bar of this Court.

*By the Court*

RICHARD K. RENN,  
*President Judge*

**YORK COUNTY LOCAL RULES OF JUVENILE COURT PROCEDURE—DEPENDENCY****CONSTRUCTION AND APPLICATION OF RULES****YCDep. 1100: Effective Date. Application to Pending Actions:**

A. These Rules, and any amendments to these Rules, shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin* as provided in Pennsylvania Rule of Juvenile Court Procedure 1121.

B. These Rules, and any amendments to these Rules, shall apply to all juvenile dependency actions of any kind pending on the effective date, and to those filed thereafter.

**YCDep. 1101: Liberal Construction and Application of Rules:**

A. These rules shall be liberally construed to secure the just, speedy and inexpensive determination of every action.

B. The court at every stage of any action may disregard any error or defect of procedure which does not affect the substantial rights of the parties.

C. The court may suspend the application of these Rules in individual cases by written order. When the court issues any order in a specific case which is not consistent with these rules, such order shall constitute a suspension of these rules for such case only and only to the extent that the order is inconsistent.



**YCDep. 1102: Title and Citation of Rules:**

These Rules shall be known as the York County Rules of Juvenile Court Procedure—Dependency, and may be cited as “YCDep. \_\_\_\_\_”.

**BUSINESS OF COURTS****YCDep. 1120: Definitions:**

Unless otherwise expressly stated, as used in these Rules,

“Action” means any juvenile dependency action or proceeding of any nature pending before the Court of Common Pleas of York County;

“Agency” means York County Children and Youth Services;

“Application” means, unless otherwise noted, any motion, petition, request, or other document requesting or requiring the signature of a judge or action by the court, including applications for emergency custody as provided for in Pa.R.J.C.P. 1200.

“Clerk of Courts” means the Clerk of the Court of Common Pleas of York County, the Office of the Clerk of Courts, and deputies and employees thereof.

“Counsel” means an attorney at law, in good standing, admitted to practice to the bar of this Commonwealth, and shall include a solicitor for York County Children and Youth Services, and may further refer to any party to an action pending before the Court who is unrepresented. Unless otherwise stated, the term shall not refer to a guardian *ad litem* appointed by the Court for a child pursuant to Pa.R.J.C.P. 1151.

“County” means York County;

“Court” means the Court of Common Pleas of York County or a judge thereof;

“Court Administrator” means the District Court Administrator for the Court of Common Pleas of York County, the Office of the District Court Administrator, and deputies and employees thereof.

“Motion” means any application to the court for an order filed pursuant to Pa.R.J.C.P. 1344 et seq., other than a “petition” as that term is defined in Pa.R.J.C.P. 1120.

“Party”, whether used in the singular or plural, and whether used in these Rules or in any court order, means the party or parties appearing in the action pro se, or the attorney or attorneys of record for such party or parties, where appropriate, unless otherwise indicated;

“Prothonotary” means the Prothonotary of the Court of Common Pleas of York County and the Office of the Prothonotary and deputies and employees thereof.

**YCDep. 1124: Service of Summons:**

A summons and any application, including an application for emergency custody, filed on behalf of the Agency may be served by counsel for the Agency, in any manner provided in Pa.R.J.C.P. 1124B and in Pa.R.J.C.P. 1331B. An affidavit of service shall be filed with the Clerk prior to the proceeding.

**YCDep. 1135: Captions, Form and Filing of Applications, Papers and Affidavits:**

A. All pleadings, applications, documents and affidavits which are not expressly regulated as to form by Act of Assembly or are forms or documents routinely used or prepared by the courts or court-related agencies, shall

conform to the Pennsylvania Rules of Juvenile Court—Dependency, and to these Rules.

(1) An application for emergency custody shall have attached to it a cover sheet containing such information and shall be in such form as the first page of the form Dependency Petition recommended by the Administrative Office of Pennsylvania Courts.

(2) A petition for dependency shall contain at least as much information and shall be in such form as the form Dependency Petition recommended by the Administrative Office of Pennsylvania Courts. (*Note: See [www.aopc.org](http://www.aopc.org) and select “UJS Forms”, then “Dependency Forms”.*)

(3) The original of all pleadings, applications, documents and affidavits, and any responses thereto, except forms preprinted by the Court, to be presented to and filed with the Court, shall be backed by and securely fastened in a document cover using binder clips. No original document shall be fastened with staples.

(4) The use of plastic strips is prohibited.

(5) Exhibit tabs, if any, shall be placed at the bottom of a document.

(6) Filings already of record may be referenced in any subsequent document to be filed, but shall not be attached to the original document to be filed.

(7) Copies of any documents to be provided to the court and opposing parties shall have staples securely covered with no sharp or protruding edges of any kind.

(8) The first page of any document, other than a petition for dependency and the cover page for an application for emergency custody, to be presented to and filed with the Court shall have a three inch margin at the top of the first page, and each subsequent page shall have at least a two inch margin at the top of the page.

B. Any document signed by a party for filing shall contain under the signature line the name, address, and telephone number of the party, and the facsimile number, e-mail address, and Pennsylvania or other state bar identification number, if applicable. When listing the bar identification number, the state’s postal abbreviation shall be used as a prefix (e.g. PA 12345; NY 246810).

C. Any party filing an application or other document which requires the signature of a judge or action by the court shall first file the original document with the Clerk.

(1) The moving party shall cause a copy of the document requiring action to be delivered to the Court Administrator for assignment to a judge.

(2) An original proposed order, with a brief title describing the nature of the proposed order (as examples: “Summons”, “Order Scheduling Hearing,” etc.) shall accompany each document delivered to the Court Administrator for assignment, but shall not be fastened together. No proposed orders shall be filed with the Clerk with the original application.

(3) Sufficient copies of the proposed order for conforming, for return to the applicant and for service on all other parties shall accompany each document delivered to the Court Administrator for assignment to a judge.

(4) Once a document is considered by a judge, the original of any resulting summons, order or notice shall be filed by the judge with the Clerk and the judge shall make copies of the summons, order or notice available for return to the moving party for service on all other parties.

D. Documents shall not be sent by facsimile to a judge or to the Court Administrator without leave of court.

**YCDep. 1167B: Filings and Service of Notices:**

Notices of hearings or other proceedings may be served by counsel for the Agency, in any manner provided in Pa.R.J.C.P. 1167B(3). An affidavit of service shall be filed with the Clerk prior to the proceeding.

**COMMENCEMENT OF PROCEEDINGS**

**YCDep. 1200: Commencing Proceedings:**

A. Proceedings commenced by the filing of an emergency custody application or a dependency petition shall proceed as set forth in YCDep. 1135C above.

B. In the event that a child who is subject to delinquency proceedings should become subject to dependency proceedings, a new dependency case shall be commenced by the Agency who shall file a dependency petition in the form as set forth in YCDep. 1135A, above.

C. The Court Administrator shall designate a rotation list of judges to whom new cases shall be assigned.

D. In the event that an application is filed which requires the attention of a judge assigned to a case, and that judge is unavailable, the Court Administrator shall assign the matter to the PFA duty judge, or other duty judge who may be designated, from time to time, by the Court Administrator.

**YCDep. 1331: Service of Petition:**

A petition filed on behalf of the Agency may be served by counsel for the Agency in any manner provided in Pa.R.J.C.P. 1331B. An affidavit of service shall be filed with the Clerk prior to the adjudicatory hearing.

**POST-DISPOSITIONAL PROCEDURES**

**YCDep. 1604: Service of Foster Parent Reports:**

A report required to be served on parties pursuant to Pa.R.J.C.P. 1604 shall be served upon the Clerk of Courts,

or the Clerk's designee, or such other person that the President Judge may designate from time to time by administrative order.

[Pa.B. Doc. No. 10-2044. Filed for public inspection October 29, 2010, 9:00 a.m.]

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## SUPREME COURT

### Modification of the Magisterial Districts within the 24th Judicial District; No. 269 Magisterial Rules Doc.

#### Order

*Per Curiam*

*And Now*, this 15th day of October, 2010, upon consideration of the Request of the President Judge of Blair County to eliminate Magisterial District 24-1-01 and reconfigure Magisterial Districts 24-1-02 and 24-1-03 of the Twenty-fourth Judicial District (Blair County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Request is granted. This Order is effective immediately.

Said Magisterial Districts shall be as follows:

Magisterial District 24-1-02: City of Altoona, Wards 3, 4,  
Magisterial District Judge 5, 6, 9, 12 and 14  
Todd F. Kelly

Magisterial District 24-1-03: City of Altoona, Wards 1, 2,  
Magisterial District Judge 7, 8, 10, 11 and 13  
Jeffrey P. Auker

[Pa.B. Doc. No. 10-2045. Filed for public inspection October 29, 2010, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF PHYSICAL THERAPY

#### [ 49 PA. CODE CH. 40 ]

#### Continuing Education Providers

The State Board of Physical Therapy (Board) amends § 40.63 (relating to continuing education) to read as set forth in Annex A.

#### *Description and Need for the Rulemaking*

Section 9(a) of the Physical Therapy Practice Act (act) (63 P. S. § 1309(a)) generally prohibits a physical therapist from treating human ailments by physical therapy except upon referral by a physician. However, under section 9(b) of the act, a physical therapist who meets certain qualifications may receive from the Board a certificate of authority to practice physical therapy without the required referral (often known as direct access). Under section 9(c)(1) of the act, a certificateholder shall complete a minimum amount of continuing education in each biennial renewal cycle to maintain direct access certification. The Board previously promulgated § 40.63 to set standards of continuing education for a direct access certificate holder.

Under § 40.63(d), a sponsor shall apply to the Board and obtain approval for each course or program of continuing education for the direct access certificateholder to receive credit that will satisfy the continuing education requirement. To avoid the need to apply for approval and review applications from providers that the Board knows currently meet the standards for approved continuing education courses, the Board proposed to preapprove those sponsors without requiring an application or specific review by the Board, to include the American Physical Therapy Association and its components, the Federation of State Boards of Physical Therapy, graduate education programs accredited by the Commission on Accreditation in Physical Therapy Education, and post-entry level doctorate of physical therapy programs in institutions accredited by the regional accrediting organization recognized by the Council of Regional Accrediting Commissions on behalf of the Council for Higher Education Accreditation. Additionally, § 40.63(d) does not currently set a time in which the sponsor shall apply for approval. The Board also proposed to require a continuing education sponsor to apply for approval at least 60 days in advance of the course or program so that the Board would have adequate time to review the application and to permit a sponsor to request a waiver of that time limitation for good cause shown. Finally, because a given course might be offered multiple times, the Board proposed to explicitly indicate through its regulations that approval of a course is good for multiple offerings of that course throughout the year.

#### *Summary of Comments and Responses to Proposed Rulemaking*

The Board published notice of proposed rulemaking at 39 Pa.B. 5435 (September 19, 2009) with a 30-day public comment period. The Board did not receive comments

from members of the public. The Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC) as part of their review of proposed rulemaking under the Regulatory Review Act (71 P. S. §§ 745.1—745.12). The Board did not receive comments from the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC).

The HPLC first noted that § 40.63(d)(1) addresses “approved courses and providers” and recommended that this language referencing both courses and providers should be used consistently throughout the regulation. The Board agreed and revised the final-form rulemaking accordingly.

Regarding § 40.63(d)(6), which provides that a sponsor that is scheduling multiple presentations of a course or program shall indicate dates it is to be given, the HPLC requested an explanation of how the validity of approval is affected if dates for approval or courses and programs are not firm or change. This section was not intended to address validity of multiple presentations of the course or program. Rather, it was intended to apprise the Board that the course or program is being offered multiple times and when it is being offered. For a course or program offered a single time, the date of presentation is part of the application anyway. This requirement of notice of multiple presentations is simply to identify what the sponsor is asking the Board to approve.

The HPLC next requested an explanation of how a licensee will be informed of the approval or disapproval status of a course or program. The Board will directly notify the sponsor of approval or disapproval. The Board provides confirmation of licensure status online with LicensePA. This database also includes approved continuing education courses and programs. Moreover, the Board will provide confirmation to anyone who contacts the Board about a particular course or program.

Finally, the HPLC questioned how the Board will address distance learning. Existing § 40.63(e) provides that a certificateholder may accrue required hours in distance education courses offered by approved sponsors of continuing education so long as the course sponsor evaluates and assesses the extent of learning that has taken place. The Board sees nothing different about preapproved sponsors that would require deviation from this standard.

IRRC shared the concerns expressed by the HPLC as previously described and did not otherwise comment on the proposed rulemaking.

#### *Fiscal Impact and Paperwork Requirements*

The final-form rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions and will not impose additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

#### *Effective Date*

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

#### *Statutory Authority*

The final-form rulemaking is authorized under section 3(a) of the act (63 P. S. § 1303(a)) and section 9(c) of the act.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 2, 2009, the Board submitted a copy of the notice of proposed rulemaking, published at 39 Pa.B. 5435, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on September 15, 2010, the final-form rulemaking was approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 16, 2010, and approved the final-form rulemaking.

*Additional Information*

Persons who require additional information about the final-form rulemaking should submit inquiries to Regulatory Unit Counsel, Department of State, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7134, st-physical@state.pa.us.

*Findings*

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) The amendments to this final-form rulemaking do not enlarge the scope of proposed rulemaking published at 39 Pa.B. 5435.

(4) The final-form rulemaking is necessary and appropriate for the administration of the act.

*Order*

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

(a) The regulations of the Board, 49 Pa. Code Chapter 40, are amended by amending § 40.63 to read as set forth in Annex A.

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

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

(d) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

JAMES L. CLAHANE, PT,  
Chairperson

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 5655 (October 2, 2010).)*

**Fiscal Note:** Fiscal Note 16A-6513 remains valid for the final adoption of the subject regulation.

**Annex A****TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS****PART I. DEPARTMENT OF STATE****Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS****CHAPTER 40. STATE BOARD OF PHYSICAL THERAPY****Subchapter A. PHYSICAL THERAPISTS****PRACTICE WITHOUT PHYSICIAN REFERRAL****§ 40.63. Continuing education.**

(a) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

*Certificateholder*—A licensed physical therapist who holds a certificate of authorization to practice physical therapy without a referral.

*Contact hour*—A unit of measure equaling 60 minutes of participation in an approved continuing education course or program.

(b) *Continuing education requirement for renewal of certificate of authorization.* Beginning after the first renewal of the certificate of authorization, as a condition of certificate renewal, a physical therapist shall have completed during the preceding biennium a minimum of 20 contact hours of physical therapy continuing education related to keeping the certificateholder apprised of advancements and new developments in the practice of the physical therapy profession. At least 10 of the 20 contact hours shall be in evaluative procedures to treat a person without a referral.

(c) *Reports to the Board.* A certificateholder shall certify compliance with the continuing education hours requirement at the time of biennial renewal of the certificate. A certificateholder shall retain for at least 4 years, certificates, transcripts or other documentation showing completion of the prescribed number of hours. These records are subject to audit by the Board.

(d) *Approved courses and programs.*

(1) Courses and programs approved by the Board will be accepted as satisfying the continuing education requirement. It is the responsibility of the certificateholder to ascertain the approval status of the course or program before undertaking a continuing education activity.

(2) Irrespective of the sponsor, the Board reserves the right to reject a continuing education course or program submitted by a certificateholder if it is outside the scope of practice of physical therapy. The Board will not accept courses or programs which are unrelated to the actual practice of physical therapy—for example, instruction in office management or practice building. A certificateholder will be notified of a rejected course or program in writing, along with the reason for the rejection.

(3) Sponsors of physical therapy continuing education seeking Board approval of individual courses and programs shall submit an application at least 60 days prior to the date the continuing education course or program is due to take place on forms provided by the Board and pay the required fee. The applicant will be notified of approval or disapproval in writing. Notifications of disapproval will set forth reasons. The Board will not approve a course or program unless the sponsor:

(i) Offers courses or programs, or both, with specific learning objectives geared to improve the professional competence of the participant.

(ii) Verifies attendance of the course.

(iii) Provides each attendee with a certificate which includes participant's name, date, place, course title, presenter and number of contact hours.

(4) The Board may withdraw approval of a sponsor for cause. The sponsor will be notified in writing of the reasons for withdrawal of approval.

(5) A sponsor seeking approval who is unable to submit the application at least 60 days prior to the date the course or program is given may request a waiver in writing setting forth the reasons why the 60-day requirement could not be met.

(6) Approval of a course or program shall be valid for 1 year after approval. In the event that the sponsor is scheduling multiple courses or programs, the sponsor shall indicate on the application each date the course or program is to be given.

(e) *Distance education.* A certificateholder may accrue all required hours in distance education courses offered by approved sponsors of continuing education as long as the course sponsor evaluates and assesses the extent of learning that has taken place.

(f) *Reinstatement of certificate.* Reinstatement of certificate shall be subject to the following conditions:

(1) A person whose certificate has lapsed or been inactive shall show compliance with the continuing education requirement during the biennium immediately preceding the request for reinstatement.

(2) A person whose certificate has been suspended or restricted shall show compliance with the continuing education requirement during the entire period of suspension or restriction.

(g) *Waivers; exemptions for continuing education.* The Board may, in individual cases involving physical disability or illness, or undue hardship, grant a waiver of the continuing education requirements or grant an extension of time to complete the requirements. No waiver or extension of time will be granted unless a written request is submitted by the licensee; or in cases of physical disability or illness, by a physician licensed in this state or another state or territory of the United States or the District of Columbia and whose license is in good standing, or both. Necessary documentation must be received by the Board no later than 90 days preceding the biennial renewal. If the physical disability or illness or undue hardship for which the waiver has been granted continues beyond the period of the waiver, the licensee shall reapply for an extension of the waiver. The Board may, as a condition of any waiver granted, require the applicant to make up all or part of the continuing education waived.

(h) *Preapproved sponsors.* In addition to sponsors whose specific courses and programs are approved, the Board finds the following entities have currently met the standards for approved courses and programs. Accordingly, courses or programs that otherwise meet all requirements for required continuing education are approved when offered by the following sponsors:

(1) The American Physical Therapy Association (APTA) and its components.

(2) The Federation of State Boards of Physical Therapy (FSBPT) and its jurisdictions.

(3) Graduate education programs accredited by The Commission on Accreditation in Physical Therapy Education (CAPTE).

(4) Postentry level doctorate of physical therapy programs in an academic institution accredited by a regional accrediting organization recognized by the Council of Regional Accrediting Commissions on behalf of the Council for Higher Education Accreditation.

[Pa.B. Doc. No. 10-2046. Filed for public inspection October 29, 2010, 9:00 a.m.]

## Title 67—TRANSPORTATION

### DEPARTMENT OF TRANSPORTATION

#### [ 67 PA. CODE CH. 233 ]

### Transportation Enhancement Grants from Automated Red Light Enforcement System Revenues

The Department of Transportation (Department), Bureau of Highway Safety and Traffic Engineering, under 75 Pa.C.S. § 3116 (relating to automated red light enforcement systems in first class cities), adds Chapter 233 (relating to transportation enhancement grants from automated red light enforcement system revenues) to read as set forth in Annex A.

#### *Purpose of this Chapter*

The purpose of Chapter 233 is to implement 75 Pa.C.S. § 3116(1)(2)), which requires the Department to develop, by regulation, a Transportation Enhancements Grant Program (Program) for the use of revenue generated from automated red light enforcement (ARLE) systems.

#### *Summary of Comments and Changes in Final-Form Rulemaking*

Notice of proposed rulemaking was published at 39 Pa.B. 4435 (August 1, 2009). The proposed rulemaking was also submitted to the Independent Regulatory Review Commission (IRRC) and the House and Senate Transportation Committees.

Comments were received from the Representative Richard A. Geist, Minority Chair of the House Transportation Committee, the Pennsylvania State Association of Township Supervisors (PSATS), the City of Philadelphia, the Philadelphia Parking Authority (PPA), the Representative Emeritus George Kenney and IRRC. The responses received related to the distribution of revenues received from fines levied through the ARLE pilot program for the funding of grants under the final-form rulemaking. Two distinct positions for the distribution of grant funds appeared in the comments. One position taken by the City of Philadelphia, the PPA and Representative Emeritus Kenney suggests that insofar as the money is generated in the City of Philadelphia, it should be distributed to fund grants in the place of origin, that is, Philadelphia. The other position, taken by the Representative Geist and PSATS, suggests that the intent of the General Assembly in directing the Department to establish this grant program was to establish a Statewide program with all municipalities eligible for a Transportation Enhancement Grant. IRRC, in its comments, urged that the Department address the issue and explain how the grants will be geographically distributed.

The Department also participated in a House Transportation Committee hearing on the ARLE Program in which

the City of Philadelphia and the PPA also participated. The opposing positions were again aired at the hearing.

In response to the divergent positions regarding the distribution of grants, in this final-form rulemaking, the Department added § 233.8(g) (relating to grant selection process and criteria), regarding the distribution of grant funds in a manner patterned somewhat after the methodology in 42 Pa.C.S. § 3571(b)(3) (relating to Commonwealth portion of fines, etc.) for the disbursement of fines collected for convictions of violation of 75 Pa.C.S. (relating to Vehicle Code). New subsection (g) provides that the local government in which a violation was prosecuted will be entitled to 50% of the total grant revenues generated by that local government through the ARLE Program. The remaining 50% of the grant revenues generated by the ARLE Program will be available for grants to eligible sponsors, including those governments generating the revenues. The Department believes this approach strikes a balance between the opposing positions voiced in the comments to the proposed rulemaking and at the House Transportation Committee hearing.

In its comments, IRRC also suggested revisions to the definitions of “sponsor” and “Secretary” in § 233.2 (relating to definitions). The suggested modification to the definition of “sponsor” is not necessary in light of § 233.8(g). The definition has been amended, however, to replace the term “authority” with “government.” The definition of “Secretary” has been deleted as recommended because the term is not used in Chapter 233.

Consistent with its comment that revenues generated in Philadelphia by the use of ARLE should be allocated to Philadelphia, the City of Philadelphia commented that the terms “highway” and “sponsor” are too broadly defined. Insofar as the Department has clarified and refined the distribution of ARLE grant revenues, the Department respectfully retains the current definitions and use of these terms.

IRRC commented in § 233.5 (relating to application procedure) that the Department should limit the current language of “other information” to information pertaining only to the project being considered. The Department revised § 233.5 accordingly to reflect this limitation.

IRRC commented in § 233.6 (relating to deadline for applications) that the phrase “in a timely fashion” is too vague and should be replaced with a definite time frame. The Department revised § 233.6 to indicate that technically incomplete applications will have to be completed within 3 weeks after the close of the application period.

PSATS also raised concerns regarding § 233.8, noting that the section could be interpreted to mean that the award of a grant during the “next fiscal year” required the project to be completed during the next fiscal year as well. It was also noted that the section include a specific time frame for the Department to make decisions on the award of grants. In response to this comment, the Department notes that it was not the intention in the proposed rulemaking to require that projects be completed within the same fiscal year that a grant was awarded. To clarify further, the Department revised the language in § 233.9(d) (relating to offer and acceptance of a grant) to clarify that the time frame for the completion of a funded project will be determined as a condition of the grant. The Department notes that § 233.5(c)(6) requires the applicant to submit a proposed schedule for the completion of the project as part of the application. It should be understood that the proposed schedule in the application will be taken into consideration in determin-

ing the time frame established as a condition of the grant. With regard to establishing a more specific time period for the Department to evaluate the grant applications and make grant awards, the Department respectfully declines to do so. The number and variety of applications that will be submitted in a given year is an unknown; the Department cannot commit to a specific time frame with the limited resources it will have to administer the Program. The Department has, however, amended § 233.8(a) to provide that grant offers will be made during the calendar year in which applications are submitted.

IRRC commented that the phrase “and other factors” in § 233.8(c) be deleted, urging that the factors should be spelled out in subsections (d) and (e). The Department agreed and revised § 233.8(c) appropriately. IRRC also commented that in § 233.8(d)(8) the wording “other criteria which the Department determines should be considered” was unspecific and raised the possibility of approval or denial of a grant based on criteria outside the parameters of the regulation. IRRC recommended that the subsection be deleted. The Department believes that, with respect to any given grant application, there may be other factors to also be considered. The Department, therefore, revised this subsection to provide more clarification and indicate that traffic safety and mobility priorities may also be considered.

IRRC commented in § 233.11(a)(5) (relating to audit and recordkeeping) that the phrase “the standards of this chapter” is vague and should be modified to more clearly define the intent. The Department modified the subsection to clearly delineate that the applicable time frame after which the return of interest earned on payments made would be required will be specified in the terms and conditions of the grant agreement.

Additional clarification was made to § 233.11(a)(3) as to the purpose for requiring adequate accounting records.

#### *Persons and Entities Affected*

This rulemaking affects various entities involved with the current ARLE Program within the City of Philadelphia. These include the City of Philadelphia, who is the only permissible host community for ARLE based on the enabling legislation; the PPA, who is the designated system administrator in the enabling legislation; and the Traffic Engineering Division of the City of Philadelphia, Department of Streets, who owns, operates and maintains the traffic signals at which ARLE systems are installed within the City of Philadelphia.

Other affected entities are sponsors that choose to apply for, or receive, a transportation enhancement grant under this final-form rulemaking. These include local authorities (county, municipal and other local boards or bodies having authority to enact laws relating to traffic), metropolitan planning organizations, rural planning organizations, county planning organizations or Commonwealth agencies.

The Department is certainly affected since it will be administering the ARLE Program established by the final-form rulemaking. Section 3116 of 75 Pa.C.S. defines various other Department roles and responsibilities regarding the ARLE Program. The Department is also affected by virtue of the fact that most of the ARLE system equipment is installed on State-designated highways.

In the future, other local authorities would be affected if 75 Pa.C.S. is amended to permit ARLE systems in other Commonwealth jurisdictions beyond the City of Philadelphia.

*Fiscal Impact*

The final-form rulemaking does not require the expenditure of significant additional funds by the Commonwealth or other entities. The revenue for the ARLE Program comes from the collection of fines from red light running violators. Almost all of these violations would not have been detected without the ARLE system or a large, ongoing expenditure to provide significant police presence for expanded, conventional enforcement efforts.

Entities seeking a grant would need to prepare a grant application. The recordkeeping and payment procedures prescribed in the final-form rulemaking would need to be followed by entities that accept a grant offer from the Department. While local governments may, therefore, incur some marginal cost in the application and grant process, no local entity is compelled to apply for a grant. In addition, while grants can also be used for a portion of a larger project if other funding sources are secured, no matching local funds are required to obtain a grant under the ARLE Program. Consequently, the ARLE Program does not per se result in additional costs to local governments.

The Department would have various ARLE Program administration and oversight duties. These include the review of grant applications, the selection of projects to be funded by grants, grant agreement processing, reviews of submissions, project reviews and inspections and related activities. These costs are not significant at the present level of the ARLE Program, but could become significant if the ARLE Program were to expand with the use of ARLE systems Statewide.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 21, 2009, the Department submitted a copy of the notice of proposed rulemaking, published at 39 Pa.B. 4435, to IRRC and the Chairpersons of the House and Senate Transportation Committees for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on September 15, 2010, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 16, 2010, and approved the final-form rulemaking.

*Effective Date*

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

*Sunset Date*

The Department is not establishing a sunset date for this final-form rulemaking, since Chapter 233 administrators provisions required under 75 Pa.C.S. The Department, however, will continue to closely monitor this final-form rulemaking for its effectiveness.

*Contact Person*

The contact person is Daryl R. St. Clair, P. E., Acting Director, Bureau of Highway Safety and Traffic Engineering, Department of Transportation, Commonwealth Key-

stone Building, 400 North Street, 6th Floor, Harrisburg, PA 17120-0064, (717) 787-7350.

*Order*

The Department orders that:

(a) The regulations of the Department, 67 Pa. Code, are amended by adding §§ 233.1—233.16 to read as set forth in Annex A.

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

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

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

ALLEN D. BIEHLER, P. E.,  
*Secretary*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 5655 (October 2, 2010).)*

**Fiscal Note:** 18-415 No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 67. TRANSPORTATION**

**PART I. DEPARTMENT OF TRANSPORTATION**

**Subpart A. VEHICLE CODE PROVISIONS**

**ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT**

**CHAPTER 233. TRANSPORTATION ENHANCEMENT GRANTS FROM AUTOMATED RED LIGHT ENFORCEMENT SYSTEM REVENUES**

Sec.	
233.1.	Purpose.
233.2.	Definitions.
233.3.	Eligibility requirements and criteria.
233.4.	Limits of funding.
233.5.	Application procedure.
233.6.	Deadline for applications.
233.7.	Public records.
233.8.	Grant selection process and criteria.
233.9.	Offer and acceptance of a grant.
233.10.	Standards, methods, techniques, designs, and special conditions.
233.11.	Audit and recordkeeping.
233.12.	Inspection.
233.13.	Payment procedures.
233.14.	Liability; forfeiture of funds; repayment.
233.15.	Waiver.
233.16.	Appeal.

**§ 233.1. Purpose.**

This chapter sets forth requirements and criteria relating to transportation enhancement grants from automated red light enforcement system revenues.

**§ 233.2. Definitions.**

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

*Automated red light enforcement system*—A vehicle sensor installed to work in conjunction with a traffic-control signal which automatically produces one or more recorded images of a vehicle at the time the vehicle is used or operated in a manner which is a violation under 75 Pa.C.S. § 3112(a)(3) (relating to traffic-control signals).

*Department*—The Department of Transportation of the Commonwealth.

*Director*—The Director of the Center for Program Development and Management of the Department.

*Grant*—An offer of funding assistance from the Department to a sponsor for a project governed by this chapter.

*Highway*—

(i) The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(ii) The term includes a roadway open to the use of the public for vehicular travel on grounds of a college or university or public or private school or public or historic park.

*Local government*—County, municipal, and other local boards or bodies having authority to enact laws relating to traffic.

*Official traffic-control devices*—Signs, signals, markings and devices not inconsistent with 75 Pa.C.S. (relating to Vehicle Code) placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

*Recorded image*—An image recorded by an automated red light enforcement system on a photograph, a digital image, or any other image-capture technology.

*Sponsor*—A local government, metropolitan planning organization, rural planning organization, county planning organization, or Commonwealth agency applying for, or receiving, a transportation enhancement grant under this chapter.

*Traffic*—Pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances, whether singly or together, using any highway for purposes of travel.

*Traffic-control signal*—A device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

*Vehicle*—

(i) Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks.

(ii) The term does not include a self-propelled wheelchair or an electrical mobility device operated by and designed for the exclusive use of a person with a mobility-related disability.

### § 233.3. Eligibility requirements and criteria.

(a) The minimum requirement for eligibility to apply for a transportation enhancement grant under this chapter is that the project must involve improvement to highway safety and mobility within this Commonwealth.

(b) It is the intent of this grant program to fund worthwhile projects that can be completed at a relatively low cost.

(c) All projects may be considered for a transportation enhancement grant from automated red light enforcement system revenues, with the exception of transportation impact studies and highway improvements that are the responsibility of the applicant for a Department Highway Occupancy Permit.

### § 233.4. Limits of funding.

Grants under this chapter may cover the entire cost of an eligible project, so matching funds are not required. Grants may also be used for a portion of a larger project if other funding sources are secured.

### § 233.5. Application procedure.

(a) A sponsor shall submit a written request in the form of an application to the Director: Attention—Transportation Enhancement Grants from Automated Red Light Enforcement System Revenues, Bureau of Program Development and Management, 400 North Street; 6th Floor, Harrisburg, PA 17120, or e-mail to: ARLE\_Grants@state.pa.us.

(b) The application shall be prepared in accordance with instructions provided by the Department. The application must contain sufficient information to enable the Department to complete its evaluation of the proposed project.

(c) An application must set forth, as a minimum, the following information:

(1) *Project description*. Provide a general description of the project and the objectives that are desired to be achieved.

(2) *Project location*. Provide a location map. Clearly identify the beginning and ending points of the project, the associated counties, municipalities, routes, segments, and offsets. Provide a general description of the location of the project and the surrounding area. Indicate roadway type/classification and length of the project in miles. Provide information on annual average daily traffic (AADT), current roadway geometry (number of lanes), speed limits, adjoining land uses, and number/location of signalized intersections.

(3) *Official traffic-control device description*. For projects involving official traffic-control devices, briefly describe the existing official traffic-control devices.

(4) *Project justification*. Outline why this project is being nominated for this grant program and the benefits that would be obtained.

(5) *Potential improvements and cost*. Provide a description of the potential improvements, and their associated estimated costs. Estimated costs should be as detailed and accurate as possible, and include all aspects of the project (design, construction, and the like).

(6) *Schedule*. Provide information that indicates the time frame necessary to complete the project. Indicate whether the project can be completed during 1 year or if it would be a multiyear project.

(7) *Other programmed projects*. Describe any other improvement projects that are in the vicinity of the proposed project and have been programmed on the Regional Transportation Improvement Program (include location, time frame, cost, and the like).

(8) *Anticipated development*. Describe any known major developments that are anticipated within the next 10 years in the vicinity of the proposed project.

(9) *Professional engineer*. Identify the professional engineer or consulting engineering firm that will provide engineering services for the project.

(10) *Contact person*. Provide the name, address, telephone number and e-mail address of a contact person for the sponsor.



(11) *Other information.* The sponsor shall provide any other information related to the project that the sponsor believes may justify the project or that is requested by the Department.

(d) The sponsor shall complete the application and submit it before the deadline under § 233.6 (relating to deadline for applications).

**§ 233.6. Deadline for applications.**

(a) Applications for transportation enhancement grants under this chapter will be considered on an annual basis. From the completed applications on file for a given year, projects will be selected for grants. Applications on file, but incomplete, may be excluded from consideration for grants in that year.

(b) During the initial year of the grant program, sponsors may submit a completed application within the time period established by the Department by notice in the *Pennsylvania Bulletin*. In years following the initial year of the grant program, sponsors may submit a completed application for a transportation enhancement grant under this chapter beginning on June 1 of each year until the close of business on June 30 of that year.

(c) If the deadline for applications occurs on a weekend or legal holiday when Commonwealth offices are closed, the deadline will be the close of the next business day.

(d) The Department may consider applications for transportation enhancement grants under this chapter which may be technically incomplete on the application deadline, but which are made complete within 3 weeks of the close of the application period.

**§ 233.7. Public records.**

An application for a transportation enhancement grant under this chapter will be considered a public record at the time of filing, and will be made available for inspection.

**§ 233.8. Grant selection process and criteria.**

(a) *Consideration.* Following the closing date for receipt of applications, properly completed applications filed within the application period will be considered for grants to be awarded during the current calendar year.

(b) *Additional information.* If it is determined that an application is incomplete and that additional information is necessary, the sponsor shall provide that additional information to allow further consideration of the application.

(c) *Review by Director.* The Director will review and evaluate applications with respect to applicable criteria for project funding, available funds, and current priorities for traffic safety and mobility.

(d) *Criteria used in review.* In considering an application, the Director will give weight and consideration to the following criteria:

(1) The sponsor's past maintenance and operational history for traffic-control signals, official traffic-control devices, or other items of work that are project components.

(2) The anticipated benefits of the project considering traffic safety benefits, mobility benefits and delay reduction, energy savings and greenhouse gas reductions.

(3) The estimated cost of the project.

(4) The local and regional impact of the project.

(5) The results of similar types of projects that have already been completed.

(6) The results of previous projects completed by the sponsor.

(7) Cost sharing by sponsor or other entities.

(8) Other Department traffic safety and mobility priorities.

(e) *Discretion in evaluation.* In consideration of the various criteria applicable to the review of an application, the Department may take into account unique or special factors that may arise in the administration of the grant program.

(f) *Debriefing.* At the request of a sponsor, the Department will conduct a debriefing with a sponsor whose application has been denied.

(g) *Distribution of grant funding.* Distribution of grant funding will be as follows:

(1) Fifty percent of the grant revenues generated through an automated red light enforcement program will be used exclusively for funding of transportation enhancement grants in the local government entity in which the violation was prosecuted.

(2) The remaining 50% of the grant revenues generated through the automated red light enforcement program will be available for funding of transportation enhancement grants to eligible sponsors throughout this Commonwealth.

**§ 233.9. Offer and acceptance of a grant.**

(a) *Issuance of grant offers.* The Department will, in writing, notify each sponsor who has submitted an application whether or not they will receive a grant offer.

(b) *Grant agreement.* A grant offer issued to a sponsor will describe any specific grant conditions and include such conditions as terms in the accompanying grant agreement.

(c) *Grant conditions.* The Department may or may not fully fund the entire cost of the project. The grant agreement will specify the total amount to be funded under the grant offer, the scope of the project, the items of work to be included, and an anticipated project completion date. The Department may also require sponsors to conduct before and after studies to determine project effectiveness.

(d) *Acceptance.* A sponsor who has received a grant offer shall, within 30 days indicate, by registered mail, acceptance of the offer.

(1) Acceptance of an offer is not binding on a sponsor until the execution of the grant agreement between the Department and the sponsor.

(2) Failure of a sponsor to indicate acceptance of the terms of an offer within the 30-day response period will be considered as a rejection of the offer and withdrawal of the application.

(e) *Discretion of Department.* Unless otherwise restricted by statute, the Department has absolute discretion in the selection of projects and in the determination of funding levels, priorities, critical project selection criteria, project phasing, project design and specifications and performance criteria.

(f) *Amendments to projects.* In the consideration of an application, the Department may determine that a proposed project should be amended to accommodate available funding, application traffic design criteria, antici-

pated use, or to better accommodate potential user needs. The Department may offer a transportation enhancement grant under this chapter for a project whose cost, specifications, terms, or scope have been modified by the Department.

(g) *Consultation does not insure offer.* In the event that the Department confers with a sponsor to amend a proposed project, the sponsor should understand that consultation and amendment does not insure that an offer will be made.

**§ 233.10. Standards, methods, techniques, designs, and special conditions.**

(a) The Department reserves the right to specify or make determinations as to the standards, methods, techniques, designs and dimensional criteria acceptable in projects funded by transportation enhancement grants under this chapter.

(b) The design and construction of an approved project are subject to the review and approval of the Department, including costs, materials, plans, specifications, and design and operational details.

(c) Failure to meet special conditions, performance criteria or specifications may result in the withdrawal of the transportation enhancement grant, disqualification from future consideration for a transportation enhancement grant under this chapter, or declaration of a sponsor to be in default of the terms of the grant agreement.

**§ 233.11. Audit and recordkeeping.**

(a) *General.*

(1) A sponsor receiving a transportation enhancement grant under this chapter shall keep records as the Department may prescribe, including records which fully disclose the amount and the disposition by the sponsor of the grant proceeds, the total cost of the plan or program in connection with which the transportation enhancement grant is given or used, and the amount and nature of that portion of the cost of the plan or program supplied by other sources, as well as records that will facilitate an effective audit.

(2) The Department will have access, for the purpose of audit and examination, to books, documents, papers, and records of the sponsor that are pertinent to a transportation enhancement grant issued under this chapter. This includes progress audits during the project.

(3) A sponsor is required to establish and maintain an adequate accounting record for an individual project, which will allow the Department to verify the costs incurred for the project.

(4) A sponsor shall maintain effective control over and accountability for all funds, property and other assets. Sponsors shall adequately safeguard assets and assure that they are used solely for authorized purposes.

(5) A sponsor shall establish procedures to minimize the time elapsing between the transfer of funds from the Department and the disbursement by the sponsor whenever funds are advanced by the Department. If this elapsed time exceeds the time frame delineated in the terms of the grant agreement, the Department may require the return of interest earned on payments made.

(6) The sponsor shall include, in any contract related to the grant, a clause which allows the Department access to the sponsor's contractor's records for purposes of accounting and audit.

(b) *Retention of records.*

(1) A sponsor shall retain, for 3 years after the date of the submission of the final Department payment, documentary evidence such as invoices, cost estimates and negotiation documents relating to any item of project cost. These documents include, but are not limited to, vendor's invoices, applicable purchase orders, receiving reports, inventory records, method of pricing, returns, catalog cuts, plans, inspection reports, final inspection report showing acceptance of the project, and a record of disposition or correction of unsatisfactory work.

(2) A sponsor shall retain for 3 years after the date of the submission of the final Department payment, evidence of payments for items of project costs including, but not limited to, vouchers, cancelled checks or warrants, and receipts for cash payments.

(3) If audit findings have not been resolved, records shall be retained until the findings have been resolved.

**§ 233.12. Inspection.**

(a) The Department or an agency of the Commonwealth, or both, or person designated or authorized by the Department has the absolute right to inspect, without notice, the project sites, proposed project sites, records, and construction materials relating to a project funded by a transportation enhancement grant from automated red light enforcement system revenues.

(b) An inspection ordered by the Department or conducted under its authority may include, but not necessarily be limited to, the reproduction and examination of records, the taking of samples applicable to evaluation or project quality control, or the assessment of any factor relevant to a project, application, or contracts and terms related to the process for transportation enhancement grants from automated red light enforcement system revenues.

(c) A sponsor's denial of access to records, failure to produce records or obstruction with an inspection may result in withdrawal of the transportation enhancement grant and disqualification from future consideration for a transportation enhancement grant under this chapter.

**§ 233.13. Payment procedures.**

Unless otherwise specified by the Department, the following general procedures are to be used for funds from a transportation enhancement grant under this chapter:

(1) Prior to disbursement of funds, the Department reserves the right to conduct inspections or testing, or to review and audit records or accounts to validate, to the satisfaction of the Department, that disbursement of funds is warranted.

(2) A sponsor, having received payment or partial payment or reimbursement under a transportation enhancement grant under this chapter, shall make payments, within 30 calendar days from receipt of funds, to vendors and contractors for services and materials properly invoiced under the project.

(3) A sponsor shall forward requests for payment to the Department on the forms provided or in a manner specified by the Department. A request must include submission of actual cost documentation, consisting of approved contract estimates of work-in-place, approved invoices or other evidence of incurred costs, satisfactory to the Department. The final 10% of the total payment will not be paid by the sponsor until final inspection and approval of the project by the Department.

(4) Payment requests shall be limited to monthly submissions.

**§ 233.14. Liability; forfeiture of funds; repayment.**

If a sponsor fails to comply with the terms of a transportation enhancement grant issued under this chapter, the sponsor shall immediately reimburse the Department the amount for which a demand is made by the Department.

**§ 233.15. Waiver.**

(a) *Waiver of requirements.* The Department may waive requirements to submit specific maps, reports, plans, information, or data normally required for a grant application. The waivers may be granted only after written request to the Director and formal written response to the sponsor by the Director prior to submission of the completed application to the Bureau.

(b) *Special projects procedures.* The Department may develop modified procedures for grant applications pertaining to Department-specified projects funded by transportation enhancement grants under this chapter.

**§ 233.16. Appeal.**

A person aggrieved by a decision of the Department under § 233.14 (relating to liability; forfeiture of funds; repayment) may take an appeal under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

[Pa.B. Doc. No. 10-2047. Filed for public inspection October 29, 2010, 9:00 a.m.]

**DEPARTMENT OF TRANSPORTATION  
[ 67 PA. CODE CHS. 471, 473, 477 AND 479 ]  
Air Transportation**

The Department of Transportation (Department), under the authority in 74 Pa.C.S. Chapters 51, 53, 55, 57, 59 and 61, amends Chapters 471, 473, 477 and 479 to read as set forth in Annex A.

*Purpose of Final-Form Rulemaking*

This final-form rulemaking sets forth criteria for the rating and licensing of airports. The purpose of Chapter 471 (relating to airport rating and licensing) is to set forth the licensing criteria and requirements for aircraft landing facilities. Chapter 473 (relating to aviation development grants) sets forth criteria and requirements for the aviation development grant program. Chapter 477 (relating to local real estate tax reimbursement grants) sets forth criteria for the local real estate tax reimbursement grant program. Chapter 479 (relating to obstruction to aircraft) sets forth criteria and instructions for persons who wish to erect, add to or maintain obstructions to aircraft.

*Summary of Comments and Changes in Final-Form Rulemaking*

Notice of proposed rulemaking was published at 38 Pa.B. 4375 (August 8, 2008). The proposed rulemaking was also submitted to the Independent Regulatory Review Commission (IRRC) and the House and Senate Transportation Committees.

Comments were received from the Aviation Council of Pennsylvania, the Pennsylvania Aviation Advisory Committee, Lancaster Airport, the Pennsylvania State Association of Township Supervisors (PSATS) and IRRC.

*Chapter 471*

With respect to Chapter 471, the Aviation Council of Pennsylvania commented that, during the considerable outreach conducted to develop this rulemaking, additional language to § 471.1 (relating to purpose) had been discussed, but that language had not been included in the proposed rulemaking. The Pennsylvania Aviation Advisory Committee echoed that comment. The expanded language has been added to § 471.1 in this final-form rulemaking.

IRRC commented with regard to § 471.2 (relating to definitions), that the definitions of “airport,” “aviation-related areas” and “landing area” were inconsistent with the definitions of those terms in 74 Pa.C.S. Part III (relating to Aviation Code). IRRC urged that the final-form rulemaking simply reference the definitions in the Aviation Code and delete the inconsistent definitions. The Department agreed and made the recommended reference and deletions. IRRC also noted that other definitions in § 471.2 not addressed in the proposed rulemaking merely repeat the definitions in the Aviation Code and should also be deleted. The Department agreed and also deleted those definitions in this final-form rulemaking.

IRRC also commented that the definition of “commercial operations” in the proposed rulemaking was not needed insofar as the term was only used in § 471.3(b) (relating to airport licensing). IRRC recommended that the definitional language be included as part of § 471.3(b). The Department agreed and deleted the definition and added appropriate language to § 471.3(b).

IRRC also commented that the definition of “prepared landing site” contained substantive language not appropriate in a definition as well as that the definition included the term being defined. The Department deleted the definition as the term does not appear elsewhere in the final-form rulemaking.

IRRC also objected to the lack of clarity in the definition of “Waiver Advisory Board,” insofar as it did not include criteria for membership or clarification of the Bureau of Aviation’s (Bureau) Waiver Policy referenced in the definition. In response, the Department made extensive revisions to § 471.3(d) regarding waivers and the composition of the Waiver Advisory Board.

With respect to § 471.3, IRRC commented that the sentence “Current licensing criteria and procedures will be provided by the Bureau on request” was confusing and the section did not indicate where these criteria and “criteria for private groups,” also referenced in the section, could be found. The offending sentence should have been removed in the proposed rulemaking as the criteria for licensing are found in the amended appendices to the proposed rulemaking. It has been removed in the final-form rulemaking. Subsection (b) has also been rewritten to provide a specific reference to Appendix A, Criteria E for the “criteria established for private groups.”

IRRC also noted that the final-form rulemaking should explain under what circumstances the selling of fuel and flight instruction to the general public at private airports will be authorized. The clarifications to subsection (b)(2) in the final-form rulemaking make clear that, with respect to private airports, only those that meet or exceed the criteria for private group airports in Appendix A, Criteria E will be authorized to offer these services to the group but not to the general public.

With respect to § 471.3(d)(1), IRRC noted that there was not a time frame provided in which the Bureau staff and Waiver Advisory Board would make a decision on a

request for waiver. Time periods have been added to subsection (d)(1)(iv) and (vi) in the final-form rulemaking.

With regard to § 471.3(d)(2), IRRC commented that if the language “The Bureau will post the waiver procedure on the Department website” was intended to refer to binding requirements on waiver applicants, the requirements should be included in the final-form rulemaking. The subsection was not intended to refer to other procedures not in the regulation. The Department clarified the subsection to read: “The Bureau will post the procedures in this section on the Department web site.” IRRC also questioned the language in subsection (d)(4) which stated “Waiver of criteria or requirements may be inconsistent with this chapter.” This language in the proposed rulemaking inadvertently omitted the word “not.” The sentence has been further amended to read “. . . may not be inconsistent with the intent of this chapter” to clarify and reaffirm that a waiver of the requirements in the regulation should nevertheless be consistent with the overarching principles captured in the purpose of the regulation.

With regard to § 471.4 (relating to licensing fees (private airports only)), IRRC questioned the Department’s authority to allow periodic adjustments in the licensing/inspection fees. The Department revised this section to definitively establish the fees for licensing and inspection of private airports and for obtaining a temporary airport license. IRRC also questioned the authority of the Department to charge fees for private airports only. It should be noted that 74 Pa.C.S. § 6103(a)(3) (relating to service fees) expressly authorizes the establishment of fees for the issuance of private airport licenses but is silent with regard to public use airports. Moreover, fuel sales at public use airports are subject to the aviation fuel tax and provide restricted revenue supporting the operation of the Bureau and aviation grant programs. Consequently, the Department has historically not charged licensing fees to public use airports.

With regard to § 471.7(b)(7) (relating to licensing criteria and requirements), IRRC sought explanation of the language regarding notice to the flying public for an airport’s nonaeronautical use of aviation related areas. The Federal Aviation Administration (FAA) has a standard notification process and time frames; the subsection has been revised to include reference to FAA procedures and time frames. IRRC also sought clarification as to who would be included in the “flying public” to whom notice would be given. The term, in context, refers to aircraft operators, not the general public using air transportation. The term has been replaced with “aircraft operators” in the final-form rulemaking.

IRRC also recommended, with respect to § 471.7(b)(9)(i), that the Department establish by regulation the frequency of inspections, a time frame for the Bureau to issue a report on inspection and a time frame in which corrective action must be taken. The Department respectfully declines to do so. The wide variety and size of airports/heliports in private/public use in this Commonwealth requires flexibility in the inspection process and in resolution of deficiencies which may be identified. Rigid time frames would assume that all situations are the same and can be addressed identically regardless of the type or size of the facility and the nature of the deficiency. This is not the case. Appropriate guidance will be provided to individual regulated facilities on a case by case basis factoring in the resources of the facility and the complexity of the issues identified. Moreover, the recommendation that the regulation make all

corrective action mandatory under this subsection would render the provisions for waiver established in the regulation a nullity.

With regard to § 471.8 (relating to suspension, penalties and revocations), IRRC questioned whether the language of the section permitted an airport license to be suspended for a potential hazard to the general public in addition to the “users of the airport.” A hazard to the general public associated with the physical features of an airport would actually be a hazard to the users of the airport. It must also be remembered that the Department’s authority is limited to regulation of the airport and its operators and primarily the physical features of the facility as they relate to the safe take-off and landing of aircraft. It is not within the Department’s purview to determine whether an airport poses a nuisance or unwelcome neighbor to a community.

IRRC also commented that this section appeared to provide 90 days for an airport to respond to a Department notice of action. The concern was raised that an identified hazard could persist for some time before remedial action is taken. It should be noted that paragraph (1) provides the Department with discretion to require response within 90 days or less as deemed necessary by the Director. A hazard requiring more immediate remediation can thus be appropriately addressed.

With regard to Chapter 471, Appendix A, IRRC commented that the phrase “is recommended” appeared and suggested that advisory language is more appropriate in a statement of policy; language in a regulation is intended to be mandatory. The Department declines to do so. The inclusion of recommendatory language was purposeful. For consistency, some of the criteria that are listed as mandatory in the larger public airports were carried over and modified to recommendations in the criteria for smaller facilities, based on the airport and its operational use. The Department believes that it is important that some criteria which are mandatory for one category of facility, while not required in a lesser facility, should nevertheless be included as recommended criteria to assist airport operators in transitioning to another airport category if desired. The overall reach of the final-form rulemaking is to establish criteria and standards for all types of airports/heliports in this Commonwealth. The Department does not believe the inclusion of occasional less than mandatory standards in Appendix A is confusing to the regulated community. Rather, the Department believes that inclusion of those recommendations is a greater convenience and less confusing to the regulated community than the removal of the language and the creation of a separate statement of policy.

Finally, IRRC echoed the concerns of PSATS that the final-form rulemaking could impact municipalities and cause local governments unanticipated costs. Both IRRC and PSATS recommended that the waiver process in § 471.3 include input from the locality in which the subject airport is located. The Department emphasizes that it does not have authority to impose obligation on municipalities or adjoining property owners in the enforcement of these regulations and regulates only the airport facility. The Department also emphasizes that its authority does not extend to issues regarding public nuisance or compliance with local zoning or other municipal requirements. The forums available to the municipality to assert these issues are neither usurped nor overridden by the decision making of the Department under this chapter. Nevertheless, the Department included a provision in the final-form rulemaking to provide for a request

for waiver to be posted on the Department's web site so that interested local governments or citizens may be made aware when a request for waiver is submitted.

PSATS also expressed concern that Department's enforcement of these regulations or grant of waiver of its provisions, or both, could usurp local authority over land use and other municipal concerns. The aviation laws of the Commonwealth do not grant the Department this power. Nevertheless, additional language has been added to §§ 471.3 and 471.7 to make the limitation of the Department's authority clear.

#### *Chapter 473*

David Eberly of Lancaster Airport commented that the last two sentences in § 473.4(b) (relating to limits of funding) were confusing or superfluous, or both. The Department agreed and that language has been deleted in the final-form rulemaking.

IRRC also commented also that the language in this section regarding non-Federally eligible airports "was confusing and should be explained." Insofar as it is outside the purview of the Department to explain whether an airport is eligible for federal funding, the language has been deleted from the final rulemaking. IRRC also inquired as to the role of local governments in "state and local participation projects." The term refers to projects which local governments may have chosen to provide local funding in accordance with whatever local mechanism may be in place to provide funding.

IRRC also commented that the project selection process and criteria in § 473.5a(d) (relating to project selection process and criteria) lacked clarity and was more in the nature of a statement of policy than a regulation. It should be noted that this language is identical to existing § 473.9(e) (relating to offer and acceptance of an aviation development grant) and has simply been moved to be included in this new section to improve the readability and logical flow of the regulation. As noted earlier with respect to the criteria in Chapter 471, Appendix A, the variety of size and function of the airports/heliports in this Commonwealth as well as the changing availability of staff and funding resources make the establishment of rigid unmodifiable internal grant review procedures and mechanisms unworkable within the limited resources of the Bureau.

With regard to subsection (f)(10), IRRC objected to the vague "other criteria as may be considered from time to time" language and recommended that the subsection be either deleted or clarified. The Department agreed and deleted subsection (f)(10).

IRRC raised concerns similar to those concerns about to § 473.5a(d) that the language in subsection (g) in the section was not appropriate in a regulation. As with subsection (d), this language is not new but was simply moved from § 473.8(e) and relocated here for improved readability and flow. Nevertheless, the Department revised the subsection to eliminate its discretionary tone and capture the other less quantifiable considerations that will also factor in the evaluation of a grant application.

With respect to § 473.9(a), IRRC commented that this existing language indicating that a Department grant offer could fund an entire project seemed now to conflict with the new language in § 473.4(b) which caps state participation. Section 473.9(a) has been amended in the final-form rulemaking to remove the conflict.

IRRC also provided several suggestions of unnecessary and unclear language in §§ 471.3(d)(1), 471.7(b)(9),

473.5a(c) and (g), 473.6a(b)(2)—(6) and 473.13(4) as well as Chapter 741, Appendix B(a). The unnecessary language has been deleted in these sections. IRRC also opined without elaboration that the phrase "including but not limited to" in § 473.6a(1)(ii) (relating to project execution) is not necessary. The Department believes the language should remain to clarify that the list of items provided is not exhaustive.

The Department also included specific references to FAA regulations and guidelines when appropriate, as suggested by IRRC.

Finally, in response to concerns raised by PSATS similar to those raised with respect to Chapter 471, the Department included clarification in § 473.9(b)(3) that the offer or acceptance of a grant, or both, under this chapter to fund improvements at a facility does not usurp or relieve the grantee/sponsor from its obligations to comply with local zoning or other requirements in the completion of the funded project.

#### *Chapters 477 and 479*

No comments regarding the amendments to Chapters 477 and 479 were received from the public, IRRC or the House and Senate Transportation Committees.

#### *Persons and Entities Affected*

This final-form rulemaking affects owners and operators of aircraft landing facilities, including airports, heliports, seaplane bases, and the like.

#### *Fiscal Impact*

Implementation of this final-form rulemaking will not require the expenditure of additional funds by the Commonwealth or local municipalities. While this final-form rulemaking does adjust the licensing fees, additional cost to the regulated community will be nominal and are comparable to other licensing fees currently in place.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 21, 2010, the Department submitted a copy of the notice of proposed rulemaking, published at 38 Pa.B. 4375, to IRRC and the Chairpersons of the House and Senate Transportation Committees for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on September 15, 2010, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 16, 2010, and approved the final-form rulemaking.

#### *Sunset Provisions*

The Department is not establishing a sunset date for these regulations, since these regulations are needed to administer provisions required under 74 Pa.C.S. Chapters 51, 53, 55, 57, 59 and 61. The Department, however, will continue to closely monitor these regulations for their effectiveness.

*Contact Person*

The contact person for technical questions about the final-form rulemaking is Brian Gearhart, P. E., Director, Bureau of Aviation, 400 North Street, Harrisburg, PA 17120, (717) 705-1200.

*Order*

The Department orders that:

(a) The regulations of the Department, 67 Pa. Code Chapters 471, 473, 477 and 479, are amended by amending Chapter 471, Appendix A and §§ 471.1—471.9, 473.2—473.4, 473.7, 473.9, 473.13, 477.2 and 479.2; by adding Chapter 471, Appendix B and §§ 473.5a, 473.5b and 473.6a; and by deleting §§ 473.5, 473.6 and 473.8 to read as set forth in Annex A.

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

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

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

ALLEN D. BIEHLER, P. E.,  
Secretary

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 5655 (October 2, 2010).)*

**Fiscal Note:** Fiscal Note 18-409 remains valid for the final adoption of the subject regulations.

**Annex A****TITLE 67. TRANSPORTATION****PART I. DEPARTMENT OF TRANSPORTATION****Subpart B. NONVEHICLE CODE PROVISIONS****ARTICLE IV. AIR TRANSPORTATION****CHAPTER 471. AIRPORT RATING AND LICENSING****§ 471.1. Purpose.**

(a) This chapter sets forth criteria for the rating and licensing of airports and applies to the Bureau and airport owners throughout this Commonwealth.

(b) The Bureau has promulgated and will enforce this chapter as necessary for the promotion of aviation, airports and air safety within this Commonwealth. This chapter shall be consistent with, and conform to the Federal statutes and regulations governing aeronautics. The Department may revoke or suspend an airport license upon proof of any violation of law or regulation relating to aviation.

**§ 471.2. Definitions.**

In addition to the words and terms defined in section 5102 of the code (relating to definitions), the following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Aviation restricted account*—The account into which revenues, generated from the sources in section 5103(b) of the code (relating to aviation restricted account), are deposited.

*Based aircraft*—An aircraft stored at a specific airport or heliport for more than 30 days.

*Bureau*—The Bureau of Aviation of the Department.

*Code*—74 Pa.C.S. §§ 5101—6169 (relating to the Aviation Code).

*Department*—The Department of Transportation of the Commonwealth.

*Director*—The Director of the Bureau.

*FAA*—The Federal Aviation Administration.

*Grant*—An agreement and its accompanying assurances between the Department and a sponsor to provide funding assistance.

*Landing area*—An area used or intended to be used, for the landing and taking off of aircraft.

*NOTAM*—Notice to airmen.

*Operation*—An aircraft take-off or landing.

*Person*—

(i) A corporation, company, association, society, firm, partnership or joint stock company.

(ii) The term includes an individual, the Commonwealth and all political subdivisions of the Commonwealth or agencies or instrumentalities.

*Primary surface*—The area on the ground centered on a runway, provided to enhance the safety of aircraft operations by having the area free of objects, except for objects that need to be located in the primary surface for air navigation or aircraft ground maneuvering purposes.

*Private heliport*—A heliport which is privately owned and which is not open or intended to be open to the public.

*Project*—A compilation of all tasks or activities associated with an approved grant on behalf of an eligible sponsor qualified to receive grant assistance.

*Public heliport*—A heliport, which is either publicly or privately owned, and which is open to the public.

*Regional Project Management Team*—Bureau staff assigned responsibility for each step of the project completion process.

*Sponsor*—A person applying for, or having received, an aviation development grant for a public airport. The following are different types of sponsors eligible for funds:

(i) *Planning agency*. An agency designated by the Bureau that is authorized by the laws of the State or political subdivisions concerned to engage in area wide planning for the areas in which the grant assistance is to be used. Typical planning agencies include planning offices, aeronautics commissions and departments of transportation.

(ii) *Public agencies owning airports*. A State, municipality, county, airport authority or other political subdivision, or a tax supported organization or an Indian tribe or pueblo.

(iii) *Public agencies not owning airports*. A public agency as defined in subparagraph (i) that does not own an airport seeking master planning grants for new airports, acquisition of existing airports and noise program implementing projects which are included in a noise compatibility program prepared by a local airport sponsor and not disapproved by the FAA.

(iv) *Privately owned public use airport owner*. An individual, partnership, corporation, or other legal entity that owns a public use airport

*Visual runway*—A runway that is constructed for and intended solely for the operation of aircraft using only visual approach procedures.

*Waiver Advisory Board*—A board established under the Bureau’s Waiver Process described in the current Bureau Waiver Policy. The Board will be composed of individuals as described in § 471.3(d)(1)(v)(B) (relating to airport licensing) appointed by the Secretary of the Department and will include representation from the Aviation Council of Pennsylvania.

**§ 471.3. Airport licensing.**

(a) *Authority.* A person may not establish, maintain or operate an airport, or permit flight operations at an airport, unless authorized by the Bureau. This does not apply to an airport approved or maintained by the government of the United States, or to infrequent operations by helicopters or aircraft with characteristics permitting operation from sites not specially prepared therefore.

(b) *Written authority required.* Authority to establish, maintain or operate an airport will be provided in writing by the Bureau and will indicate whether the airport is public use, private use or otherwise restricted. An airport will be licensed by the ratings under §§ 471.5 and 471.6 (relating to airport rating—excluding heliports; and heliport rating).

(1) Commercial operations (operation of aircraft for compensation or hire, including flight instruction, aircraft maintenance, sale of aircraft, parts and fuel) shall be limited to public use airfields, or private airports that meet or exceed criteria established for private group airports. (See Appendix A, Criteria E)

(2) Private airport and private group operators are prohibited from selling fuel to the general public, and from performing flight instruction to the general public.

(c) *Temporary licenses.* A temporary license, public or private, may be issued by the Bureau for temporary operations or special occasions. An inspection fee of \$25 will be charged for a temporary license.

(d) *Waiver.* The Bureau may issue a waiver for conditions not in compliance with criteria listed in Appendix A if control measures are put in place or if those conditions are deemed to not cause undue hazard to persons or property. Waivers may be temporary or permanent, depending on the situation and circumstances. Any conditions having a current waiver in force will be deemed to be in conditional compliance with this chapter.

(1) Waiver of criteria or requirements in this chapter will be in accordance with the following procedures.

(i) Requests for waivers must be in writing.

(ii) A sponsor shall request a waiver using forms and instructions provided by the Bureau, and available on the Department web site.

(iii) A separate request shall be submitted for each item for which waiver is requested, and the request for waiver will be posted on the Department web site.

(iv) Bureau staff will review each request and provide recommendation within 30 calendar days of receipt.

(v) Upon a Bureau staff recommendation of denial, the request will be forwarded to the Waiver Advisory Board (Advisory Board).

(A) The Advisory Board shall consist of five members appointed by the Secretary of the Department.

(B) Each Advisory Board member shall be either a certificated pilot, an accredited airport executive, a licensed professional engineer with experience in airport

planning and design, or otherwise be an individual with a substantial aviation background.

(vi) The Advisory Board will review and analyze the waiver request and, within 75 calendar days of receipt of the request by the Advisory Board, provide a recommendation for disposition to the Bureau Director.

(vii) A denial of a waiver is subject to appeal under the appeal process described in § 471.9 (relating to appeal).

(2) The Bureau will also post the waiver procedures in this section on the Department web site.

(3) A nonexhaustive list of conditions for which the Bureau may grant a waiver is included in Appendix B.

(4) Waiver of criteria or requirements may not be inconsistent with the intent of this chapter.

(5) This chapter provides no authority for the Department to grant any waiver of local zoning or other municipal requirements.

(e) *Change of ownership.* A change of airport ownership requires a new license through the Bureau’s licensing process. Upon the change of ownership or status of an airport, a new license which includes prior waivers of nonstandard conditions, modifications of FAA standards, or determinations of no hazard, as applicable, will be issued provided that a review by the Bureau verifies that conditions at the airport have not significantly changed since the time the previous license and waivers were issued.

(f) *Existing airport.* An airport presently in existence and licensed under preexisting statutes and regulations is considered authorized.

(1) The Bureau may require an existing airport to correct or modify conditions which have arisen or significantly changed since the time any previous license or waiver was issued if they pose a significant threat to aviation safety.

(2) Determination that a condition poses a significant hazard to aviation safety will be based upon staff analysis by the Bureau after consultation with the Advisory Board.

(g) *Suspension or revocation of license.* The Bureau may revoke or suspend an airport license for reasonable cause, such as, but not limited to, failure to correct airport deficiencies, failure to cease unauthorized activities, or any violation of this chapter. See § 471.8 (relating to suspension, penalties and revocations).

(h) *Zoning.* Issuance of an airport license does not preempt requirements of local zoning authorities.

**§ 471.4. Licensing fees (private airports only).**

(a) A licensing fee shall be paid to the Department in form of a check, money order or bank draft, payable to “Pennsylvania Department of Transportation.” The Bureau will notify private airport licensees at the time of license renewal of the appropriate licensing fee and procedure for license renewal.

(b) Licensing and inspection fees shall be as follows:

(1) The fee of \$50 for both an initial site inspection and a final inspection will be paid at the time of the initial application for airport license. Subsequent inspections required to receive a license will be subject to an additional \$50 fee.

(2) A written request and fee of \$25 are required for any additional inspections.

(3) A licensing fee of \$25 per year is payable in 3-year intervals (\$75 for a 3-year renewal).

(4) Temporary licenses, as required under § 471.3(c) (relating to airport licensing), require an inspection fee.

**§ 471.5. Airport rating—excluding heliports.**

(a) The following are rating categories to be used by the Bureau for the issuance of an airport license:

(1) *Public airport.*

(i) *Scheduled service/general aviation.* An airport accommodating regularly scheduled air carrier or commuter service or general aviation operations, or both.

(ii) *Basic utility.* An airport with a visual runway, turf or paved, serving aircraft less than 12,500 pounds max gross weight, without beacon or runway edge lights, authorized for visual flight rules (VFR) use only and not intended for night time operations.

(iii) *Sport and ultralight.* A landing area for the use of sport or ultralight aircraft, or both, as those terms are defined by applicable Federal aviation regulations (FARs).

(iv) *Seaplane base.* An area of water used as a landing area.

(2) *Private airport.*

(i) *Individual.* A private airport used exclusively by the licensee.

(ii) *Group.* A private airport used exclusively by a partnership, organization or corporation which is restricted to members of that entity.

(iii) *Sport and ultralight.* A landing area for the use of sport or ultralight aircraft, or both as those terms are defined by applicable FARs.

(iv) *Seaplane.* An area of water used as a landing area.

(b) *Use of landing areas by another aircraft.*

(1) Aircraft operators are authorized to land at public airports within the capabilities of the pilot-in-command and the aircraft. Pertinent information regarding public airports is located in the FAA Airport Facilities Directory and also updated and disseminated by a NOTAM.

(2) For private airports, aircraft operators shall receive authorization from the airport owner prior to operating to or from the airport. A private airport owner/licensee may invite an aircraft operator to use his landing area if the owner has thoroughly briefed the invitee on the takeoff and landing data and any peculiarities of the landing area. The invitee's aircraft expected performance values and operational requirements may not exceed the capabilities or dimensions of the landing area.

**§ 471.6. Heliport rating.**

(a) *Rating categories.* The following represents the rating categories to be used by the Bureau for the issuance of heliport licenses:

(1) *Public heliport.* A heliport consisting of a landing area that is open to the public.

(2) *Private heliport.* A heliport not intended for public use (includes hospital heliports, corporate and privately owned heliports).

(b) *Use of landing area/heliport by another aircraft.*

(1) Aircraft operators are authorized to land at public heliports within the capabilities of the pilot-in-command and their aircraft. Pertinent information regarding public heliports is located in the FAA Airport Facilities Directory and also update and disseminated by a NOTAM.

(2) For private heliports, aircraft operators shall receive authorization from the heliport owner prior to

operating to or from the heliport. A private heliport owner/licensee may invite an aircraft operator to use his landing area if the owner has thoroughly briefed the invitee on the takeoff and landing data and any peculiarities of the landing area. The invitee's aircraft expected performance values and operational requirements shall not exceed the capabilities or dimensions of the landing area.

**§ 471.7. Licensing criteria and requirements.**

(a) Criteria for licensing of airports and heliports are described in Appendix A.

(b) The following are applicable to airports and heliports which have obtained a license:

(1) An owner or operator of an airport shall operate and maintain the airport safely and shall conform to existing statutes and this chapter, or as modified by existing waiver.

(2) An owner or operator of an airport shall give prompt written notice to the Bureau, using Bureau Form AV-19, of a proposed physical change in the airport that is likely to affect its safety or conformity with the criteria under which the airport was licensed by the Bureau.

(3) An owner or operator of an airport licensed by the Bureau shall immediately report altered, unsafe or hazardous conditions of a nontemporary nature (in excess of 72 hours) to the Bureau. Public airport owners shall also file a NOTAM with the FAA. Upon elimination of the condition, a report shall be submitted to the Bureau detailing corrective action taken. Information concerning permanent physical changes to the airport shall also be reported to the FAA for inclusion in the Airport Facilities Directory.

(4) An owner or operator of a public airport shall post, in a place visible to the public, written material required to be posted by the Bureau, the Commonwealth or the Federal government.

(5) Surface vehicles, such as, but not limited to, automobiles, trucks, mowing machines, graders or rollers may not be operated in the vicinity of runways or taxiways of a public airport without the airport manager's permission and coordination with the control tower, if existent. Surface vehicles must be marked with approved flags or flashing amber beacons in accordance with FAA guidelines when operating in air operations areas unless coordinated with the airport manager.

(6) Remote controlled model aircraft may not be operated from a public airport unless permission has been obtained from the airport manager.

(7) Nonaeronautical uses of a public airport's aviation related area require the airport sponsor to obtain Bureau approval by means of advance written notice. Failure of the Bureau to respond within 30 calendar days shall be deemed tacit approval. Airport operators shall provide advance notice to aircraft operators in accordance with FAA procedures and time frames, including a NOTAM.

(8) An abandoned or unlicensed airport shall have markers, wind direction indicators and aeronautical signs immediately removed by the owner or operator.

(9) The Bureau may randomly inspect any airport or heliport to determine compliance with the code and this chapter.

(i) Periodic safety inspections will be conducted at all scheduled service, general aviation and basic utility air-



ports. The Bureau will coordinate the inspection date with the airport owner. Following the inspection, the Bureau will provide written report of all inspection findings. Deficiencies identified shall be mitigated in a timely manner unless waived by the Bureau. The written report containing the inspection findings, as they specifically relate to the aviation code or aviation regulations, will itemize all deficiencies, except conditions having a current waiver in force. Any conditions having a current waiver in force is deemed to be in (conditional) compliance with this chapter.

(ii) Safety inspections at private use airports will be conducted on a random basis or at the request of the owner.

(iii) Airport sponsors who cannot mitigate airspace obstructions may submit an FAA Form 7460 for FAA evaluation and subsequent consideration for Bureau waiver.

(10) The Department may maintain an action in any court of competent jurisdiction against any licensee of an airport or aviation facility which is subject to regulation under this chapter, to prevent, restrain or enjoin any violation or threatened violation of this chapter.

**§ 471.8. Suspension, penalties and revocations.**

(a) The Department may suspend or revoke an airport license when the Department finds sufficient evidence that one of the following applies:

(1) A nonconforming condition exists under this chapter that is a potential hazard to the users of the airport and has been brought to the attention of the airport sponsor, by written notice, as requiring remediation under this chapter, and the airport sponsor has not responded or sought a waiver within 90 days or less of the notice as deemed necessary by the Director.

(2) A waiver request by the airport sponsor to waive a nonconforming condition has been finally denied and the airport sponsor refuses to take reasonable steps to remediate the condition to the satisfaction of the Bureau, to file an appeal to the Director of the Bureau, or to file a legal action in a court of competent jurisdiction appealing the denial of the waiver, within 90 days of notice of the waiver denial.

**§ 471.9. Appeal.**

A person aggrieved by a decision of the Bureau to grant, deny or revoke a license may make an appeal under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) and 1 Pa. Code Part II (relating to general rules of administrative procedure) in the following manner:

(1) The appeal shall be filed within 60 days of receipt of the Bureau’s decision.

(2) The appeal shall be filed with the Administrative Docket Clerk, Office of Chief Counsel, 400 North Street, 9th Floor, Harrisburg, PA 17120-0064, with a \$150 filing fee.

(3) The appeal must provide a detailed description of the decisions being appealed and the reasons for the appeal.

**APPENDIX A**

<i>Public Airport</i>	
Scheduled Service/General Aviation	Criteria A
Basic Utility	Criteria B
Sport/Ultralight	Criteria C
Seaplane	Criteria D
<i>Private Airport</i>	
Group	Criteria E
Individual	Criteria F
Sport/Ultralight	Criteria G
Seaplane	Criteria H
<i>Public Heliport</i>	Criteria I
<i>Private Heliport</i>	Criteria J

**CRITERIA A**

**Public Airport—Scheduled Service/General Aviation**

(a) The minimum runway length is 2,200 feet plus a 7% additional length factor for each 1,000 feet of elevation that the runway is above mean sea level, rounded up to the nearest 5 foot increment. Example: An airport at 500 feet above mean sea level would require a minimum length of 2280 feet.

(b) The minimum runway primary surface width is 250 feet or 125 feet either side of the runway centerline. The landing surface shall be centered within the primary surface. The minimum width of a turf runway is 100 feet. The minimum width of a paved runway surface is 50 feet.

(c) A paved runway shall have an obstacle free zone, extending 200 feet beyond the end of each visual utility runway, the same width as the primary surface.

(d) A runway end shall have an obstruction free approach surface with a slope of 20 feet horizontal to 1 foot vertical. The following are approach surface dimensions:

(1) The centerline of this surface shall extend outward and upward 5,000 feet along the runway extended centerline.

(2) The surface shall extend laterally 125 feet on each side of the centerline of the runway approach threshold and shall increase uniformly in width to 625 feet on each side of the centerline at a point 5,000 feet from the end of the primary surface.

(3) The approach surface shall begin at the runway end for a turf runway and 200 feet beyond the end of a paved runway.

(e) A runway other than visual shall conform to applicable FAR Part 77 Civil Airport Runway Approach Surfaces. The Bureau will acknowledge and consider mitigation factors as determined by the FAA when determining compliance with this criterion.

(f) A runway shall have an obstruction free transitional surface with a slope of 7 feet horizontal to 1 foot vertical extending from the side of the runway primary surface and the sides of the approach surface to an elevation 150 feet above the airport elevation.

(g) Runway thresholds shall be a minimum of 200 feet from airport property line as measured along the runway extended centerline.

(h) A runway shall be marked.

(1) *Turf runway.* Turf runway ends and displaced thresholds shall be marked. Edge markers shall be placed at intervals not exceeding 200 feet along each side of the runway for its entire length.

(2) *Paved runway.* A paved runway shall be marked. For the dimensions and spacing of the markings see the current edition of the FAA Advisory Circular relating to runway markings.

(i) For planning purposes, principal runway alignment for new airports should be in the direction of the prevailing winds. Runway alignment other than into the prevailing winds, may restrict use of the airport during conditions where crosswind velocities exceed the crosswind component of the aircraft.

(j) A wind indicator shall be installed at a location that adequately indicates the surface wind direction and velocity. The wind indicator shall be lighted where night operations are to be conducted.

(k) The runway surface longitudinal and transverse grade may not exceed 2.0%. It is desirable that a line-of-sight standard exist along the entire length of the runway. Runway grade changes should be such that any 2 points 5 feet above the runway centerline will be mutually visible for the entire length of the runway.

(l) If night operations are to be conducted at the airport, runway edge lighting shall be installed to define the lateral and longitudinal limits of the useable landing area. Lights shall be installed in accordance with the current edition of the FAA Advisory Circular related to runway lighting.

(m) A rotating beacon shall be installed for night operations at public airports.

(n) Telephone service shall be available during hours of operation. Emergency contact information shall be posted near the telephone.

(o) A first aid kit shall be available.

(p) A traffic pattern diagram with altitudes shall be posted and visible to the aviation public.

(q) A favorable airspace determination by the FAA shall be required prior to final licensing.

(r) The airport license must be posted and visible to the aviation public.

(s) Fire extinguishing equipment shall be available for emergency fire protection. See NFPA Codes and local fire codes for appropriate guidelines.

(t) Where public fueling services are provided use NFPA Codes for guidelines for storage and distribution of fuels.

(u) Issuance of a license does not preempt other State, federal or local zoning or permitting requirements.

#### **CRITERIA B Public Airport—Basic Utility**

(a) The minimum runway length is 1,600 feet.

(1) The minimum required runway length will be increased where required to accommodate a family of airplanes having similar performance characteristics or a specific airplane needing the longest runway and will be based on the performance data obtained from the aircraft flight manuals.

(2) Runway length will be that length needed for take-off ground run or landing ground run whichever is greater, factored for density altitude (85°F day; runway elevation above sea level); plus a factor for grass. The grass factor may be that required by the manufacturer. If the manufacturer requires no grass factor, a factor of 10%

for conventional landing gear or 15% for tricycle landing gear will be used. An additional safety factor of 20% shall also be applied.

(3) If the aircraft performance data is not available from the aircraft flight manual, due to its vintage or modifications, the Bureau may accept a written statement by the applicant-aircraft owner-as to aircraft performance and runway length needed. Performance data may be considered, using less than maximum certificated takeoff weight-down loaded condition, if requested in writing by the applicant, to meet minimum runway length requirements.

(4) Displacement of runway thresholds may be used to reduce or eliminate approach slope obstructions as long as sufficient effective runway length remains.

(b) The minimum runway primary surface width is 180 feet or 90 feet either side of the runway centerline. The landing surface shall be centered within the primary surface. The minimum width of a paved runway is 50 feet. The minimum width of a turf runway is 100 feet. The runway primary surface shall extend 200 feet beyond the end of a paved runway and to the end of a turf runway.

(c) A runway end shall have an obstruction free approach surface with a slope of 20 feet horizontal to 1 foot vertical. The following are approach surface dimensions for a visual runway.

(1) The centerline of this surface shall extend outward and upward 5,000 feet along the runway extended centerline.

(2) The surface shall extend laterally from each edge of the primary surface at the runway approach threshold and increase uniformly in width to 625 feet on each side of the centerline at a point 5,000 feet from the end of the primary surface.

(3) The approach surface shall begin at the runway end for an unpaved runway and at a point 200 feet beyond the end of a paved runway.

(d) A runway shall have an obstruction free transitional surface with a slope of 7 feet horizontal to 1 foot vertical extending from the side of the runway primary surface and the sides of the approach surface to an elevation 150 feet above the airport elevation

(e) Runway landing thresholds shall be a minimum of 200 feet from the airport property line along the runway extended centerline.

(f) A runway shall be marked.

(1) *Turf runways.* Runway ends shall be marked. Edge markers shall be placed at intervals not exceeding 200 feet along each side of the runway for its entire length.

(2) *Paved runway.* Runway numbers shall be marked at each end.

(3) Runway threshold displacements shall be marked.

(g) For planning purposes, principal runway alignment for new airports should be in the direction of the prevailing wind. Runway alignment, other than into the prevailing wind, may restrict use of the airport during conditions where crosswind velocities exceed the crosswind component of the aircraft.

(h) Operations are intended for day, visual meteorological conditions (VMC).

(i) A wind indicator shall be installed at a location that adequately indicates surface wind direction and velocity. The wind indicator shall be lighted if night operations are to be conducted

(j) The runway longitudinal and transverse gradient should not exceed 4.0%.

(k) Telephone service should be available during hours of operation. Emergency contact information should be posted near the telephone.

(l) Fire extinguishing equipment should be available for emergency fire protection. See NFPA Codes and local fire codes for appropriate guidelines.

(m) A traffic pattern diagram with altitudes shall be posted and visible to the aviation public.

(n) A favorable airspace determination from the FAA shall be required prior to license.

(o) Issuance of a license does not preempt other state, federal or local zoning or permitting requirements.

**CRITERIA C**

**Public Airport—Sport/Ultralight**

(a) The minimum runway length shall be 1,000 feet. The runway should be aligned within 40° of the prevailing wind. Longitudinal and transverse gradients should not exceed 4%.

(b) A runway end shall have an obstruction free approach surface with a slope of 15 feet horizontal to 1 foot vertical. The following are approach surface dimensions:

(1) The centerline of this surface shall extend outward and upward 1,000 feet along the extended runway centerline.

(2) The surface shall extend laterally 50 feet on each side of the centerline of the runway approach threshold and increase uniformly in width to 100 feet on each side of the centerline at a point 1,000 feet from the runway end.

(3) The approach surface shall begin at the runway end.

(c) The minimum runway width shall be 100 feet.

(d) A runway shall have an obstruction free transitional surface with a slope of 3 feet horizontal to 1 foot vertical extending from the side of the runway surface and the sides of the approach surface.

(e) Runway landing thresholds shall be a minimum of 200 feet from the airport property line as measured along the extended runway centerline.

(f) Runway ends shall be marked. Edge markers shall be placed at intervals not exceeding 200 feet along each side of the runway for its entire length.

(g) For planning purposes, principal runway alignment for new airports should be in the direction of the prevailing wind. Runway alignment, other than into the prevailing winds may restrict use of the airport during conditions where crosswind velocities exceed the crosswind component of the aircraft.

(h) A wind indicator shall be installed at a location that adequately indicates the surface wind direction and velocity.

(i) Night operations are not authorized.

(j) Telephone service should be available during hours of operation. Emergency contact information should be posted near the telephone.

(k) A traffic pattern diagram with altitudes shall be posted and visible to the aviation public.

(l) The airport license shall be posted and visible to the aviation public.

(m) The airport operator should provide fire extinguishing equipment for emergency fire protection.

(n) A favorable airspace determination from the FAA shall be required prior to final licensing.

(o) Issuance of a license does not preempt other State, federal or local zoning or permitting requirements.

**CRITERIA D**

**Public Airport—Seaplane**

(a) The minimum landing lane length is 2,500 feet. The length of the landing lane shall be increased by 7% per 1,000 feet of elevation above sea level. The additional length factor is calculated proportionately using a ratio of 7% for each 1000 feet of elevation that the runway is above mean sea level, rounded up to the nearest 5-foot increment. (i.e. An airport at 500 feet above mean sea level would require a minimum length of 2,590 feet)

(b) The minimum primary surface width is 200 feet or 100 feet each side of the landing lane centerline. The landing lane minimum width is at least 100 feet and centered within the primary surface.

(c) A minimum water depth of 3 feet is required at all points within the primary surface.

(d) A landing lane shall have an obstruction free approach surface with a slope of 20 feet horizontal to 1 foot vertical. The following are the approach slope dimensions:

(1) The centerline shall extend outward and upward for 5,000 feet along the landing lane extended centerline.

(2) The surface shall extend laterally 100 feet each side of the centerline, beginning at the landing lane threshold and increase uniformly to 625 feet each side of the centerline at a point 5,000 feet from the end of the landing lane.

(e) A wind indicator shall be installed at a location that adequately indicates the surface wind direction and velocity. The wind indicator shall be lighted if night operations are to be conducted.

(f) Documentation of ownership or lease of suitable docking facilities and written authorization or permit to use the waterway shall be submitted with the application.

(g) If night operations are to be conducted at the airport, landing lane edge lighting shall be installed to define the lateral and longitudinal limits of the useable landing area.

(h) A public telephone should be available during airport operating hours. Emergency contact information telephone numbers shall be posted.

(i) The airport license shall be posted and visible to the aviation public.

(j) A traffic pattern diagram with altitudes shall be posted at the docking facility and visible to the aviation public.

(k) A powerboat shall be readily available for emergencies during normal operating hours.

(l) The airport operator should provide fire extinguishing equipment for emergency fire protection.

(m) Final airspace determination by FAA shall be required prior to final licensing.

(n) Issuance of a license does not preempt other State, federal or local zoning or permitting requirements.

**CRITERIA E**  
**Private Airport—Group**

(a) The minimum runway length is 1,200 feet.

(1) The minimum required runway length will be adjusted where required to accommodate the aircraft to be operated from the airport and will be based upon the performance data obtained from the aircraft flight manuals.

(2) Runway length will be that length needed for take-off ground run or landing ground run, whichever is greater, factored for density altitude temperature (85°F day); runway elevation above sea level); plus a factor for grass. The grass factor may be that required by the manufacturer. If the manufacturer requires no grass factor, a factor of 10% for conventional landing gear or 15% for tricycle landing gear will be used. An additional safety factor of 20% shall also be applied.

(3) If the aircraft performance data is not available from the aircraft flight manual, due to its vintage, a statement by the applicant/aircraft owner as to aircraft performance and runway needed may be accepted by the Bureau.

(4) Performance data may be considered, using less than gross weight down loaded condition, if requested by the applicant, to meet minimum runway length requirements.

(5) Displacement of runway thresholds may be used to reduce or eliminate approach slope obstructions as long as sufficient effective runway length remains.

(6) The minimum runway primary surface width shall be 180 feet or 90 feet each side of the runway centerline. The landing surface shall be centered within the primary surface. The minimum width of a turf landing surface shall be 100 feet. The minimum width of a paved landing surface shall be 50 feet. A paved runway primary surface shall extend 200 feet beyond the end of a paved runway and to the end of a turf runway.

(b) A runway end shall have an obstruction free approach surface with a slope of 20 feet horizontal to 1 foot vertical. The following are the approach slope dimensions:

(1) The centerline of this surface shall extend outward and upward for 5,000 feet along the runway extended centerline.

(2) The surface shall extend laterally 90 feet on each side of the centerline of the runway approach threshold and shall increase uniformly in width to 625 feet on each side of the centerline at a point 5,000 feet from the end of the primary surface.

(c) Runway thresholds shall be a minimum of 200 feet from airport property line as measured along the runway extended centerline.

(d) A runway shall be marked.

(1) *Turf runways.* Runway ends shall be marked. Markers shall be placed at intervals not exceeding 200 feet along each side of the runway for its entire length.

(2) *Paved runways.* Runway numbers shall be marked at each end.

(3) Marked threshold displacement. Runway threshold displacements shall be marked.

(4) Displacements shall be lighted if night operations are to be conducted.

(e) For planning purposes, principal runway alignment for new airports should be in the direction of the prevail-

ing wind. Runway alignment, other than into the prevailing wind, may restrict use of the airport during conditions where crosswind velocities exceed the crosswind component of the aircraft.

(f) A wind indicator shall be installed at a location that adequately indicates surface wind direction and velocity. It shall be lighted if night operations are to be conducted.

(g) The runway longitudinal and transverse gradient should not exceed 4%.

(h) If night operations are to be conducted at the airport, runway edge lighting shall be installed to define the lateral and longitudinal limits of the useable landing area. Lights will be installed in accordance with current applicable standards.

(i) Fire extinguishing equipment and first aid kits are recommended.

(j) Standard traffic patterns shall be established. Where a nonstandard traffic pattern is necessary, the information shall be made available to those authorized by the owners to use the airport.

(k) A favorable airspace determination from the FAA shall be required prior to license.

(l) Issuance of a license does not preempt other state, federal or local zoning or permitting requirements.

**CRITERIA F**  
**Private Airport—Individual**

(a) The minimum Runway length is 1,200 feet.

(1) The minimum required runway length will be increased where required to accommodate the aircraft to be operated from the airport and will be based upon the performance data obtained from the aircraft flight manuals.

(2) Runway length will be that length needed for take-off ground run or landing ground run, whichever is greater, factored for density altitude (temperature - 85°F day; runway elevation above MSL); plus a factor for grass. The grass factor may be that required by the manufacturer. If the manufacturer requires no grass factor, a factor of 10% for conventional gear or 15% for tricycle gear aircraft will be used. An additional safety factor of 20% shall also be applied.

(3) If the aircraft performance data is not available from the aircraft flight manual, due to its vintage or modifications, a statement by the applicant/aircraft owner as to the performance and runway needed may be accepted by the Bureau.

(4) Performance data may be considered, using less than maximum certificated takeoff weight down loaded condition, if requested by the applicant, to meet runway length requirements.

(5) Displacement of runway thresholds may be used to reduce or eliminate approach slope obstructions as long as sufficient effective runway minimum length remains.

(b) The minimum primary surface shall be 100 feet or 50 feet either side of the runway centerline. The landing surface shall be centered within the primary surface. The minimum width of a paved landing surface shall be 50 feet. The minimum width of a turf landing surface shall be 100 feet. The runway primary surface shall extend 200 feet beyond the end of a paved runway and to the end of a turf runway.

(c) A runway end will have an obstruction free approach surface with a slope of 20 feet horizontal to 1 foot vertical. The following are approach surface dimensions for a runway:

(1) The centerline of this surface shall extend outward and upward 1,500 feet along the extended runway centerline.

(2) The surface shall extend laterally 50 feet each side of the centerline at the runway approach threshold and increase uniformly in width to 150 feet on each side of the centerline at a point 1,500 feet from the end of the primary surface.

(3) The approach surface shall begin at the runway end for an unpaved runway and at a point 200 feet beyond the end of a paved runway.

(d) The runway landing thresholds shall be a minimum of 200 feet from airport property line along the runway extended centerline.

(e) A runway shall be marked.

(1) *Turf runways.* Runway ends shall be marked. Edge markers shall be placed at intervals not exceeding 200 feet along each side of the runway for its entire length.

(2) *Paved runways.* Runway numbers shall be marked at each end.

(3) *Marked threshold displacement.* Runway threshold displacements shall be marked.

(f) For planning purposes, principal runway alignment for new airports should be in the direction of the prevailing wind. Runway alignment, other than into the prevailing wind, may restrict use of the airport during conditions where crosswind velocities exceed the crosswind component of the aircraft.

(g) A wind indicator shall be installed at a location that adequately indicates surface wind direction and velocity.

(h) The runway longitudinal and transverse gradient should not exceed 4%.

(j) Operations are intended for day, visual meteorological conditions (VMC).

(k) Fire extinguishing equipment and first aid kits are recommended.

(l) Standard traffic patterns shall be established. Where a non-standard pattern is necessary, the information shall be made available to those authorized by the owner to use the airport.

(m) A favorable airspace determination from the FAA shall be required prior to license.

(n) Issuance of a license does not preempt other state, federal or local zoning or permitting requirements.

**CRITERIA G**

**Private Airport—Sport/Ultralight**

(a) Minimum runway dimensions of 500 feet in length x 100 feet in width aligned within 40° of the prevailing wind are required. Longitudinal and transverse gradients should not exceed 4.0%.

(b) The minimum runway length will be increased to accommodate sport aircraft where applicable and will be based on the performance data obtained from the aircraft flight manuals. Runway length will be that length needed for take-off ground run or landing ground run, whichever is greater, factored for density altitude (temperature 85 degrees F, runway elevation above MSL), plus a factor for grass. The grass factor may be that required by the

manufacturer. If the manufacturer requires no grass factor, a factor of 10% for conventional gear or 15% for tricycle gear will be used. An additional safety factor of 20% shall also be applied.

(c) A runway end shall have an obstruction free approach surface with a slope of 15 feet horizontal to 1 foot vertical. The following are approach surface dimensions:

(1) The centerline of this surface shall extend outward and upward 1,000 feet along the extended runway centerline.

(2) The surface shall extend laterally 50 feet on each side of the centerline of the runway approach threshold and increase uniformly in width to 100 feet on each side of the centerline at a point 1,000 feet from the runway end.

(3) The approach surface shall begin at the runway end.

(c) Runway landing thresholds shall be a minimum of 200 feet from the airport property line as measured along the extended runway centerline.

(d) Runway ends shall be marked. Runway edges shall be marked at intervals necessary to define the lateral runway limits.

(e) For planning purposes, principal runway alignment for new airports should be in the direction of the prevailing wind. Runway alignment, other than into the prevailing winds may restrict use of the airport during conditions where crosswind velocities exceed the crosswind component of the aircraft.

(f) A wind indicator shall be installed at a location that adequately indicates the surface wind direction and velocity.

(g) A favorable airspace determination from the FAA shall be required prior to license.

(h) Issuance of a license does not preempt other state, federal or local zoning or permitting requirements.

**CRITERIA H**

**Private Airport—Seaplane**

(a) The minimum landing lane length is 2,500 feet. Landing lane length may be reduced if performance data is provided which indicates required take-off and landing distances of less than 2,500 feet.

(b) The minimum primary surface and landing lane width is 100 feet or 50 feet each side of the landing lane centerline. The landing lane minimum width is at least 100 feet and centered within the primary surface.

(c) A minimum water depth of 3 feet is required at all points within the primary surface.

(d) A landing lane end shall have an obstruction free approach surface with a slope of 20 feet horizontal to 1 foot vertical. The following are the approach surface dimensions:

(1) The centerline shall extend outward and upward for 1,500 feet along the landing lane extended centerline.

(2) The approach surface shall extend laterally 50 feet on each side of the centerline of the landing area, beginning at the landing lane threshold and increase uniformly in width to 300 feet at 1,500 feet from the end of the landing area.

(e) A wind indicator shall be installed at a location that adequately indicates the surface wind direction and velocity. The wind indicator shall be lighted if night operations are to be conducted.

(f) Documentation of ownership or lease of suitable docking facilities and written authorization or permit to use the waterway shall be submitted with the license application.

(g) If night operations are to be conducted at the airport, landing lane edge lighting shall be installed to define the lateral and longitudinal limits of the useable landing area.

(h) A favorable airspace approval from the FAA shall be required prior to final licensing.

(i) Standard traffic patterns shall be established. Where a nonstandard traffic pattern is necessary, the information shall be made available to those authorized by the owner to use the airport.

(j) Issuance of a license does not preempt other state, federal or local zoning or permitting requirements.

### CRITERIA I

#### Public Helicopter—General Aviation

(a) The least dimension (i.e. length, width, or diameter) of the final approach and take off area (FATO) shall be at least 1.5 times the overall length of the design helicopter rounded up to the next 5 foot increment, but not less than 60 feet.

(1) Helicopters located on raised platforms, piers, docks or buildings may have outer portions of the FATO extend beyond the platform.

(2) The FATO should be graded to provide a smooth surface. A slope gradient of no more than 2% is allowed for any part of the FATO on which a helicopter is expected to land.

(3) The FATO shall be free of objects.

(b) When the entire FATO is not load bearing, a paved or stabilized touch down and lift off area (TLOF) is recommended. The least dimension of the TLOF is recommended to be not less than the rotor diameter of the design helicopter.

(c) A safety area shall be provided around the FATO.

(1) The width of the safety area shall be 1/3 of the rotor diameter of the design helicopter, but not less than 20 feet.

(2) The safety area shall be free of objects.

(d) The heliport shall have two approach/take off paths separated by an arc of at least 90° and shall have unobstructed approach/take off surfaces with a slope of 8 feet horizontal to one foot vertical.

(1) The approach/take off paths may curve to avoid objects and/or noise sensitive areas and to use airspace above public lands.

(2) The approach/take off surface shall begin at the threshold, at the same width as the FATO, and shall extend outward and upward for 4,000 feet where its width is 500 feet.

(3) One approach/take off path may be acceptable if the approaches and take offs can be conducted safely and if it is unobstructed and crosswind to the prevailing winds.

(e) Transitional surface shall be unobstructed. Transitional surfaces shall extend outward and upward with a slope of two feet horizontal to one foot vertical from the edge of the approach/take off surfaces and the FATO for a distance of 250 feet from the center of the FATO and from the centerline of the approach/departure path.

(f) The FATO shall be marked with FAA standard markings for heliports.

(1) The FATO shall be designated by marking the outer perimeter boundary.

(2) If applicable, the TLOF shall also be marked. An H marking will identify the heliport as a public facility as well as mark the intended landing position. The H is oriented on the axis of the dominant approach/take off path. A bar may be placed under the H when it is necessary to distinguish the preferred approach direction.

(3) In ground or surface markings may be used to define either or both the FATO and TLOF.

(4) *Unpaved surfaces.* The perimeter of a turf FATO shall be identified with in ground markers that will not catch helicopter skids or create barriers to helicopter maneuvering. If raised markings are used, they shall be located at the outer boundary of the safety area and be no more than 8 inches in height. Markers are placed at the corners, and as needed along the edges of the FATO.

(5) *Paved surfaces.* A 12-inch dashed white line defines the limits of the FATO when the entire surface is paved.

(6) A 12-inch solid white line is used to define the limits of the TLOF.

(g) A wind indicator shall be installed at a location that adequately indicates the surface wind direction and velocity. The indicator shall be lighted if night operations are to be conducted.

(h) *Night operations.*

(1) The perimeter of the FATO and the TLOF shall be defined with lights colored in accordance with the current FAA Advisory Circular pertaining to heliport lighting. The lights may not penetrate the approach or transitional surface slopes.

(2) A minimum of four flush or raised fixtures is required per side of a square or rectangular FATO or TLOF. A light is located at each corner, with additional lights spaced uniformly between the corner lights with a maximum interval of 25 feet between lights.

(3) An even number of lights, at least 8, evenly spaced, is required to define a circular FATO or TLOF, with a maximum interval of 25 feet between lights.

(4) Raised light fixtures, modified to be not more than 8 inches in height, should be located 10 feet out from the FATO edge.

(5) Flush lights may be located on the TLOF edge or within 1 foot of the TLOF edge.

(6) When nonflush lights are used on a raised TLOF, light fixtures modified to no more than 8 inches in height may be used to define the TLOF. They must be located 10 feet out from the TLOF edge and must not penetrate a horizontal plane at the TLOF's elevation by more than 2 inches.

(7) Flood lighting may also be used in lieu of, or to supplement, perimeter lights. The flood lights shall be installed so they do not interfere with helicopter operations or interfere with pilot vision.

(8) Obstruction lights should be installed on objects near the approach surfaces or where deemed necessary by the Bureau.

(i) A rotating beacon is recommended to be installed for night operations at public heliports.

(j) When the TLOF is on a platform elevated more than 30 inches above its surroundings, a five foot wide safety net or shelf shall be provided. The safety net shall have a load carrying capability of at least 25 pounds per square foot. The net or shelf may not project above the level of the TLOF.

(k) *Rooftop heliports*

(1) The size of the FATO and the TLOF for a rooftop or elevated heliport shall be the same as for ground level.

(2) When the TLOF is less than the rotor diameter of the design helicopter, additional nonload bearing surface is required for support of the main rotor downwash ground effect. Load bearing surface size and designed load capacity shall be in accordance with the current edition of the FAA heliport design guide.

(1) Where practicable, wires within 500 feet of the FATO are recommended to be marked.

(m) A telephone shall be available to the public 24 hours a day. Emergency and aviation information telephone numbers shall be posted near the telephone.

(n) A traffic pattern diagram with altitudes shall be posted and visible to the aviation public.

(o) The heliport operator will provide fire extinguishing equipment for emergency fire protection.

(p) A favorable airspace determination from the FAA shall be required prior to final licensing.

(q) Issuance of a license does not preempt other state, federal or local zoning or permitting requirements.

**CRITERIA J  
Private Heliport**

(a) The least dimension (i.e. length, width, or diameter) of the final approach and take off area (FATO) shall be 1.5 times the overall length of the design helicopter rounded up to the nearest 5 foot increment, but not less than 60 feet.

(1) Helicopters located on raised platforms, piers, docks or buildings may have outer portions of the FATO extend beyond the platform.

(2) The FATO should be graded to provide a smooth surface. A slope gradient of no more than 2% is allowed for any part of the FATO on which a helicopter is expected to land.

(3) The FATO shall be free of objects.

(b) When the entire FATO is not load bearing, a paved or stabilized touch down and lift off area (TLOF) is recommended. The least dimension of the TLOF is recommended to be not less than the rotor diameter of the design helicopter.

(c) A safety area will be provided around the FATO

(1) The width of the safety area shall be 1/3 of the rotor diameter of the design helicopter, but not less than 10 feet.

(2) The safety area shall be free of objects.

(d) The heliport shall have two approach/take off paths separated by an arc of at least 90° and shall have unobstructed approach/take off surfaces with a slope of 8 feet horizontal to 1 foot vertical.

(1) Approach/take off paths may curve to avoid objects an/or noise sensitive areas and to use airspace above public lands. Approach surface requirements are applicable for the entire route.

(2) The approach/take off surface shall begin at the threshold, at the same width as the FATO and shall extend upward and outward for a distance of 1,000 feet where its width is 200 feet.

(3) One approach/take off path may be acceptable if approaches can be conducted safely and if it is unobstructed and crosswind to the prevailing winds.

(e) The FATO shall be marked with FAA standard markings for heliports.

(1) The FATO shall be designated by marking the outer perimeter boundary.

(2) If applicable, the TLOF shall also be marked.

(3) The FATO or TLOF may be marked with company logo or name.

(4) A hospital heliport shall be identified by a red capital H centered on a white cross. The dimensions of the cross and H are described in the current edition of the FAA Heliport Design Advisory Circular.

(5) In ground or surface markings may be used to define either or both the FATO and TLOF.

(6) *Unpaved surfaces.* The perimeter of a turf FATO shall be identified with in ground markers that will not catch helicopter skids or create barriers to helicopter maneuvering. If raised markings are used, they shall be located at the outer boundary of the safety area and be no more than 8 inches in height.

(7) *Paved surfaces.* A 12-inch dashed white line defines the limits of the FATO when the entire surface is paved.

(8) A 12-inch solid white line is used to define the limits of the TLOF.

(f) A wind indicator shall be installed at a location that adequately indicates the surface wind direction and velocity. The wind indicator shall be lighted if night operations are to be conducted.

(g) *Night operations.*

(1) The perimeter of the FATO or the TLOF (but not both) shall be defined with lights colored in accordance with the current FAA Advisory Circular pertaining to heliport lighting.

(2) At least 8 evenly spaced lights are required to define a circular FATO or TLOF, with a maximum interval of 25 feet between lights.

(3) A minimum of three flush or raised fixtures is required per side of a square or rectangular FATO or TLOF. A light is located at each corner, with additional lights spaced uniformly between the corner lights with a maximum interval of 25 feet between lights.

(4) Raised light fixtures, modified to be not more than 8 inches in height, should be located 10 feet out from the FATO edge.

(5) Flush lights may be located on the TLOF edge or within 1 foot of the TLOG edge.

(6) When nonflush lights are used on a raised TLOF, light fixtures modified to no more than 8 inches in height may be used to define the TLOF. They must be located no more than 10 feet out from the TLOF edge and must not penetrate a horizontal plane at the TLOF's elevation by more than 2 inches.

(7) Flood lighting may also be used in lieu of, or to supplement, perimeter lights. The flood lights shall be installed so as not to interfere with helicopter operations or interfere with pilot vision.

(8) Obstruction lights should be installed on objects near the approach surfaces or where deemed necessary by the Bureau.

(h) When the TLOF is on a platform elevated more than 30 inches above its surroundings, a five foot wide safety net or shelf shall be provided. The safety net shall have a load carrying capability of at least 25 pounds per square foot. The net or shelf may not project above the level of the TLOF.

(i) *Rooftop heliports*

(1) The size of the FATO and TLOF for a rooftop or elevated heliport shall be the same as for ground level.

(2) When the TLOF is less than the rotor diameter of the design helicopter, additional non load bearing surface is required for support of the main rotor downwash ground effect. Load bearing surface size and designed load capacity shall be in accordance with the current edition of the FAA heliport design guide.

(j) Where practicable, wires within 500 feet of the FATO are recommended to be marked.

(k) The heliport operator will provide fire extinguishing equipment for emergency fire protection.

(l) A favorable airspace determination from the FAA shall be required prior to final licensing.

(m) Issuance of a license does not preempt other state, federal or local zoning or permitting requirements.

#### APPENDIX B

Section 471.3(d) allows the Bureau to waive, for "good cause," compliance with the licensing criteria and related requirements. No waivers will be granted for conditions which are inconsistent with FAA Grant Assurance obligations or other applicable FAA regulation unless permission is granted by the FAA.

The following is a nonexhaustive illustrative list of potential waivable conditions:

- (1) Runway Length
- (2) Runway Width
- (3) Runway Obstacle Free Zone
- (4) Approach Surface Penetrations
- (5) Runway Markings
- (6) Runway Alignment
- (7) Longitudinal and Transverse Grades
- (8) Telephone Requirements

When evaluating any nonstandard condition for a waiver, the following will be considered in determining "good cause:"

- (1) Type and performance characteristics of the critical aircraft operating at the facility.
- (2) History of incidents attributable to the non-standard conditions as determined by the FAA and/or NTSB.
- (3) Operational limitations, such as VFR-day only.
- (4) Physical constraints.
- (5) Financial feasibility of undertaking improvements to meet airport licensing criteria.
- (6) How similar issues have been handled with respect to other airports.
- (7) Facility preservation.

(8) Availability of visual guidance systems.

#### CHAPTER 473. AVIATION DEVELOPMENT GRANTS

##### § 473.2. Definitions.

The words and terms used in this chapter have the same meaning as they are given in § 471.2 (relating to definitions), unless the context clearly indicates otherwise.

##### § 473.3. Eligibility requirements and criteria.

(a) The minimum requirements and criteria for eligibility to apply for an aviation development grant is that the facility shall be an appropriately licensed public airport located in this Commonwealth and the applicant must be an eligible sponsor.

(b) The following are projects eligible for consideration of an offer of an aviation development grant:

- (1) Runway construction, including required safety areas.
- (2) Taxiway construction.
- (3) Runway overlays, rehabilitation or surface treatment.
- (4) Apron overlays, rehabilitation or surface treatment.
- (5) Taxiway overlays, rehabilitation or surface treatment.
- (6) Runway, taxiway and apron marking and lighting.
- (7) Aeronautical and airport beacons.
- (8) Runway identification and approach lighting.
- (9) Electronic and visual aids to aircraft navigation including weather reporting systems.
- (10) Wind indicator devices.
- (11) Removal, lighting and marking of obstructions.
- (12) Airport safety and security fencing.
- (13) Acquisition of land or interest therein for clear zone purposes.
- (14) Acquisition of land or easements for airport development.
- (15) Equipment and building, dedicated to aircraft rescue and firefighting purposes.
- (16) Equipment and equipment storage buildings dedicated to airport snow removal and ice control purposes.
- (17) Public areas of terminal buildings at scheduled passenger service airports.
- (18) Public use apron construction.
- (19) Necessary project/planning/environmental studies/engineering plans, specifications and cost estimates.
- (20) Airport planning, including, but not limited to master plans, noise and land use studies.
- (21) Airport access and service roads.
- (22) Pavement surface monitoring systems.
- (23) Other projects which, in the discretion of the Department, should be considered.

##### § 473.4. Limits of funding.

(a) *Federal aid projects.* The maximum grant to a sponsor may be up to 75% of the non-Federally funded eligible amount of the project.



(b) *Non-Federal aid projects.* The maximum grant to a sponsor for State participation projects will be flexible; however, State participation will not exceed 90% of the total project cost.

**§ 473.5. (Reserved).**

**§ 473.5a. Project selection process and criteria.**

(a) *Project selection.* Aviation development grants for projects on the 12 year plans and Airport Capital Improvement Programs (ACIPs) on file with and agreed to by the Bureau will be selected for consideration on an annual basis upon written request from sponsors.

(b) *Consideration.* Following the published closing date identified in § 473.5b (relating to important dates and notification procedure) or the receipt of applicable documentation, projects will be considered for funding for future fiscal years.

(c) *Incomplete documentation.* The Department may consider documentation for aviation development grants which is technically incomplete on the deadline identified in § 473.5b, but which will be made complete in a timely fashion. The decision to consider documentation which may be determined incomplete on the documentation deadline is made at the sole discretion of the Bureau.

(d) *Review process.* In evaluating the documentation, the Department may establish internal review procedures, review committees or other administrative mechanisms sufficient to handle the responsibilities of these programs. The Department will maintain an ongoing record of the specific review mechanisms used for the consideration of the documentation and to make available to applicants an outline of the current applicable internal review procedures.

(e) *Review by Bureau.* The Bureau will review and evaluate submitted documentation with respect to applicable criteria for project funding, available funds, current priorities for development of the airport and significant environmental or economic factors.

(f) *Criteria used in review.* In considering submitted documentation, the Bureau will give weight and consideration to the following criteria:

- (1) Improvement of the safety of airport operations.
- (2) The effects of the project on both the overall airport system and the local airport.
- (3) The impact of the project on the area surrounding the airport.
- (4) Availability of local funds for airport development.
- (5) The capture of Federal funds for airport development.
- (6) Current policy of the Commonwealth on transportation improvements and economic development.
- (7) Current and future demand for passenger service, based on itinerant aircraft and freight services.
- (8) Assurance that there is a viable network and reasonable distribution of services and safe facilities throughout this Commonwealth.
- (9) The extent to which the project would contribute to the welfare of the citizens of this Commonwealth.

(g) *Additional considerations.* In consideration of the various criteria applicable to the review of submitted documentation, the Bureau will also evaluate criteria in a manner which takes into account unique or special factors at any airport and emergency situations. Factors

making an airport unique from others may include the character of the market it serves, the type and use of based aircraft, the current or future role of the airport, nearby facilities offering similar services or other significant elements contributing to the character or utilization of the facility.

**§ 473.5b. Important dates and notification procedure.**

(a) The Bureau will publish annual critical dates for the upcoming calendar year in the first publication of the *Pennsylvania Bulletin* of the calendar year preceding the upcoming fiscal year. Additionally, the Bureau will provide direct notification to current sponsors.

(b) Documentation for aviation development grants is considered on an annual basis. From the completed planning documents on file for a given fiscal year, July 1 to June 30, projects will be selected for grants.

(c) Documents on file, but incomplete, may be excluded from consideration for grants in that fiscal year. The deadlines for submission of aviation development grant related documentation for a given fiscal year is the close of business of the published date (4:30 pm Eastern Time).

(d) The sponsor will receive a letter of intent for projects selected as described in § 473.9 (relating to offer and acceptance of an aviation development grant), which will authorize the sponsor to proceed with project formulation described in § 473.6a (relating to project execution).

(e) The Department will send a written conditional offer for a grant to a sponsor for a selected project in accordance with § 473.9.

**§ 473.6. (Reserved).**

**§ 473.6a. Project execution.**

(a) Upon receipt of a letter of intent in accordance with § 473.9 (relating to offer and acceptance of an aviation development grant), a sponsor may proceed with project formulation and the applicable plans, specifications, procurement of the necessary contracting services and other work necessary pursuant to the future phases of the project.

(1) If the intended project is an airport master planning, environmental planning or related planning study, or both, the applicant shall:

(i) Engage a professional planner or engineer, or both, with appropriate experience in the particular planning area to accomplish the planning study and related work items as required.

(ii) Provide required documentation including, but not limited to, the scope of services, objectives, work schedule, detailed cost schedule and contract documents required for Department review and approval prior to granting of funds.

(2) If the intended project is land acquisition or interest therein, or both, the applicant shall:

(i) Engage a professional engineer or surveyor registered in this Commonwealth to prepare a property map and provide legal descriptions prior to negotiations.

(ii) Provide other necessary maps, reports, environmental documentation and cost estimates as may be required for Department review and approval prior to the granting of funds.

(3) If the intended project is construction or facility modification, the applicant shall:

(i) Engage a professional engineer registered in this Commonwealth to prepare detailed construction plans and specifications and to provide construction engineering, inspection and material testing as required.

(ii) Provide certified maps, reports, detailed construction plans, specifications and contract documents as may be required for Department review and approval prior to granting of funds.

(4) If the intended project is an equipment procurement—ARFF or Snow Removal—the applicant shall:

(i) Prepare detailed procurement specifications.

(ii) Provide reports, detailed procurement specifications, contract documents and cost estimates as may be required for Department review and approval prior to granting funds.

(b) At the request of the Bureau, the sponsor shall submit:

(1) Estimated cost—by item quantity and unit cost item extended to total cost.

(2) A copy of approved airport layout plan.

(3) A copy of environmental finding.

(4) A copy of airspace determination.

(5) A copy of the Sponsor's Certification—if required by the Bureau.

(6) Other materials or information, or both, deemed necessary by the Department.

#### § 473.7. Public records.

An application for an aviation development grant made under this chapter is considered a document of public record at the time of filing, and will be made available to persons for inspection.

#### § 473.8. (Reserved).

#### § 473.9. Offer and acceptance of an aviation development grant.

(a) The Department will send a written conditional offer to a sponsor whose application has been approved. The Department's conditional offer may provide funding, in accordance with the limitations of § 473.4(b) (relating to limits of funding), for an entire eligible project as proposed, or for only a portion of an eligible project.

(b) Upon receipt of a conditional offer from the Department, a sponsor shall, within the time set forth in the conditional offer execute and submit the grant agreement.

(1) Failure of a sponsor to indicate acceptance of the terms of the grant agreement within the specified response period, will be considered as a rejection of the final offer.

(2) Acceptance of the grant agreement is not binding on a sponsor or the Department until the documents are fully executed between the Department and the sponsor.

(3) Neither the offer nor the acceptance of a grant under this chapter relieves the sponsor/grantee from compliance with local zoning or other municipal requirements.

(c) Unless otherwise restricted by statute, the Department has absolute discretion in the selection of projects and in the determination of funding levels, priorities, critical project selection criteria, project phasing, project design and specifications and performance criteria.

(d) In the consideration of the documentation provided, the Department may determine that a proposed project should be amended to accommodate available funding, applicable airport design criteria, anticipated use or to better accommodate potential user needs. The Department may offer an aviation development grant for a project whose specifications, terms, or scope have been modified by the Department.

(e) In the event that the Department confers with a sponsor to amend a proposed project, the sponsor understands that consultation and amendment does not insure that an offer will be made.

#### § 473.13. Payment procedures.

Unless otherwise specified by the Department, the following general procedures are to be used for funds from an aviation development grant:

(1) Prior to disbursement of funds, the Department reserves the right to conduct site inspections and test, or to review and audit records or accounts to validate, to the satisfaction of the Department, that disbursement of funds is warranted.

(2) A sponsor, having received payment or partial payment or reimbursement under an aviation development grant, shall make payments, within 30 calendar days from receipt of funds, to vendors and contractors for services and materials properly invoiced under the applicable project.

(3) A sponsor shall forward requests for payment to the Department on the forms provided. A request must include submission of actual cost documentation, consisting of approved contract estimates of work-in-place, approved invoices or other evidence of incurred costs, satisfactory to the Department. The final 10% of the total payment may not be paid by the sponsor until final inspection and approval of the project by the Department.

(4) Payment requests shall be limited to monthly submissions. The Bureau may request additional submissions to facilitate the end of year and grant closeout requirements.

### CHAPTER 477. LOCAL REAL ESTATE TAX REIMBURSEMENT GRANTS

#### § 477.2. Definitions.

The words and terms used in this chapter have the same meaning as they are given in § 471.2 (relating to definitions), unless the context clearly indicates otherwise.

### CHAPTER 479. OBSTRUCTION TO AIRCRAFT

#### § 479.2. Definitions.

The words and terms used in this chapter have the same meaning as they are given in § 471.2 (relating to definitions), unless the context clearly indicates otherwise.

[Pa.B. Doc. No. 10-2048. Filed for public inspection October 29, 2010, 9:00 a.m.]

# NOTICES

## CAPITOL PRESERVATION COMMITTEE

### Request for Proposals

**CPC 01.130: Mercer Tile Preservation Maintenance.** This project involves the following: cyclical cleaning and routine maintenance of the first floor Mercer Tile areas, marble base and saddles, second floor marble floor areas, elevator terrazzo floors and metal saddles and miscellaneous bronze items in the Main Capitol Building. Specific task sets will be scheduled on a biweekly (each 2-week period) and special tasks on a yearly basis. A \$100 deposit is required for issuance of project documents. Issue date of proposal will be on November 1, 2010. A mandatory preproposal conference and walk through will be held on November 9, 2010, in Room 630 of the Main Capitol at 10 a.m. Proposal receipt date is November 17, 2010, 2 p.m. Project documents may be obtained in Room 630 Main Capitol Building, Harrisburg, PA or by contacting Tara Pyle (717) 783-6484.

DAVID L. CRAIG,  
*Executive Director*

[Pa.B. Doc. No. 10-2049. Filed for public inspection October 29, 2010, 9:00 a.m.]

## DEPARTMENT OF AGING

### Redesignation of Area Agency on Aging for Clarion County; Notice of Intent and Public Hearing

The Secretary of the Department of Aging (Department), under authority of Sections 2201-A—2212-A of The Administrative Code of 1929 (71 P.S. §§ 581-1—581-12), in conformity with the Older Americans Act of 1965 (42 U.S.C.A. §§ 3001—3058ee) and in accordance with 6 Pa. Code Chapter 30 (relating to designation and redesignation of area agencies on aging), intends to redesignate an Area Agency on Aging for Planning and Service Area (PSA) Number 49, which has the same boundaries as Clarion County.

On July 16, 2010, the Department received a formal request from the Chair of the Office of Commissioners for Clarion County to redesignate the Area Agency on Aging from its current public designation to a nonprofit organization. The Board of Commissioners unanimously approved a resolution in favor of this request at its June 22, 2010, meeting. The Advisory Council for the Clarion

County Area Agency on Aging voted unanimously to endorse the redesignation at its June 14, 2010, meeting.

This notice of intent to redesignate the Area Agency on Aging is issued to initiate a review of the requested action. The Department seeks additional information from all concerned parties, including the residents of Clarion County. The Department is required under 45 CFR Part 1321 (relating to state and community programs on aging) and 6 Pa. Code Chapter 30, to hold a public hearing on this proposed action. The Department will hold a public hearing in Clarion County to provide interested parties an opportunity to present testimony on the following issues:

(1) The effectiveness of services for older persons being provided under the administration of the current Area Agency on Aging.

(2) The basis for naming a new nonprofit agency to administer those services.

(3) The qualifications and capabilities of the intended nonprofit agency to develop and carry out an effective area plan for older persons in the PSA.

(4) The continuing appropriateness of the PSA boundaries based on demographic, economic and geographic factors.

(5) The potential positive and negative effects of redesignation on agency personnel, older adults in the PSA, and the costs and quality of agency services.

In conjunction with its consideration of public testimony, the Department will be reviewing the current Area Agency on Aging's overall compliance with Departmental policy and service goals, as the Agency on Aging has asserted that its anticipated operations as a nonprofit agency will be comparable to its current operations.

A public hearing will be held on Wednesday, December 1, 2010, at 3 p.m., in the Main Street Center, 516 Main Street, Clarion, PA 16214.

Persons who wish to present oral testimony at the hearing regarding these issues are asked to notify Stephanie Wilshire, Director, Clarion County Area Agency on Aging, 12 Grant Street, Clarion, PA 16214, (814) 226-4640 or fax (814) 226-6744, in advance of the hearing.

The Department will also accept written testimony on these issues until December 2, 2010, from interested parties who are unable to attend the hearing or present oral testimony. Written testimony should be mailed to Secretary John Michael Hall, Department of Aging, 555 Walnut Street, 5th Floor, Harrisburg, PA 17101-1919.

JOHN MICHAEL HALL,  
*Secretary*

[Pa.B. Doc. No. 10-2050. Filed for public inspection October 29, 2010, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

This Notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges, or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges related to 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 (CAFOs) (hereinafter referred to as "applications"). This Notice is provided in accordance with regulations at 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of the Pennsylvania Clean Streams Law, 35 P. S. §§ 691.1 *et seq.*, and the federal Clean Water Act, 33 USCA §§ 1251 *et seq.*

<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 listed in Section I, the Department of Environmental Protection (Department) has made a tentative determination to re-issue 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 listed in Section II, as well as applications for MS4 Individual Permits, and Individual Stormwater Construction Permits listed in Sections IV and VI, the Department, based upon preliminary reviews, has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

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

Persons wishing to comment on any of these NPDES applications are invited to submit a statement to the contact office noted above the application, within 30 days from the date of this public notice. Persons wishing to comment on any WQM permit application are invited to submit a statement, to the office noted above 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. All comment submittals 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 a public hearing on applications, and 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 any public hearings are held.

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

#### I. NPDES Renewal Applications

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

**PA0060135**, Sewage, SIC Code 4952, **Shickshinny Borough Sanitary Sewer Authority**, PO Box 62, Shickshinny, PA 18655. Facility Name: Shickshinny Sanitary Authority. This existing facility is located in Shickshinny Borough, **Luzerne 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), Susquehanna River, is located in State Water Plan watershed 5-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.45 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	1.0	XXX	2.0
CBOD5	94	150	XXX	25	40	50
Total Suspended Solids	113	169	XXX	30	45	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX
May 1 - Sep 30				Geo Mean		
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	2000	XXX	XXX
Oct 1 - Apr 30				Geo Mean		

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

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia---N	Report			Report	
Kjeldahl---N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	8,219			
Net Total Phosphorus	Report	1,096			

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2013. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR - Annual Nutrient Summary by November 28, 2014. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2014.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR-Annual Nutrient Summary by November 28, 2014.

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

The EPA Waiver is not in effect.

**PA0064025**, Sewage, SIC Code 4952, **KBM Regional Authority**, PO Box 55, McAdoo, PA 18237-55. Facility Name: KBM Region Authority. This existing facility is located in Kline Township, **Schuylkill 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, Catawissa Creek, is located in State Water Plan watershed 05E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.7 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	.46	XXX	1.1
CBOD5	146	234	XXX	25	40	50
Total Suspended Solids	175	263	XXX	30	45	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX
May 1 - Sep 30				Geo Mean		

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	XXX
Ammonia-Nitrogen May 1 - Oct 31	54	XXX	XXX	9.3	XXX	18.6

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

<i>Parameters</i>	<i>Mass (lbs)</i>			<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Ammonia---N	Report	Report		Report	
Kjeldahl--N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	13,637			
Net Total Phosphorus	Report	1,705			

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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

- none

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

The EPA Waiver is not in effect.

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*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>
PA0247651 (Stormwater)	United Parcel Service, Inc.— Lewistown Facility 1821 S. 19th Street Harrisburg, PA 17104	Mifflin County / Armagh Township	UNT Tea Creek / HQ / 12-A	Y
PA0084247 (SEW)	Nexans, Inc.—Berk Tek 132 White Oak Road New Holland, PA 17557	Lancaster County / East Earl Township	UNT Conestoga River / 7J	Y

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*Northcentral Region: Water Management 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>
PA0228320 (Sewage)	Davidson Township Municipal Authority Wastewater Treatment Plant 32 Michelle Road Sonestown, PA 17758-5358	Sullivan County Davidson Township	Muncy Creek (10-D)	Y
PA0113956 (Sewage)	Locust Township E Lake Glory Road Catawissa, PA 17820	Columbia County Locust Township	Unnamed Tributary of Roaring Creek (5-E)	Y
PA0228273 (Sewage)	Numidia WWTP 1223a Numidia Drive Catawissa, PA 17820-8632	Columbia County Locust Township	Unnamed Tributary of Roaring Creek (5-E)	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed#)	EPA Waived Y/N ?
PA01101273	B.H.B. Industries 133 Railroad Street Cambridge Springs, PA 16403-1060	Crawford County Cambridge Springs Borough	French Creek 16-A	Y

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

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

**PA0031887**, Sewage, SIC Code 6515, **Green Hill MHC LLC**, PO Box 677, Morgantown, PA 19543. Facility Name: Green Hill MHP. This existing facility is located in Marlborough Township, **Montgomery 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), Perkiomen Creek, is located in State Water Plan watershed 3-E and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.03 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Inst. 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	5.0 Min	XXX	XXX	XXX
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	1000
				Geo Mean		
Ammonia-Nitrogen	XXX	XXX	XXX	2.0	XXX	4.0
Total Phosphorus	0.13	XXX	XXX	0.5	XXX	1.0

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

- Operation and Maintenance Plan
- Operator 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 in effect.

**PA0053546**, Sewage, SIC Code 8811, **Dzedzy Frank**, 412 Lincoln Road, Phoenixville, PA 19460-2112. Facility Name: Dzedzy SRSTP. This existing facility is located in East Pikeland 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), Pickering Creek, is located in State Water Plan watershed 3-D and is classified for High Quality Waters - Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	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
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	Report
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
May 1 - Oct 31						
CBOD <sub>5</sub>	XXX	XXX	XXX	20.0	XXX	40.0
Nov 1 - Apr 30						
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Ammonia-Nitrogen May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4.0
Ammonia-Nitrogen Nov 1 - Apr 30	XXX	XXX	XXX	6.0	XXX	12.0

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

1. AMMR to DEP
2. Abandon STP
3. No storm water
4. Remedial Measures
5. Change of Ownership
6. Sewage Sludge Disposal
7. Necessary Property Rights

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.

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

**PA0025399**, Sewage, SIC Code 4952, **Christiana Borough Lancaster County**, 10 W Slokum Avenue, Christiana, PA 17509-1602. Facility Name: Christiana STP. This existing facility is located in West Sadsbury Township, **Lancaster County**.

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

The receiving stream(s), East Branch Octoraro Creek, is located in State Water Plan watershed 7-K and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.25 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD5	52	83 Wkly Avg	XXX	25	40	50
BOD5	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	63	94 Wkly Avg	XXX	30	45	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX
May 1 - Sep 30				Geo Mean		
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	2,000	XXX	XXX
Oct 1 - Apr 30				Geo Mean		
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	XXX	XXX	XXX
Total Mo						
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	XXX	XXX	XXX
Total Mo						
Total Nitrogen	XXX	Total Annual	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (lbs/mo)		Report				
May 1 - Oct 31	35	Total Annual	XXX	17	XXX	34



<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Ammonia-Nitrogen Nov 1 - Apr 30	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus (lbs/mo)	4.2	XXX	XXX	2.0	XXX	4.0
Total Phosphorus	Report	Report	XXX	XXX	XXX	XXX
Total Phosphorus	Total Mo	Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	Report Total Annual	XXX	XXX	XXX	XXX

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

The EPA Waiver is in effect.

**PA0080438**, Sewage, SIC Code 4952, **Northern Lancaster County Authority**, 983 Beam Road, Denver, PA 17517-8946. Facility Name: Northern Lancaster County Authority Beam Road STP. This existing facility is located in Brecknock Township, **Lancaster County**.

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

The receiving stream(s), Muddy Creek, is located in State Water Plan watershed 7-J and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.45 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (Interim)	XXX	XXX	XXX	0.5	XXX	1.6
CBOD5 May 1 - Oct 31	75	113	XXX	20	30	40
CBOD5 Nov 1 - Apr 30	94	150	XXX	25	40	50
BOD5 Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	113	169	XXX	30	45	60
Fecal Coliform (CFU/100 ml) May 1 - Sep 30	XXX	XXX	XXX	200	XXX	XXX
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2000	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Nitrogen Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen Effluent Net (Interim)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Nitrogen Effluent Net (Final)	XXX	8,219 Total Annual	XXX	XXX	XXX	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Ammonia-Nitrogen May 1 - Oct 31	21	XXX	XXX	5.5	XXX	11
Ammonia-Nitrogen Nov 1 - Apr 30	62	XXX	XXX	16.5	XXX	33
Ammonia-Nitrogen	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	7.5	XXX	XXX	2.0	XXX	4.0
Total Phosphorus	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus Effluent Net (Interim)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus Effluent Net (Final)	XXX	1,096 Total Annual	XXX	XXX	XXX	XXX

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

The EPA Waiver is in effect.

**PA0038920**, Sewage, SIC Code 4952, **Burnham Borough Authority**, 200 1st Avenue, Burnham, PA 17009-1640. Facility Name: Burnham Borough STP. This existing facility is located in Burnham Borough, **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(s), Hungry Run and Kishacoquillas Creek, is located in State Water Plan watershed - and 12-A and is classified for High Quality Waters - Cold Water Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.64 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (Interim)	XXX	XXX	XXX	1.5	XXX	2.5
Total Residual Chlorine (Final)	XXX	XXX	XXX	0.5	XXX	1.6
CBOD5	188	300	XXX	25	40	50
BOD5	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent Total Suspended Solids	225	338	XXX	30	45	60
Fecal Coliform (CFU/100 ml) May 1 - Sep 30	XXX	XXX	XXX	200	XXX	XXX
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report Total Mo	XXX	XXX	XXX	XXX	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Total Nitrogen	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Nitrogen Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen Effluent Net (Interim)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Nitrogen Effluent Net (Final)	XXX	11,689 Total Annual	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report XXX	XXX	50 XXX
Ammonia-Nitrogen	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report XXX	XXX	XXX
Total Kjeldahl Nitrogen	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report XXX	XXX	4.0 XXX
Total Phosphorus	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus Effluent Net (Interim)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus Effluent Net (Final)	XXX	1,559 Total Annual	XXX	XXX	XXX	XXX

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

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

The EPA Waiver is in effect.

**PA0026620**, Sewage, SIC Code 4952, **Millersville Borough Lancaster County**, 10 Colonial Drive, Millersville, PA 17551-1416. Facility Name: Millersville STP. This existing facility is located in Manor Township, **Lancaster County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 1.85 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD5	386	617	XXX	25	40	50
BOD5	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	463	694	XXX	30	45	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX
May 1 - Sep 30				Geo Mean		
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	2000	XXX	XXX
Oct 1 - Apr 30				Geo Mean		
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Total Nitrogen	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Nitrogen Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen Effluent Net (Interim)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Nitrogen Effluent Net (Final)	XXX	33,790 Total Annual	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report XXX	XXX	XXX
Ammonia-Nitrogen	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report XXX	XXX	XXX
Total Kjeldahl Nitrogen	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	31	XXX	XXX	2.0	XXX	4.0
Total Phosphorus	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus Effluent Net (Interim)	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus Effluent Net (Final)	XXX	4,505 Total Annual	XXX	XXX	XXX	XXX

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

The EPA Waiver is not in effect.

### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

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

**WQM Permit No. 0410404**, Sewerage, **Family Guidance, Inc.**, 307 Duff Road, Sewickley, PA 15143

This proposed facility is located in Hanover Township, **Beaver County**

Description of Proposed Action/Activity: Application for the construction and operation of a sewage treatment facility.

### IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

### V. Applications for NPDES Waiver Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1504052-R	B.K. Campbell 402 Bayard Road, Ste 100 Kennett Square, PA 10348	Chester	New London and Franklin Townships	Big Elk Creek (HQ-TSF-MF)
PAI01 1505075-R	Southern Properties, Inc. 55 Country Club Drive, Ste 200 Downingtown, PA 19335	Chester	Caln Township	Unnamed Tributary Valley Creek (CWF)
PAI01 151029	The Hankin Group 707 Eagleview Boulevard PO Box 562 Exton, PA 19341	Chester	Uwchlan Township	Shamona Creek (HQ-TSF-MF)

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01151030	RE at Jennersville 217 West Sickle Street Kennett Square, PA 19348	Chester	Penn Township	East Branch Big Elk Creek (HQ-TSF-MF)
<i>Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes Barre, PA 18711-0790</i>				
<i>Monroe Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360 570-629-3060</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024510010	Robert L. Weseloh Seven Bridge Rd. RR #5, Box 5348 E. Stroudsburg, PA 18301	Monroe	Hamilton Twp.	UNT Appenrell Creek (HQ-CWF, MF)
PAI024505001-R	Jim Schlier PO Box 471 Tannersville, PA 18372	Monroe	Pocono Twp.	Scot Run (HQ-CWF, MF)
<i>Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI035010002	A.C. Kuhn & Sons	Perry	Jackson Township & Southwest Madison Township	Bixler Run-UNT to Shermans Creek/CWF-HQ
<i>Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701</i>				
<i>Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041406001R	Garen Smith Grove Park Associates, Inc. PO Box 870 Boalsburg, PA 16827	Centre	Benner Township	Buffalo Run HQ-CWF
PAI041410007	Mark Kunkle Ferguson Township 3147 Research Drive State College, PA 16801	Centre	Ferguson Township	Slab Cabin Run CWF-MF Spruce Creek HQ-CWF-MF
<i>Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.</i>				
<i>Somerset County Conservation District, 6024 Glades Pike, Suite 103, Somerset, PA 15501 (814-445-4652).</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055610002	CSX Transportation, Inc. 500 Water Street J-275 Jacksonville, FL 32202-4423	Somerset	Lower Turkeyfoot Township	Casselman River (WWF)
PAI055610003	CSX Transportation, Inc. 500 Water Street J-275 Jacksonville, FL 32202-4423	Somerset	Upper Turkeyfoot Township	Casselman River (WWF)
<i>Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481</i>				
<i>Elk County Conservation District, Elk Courthouse Annex, 300 Center St. PO Box 448, Ridgway PA 15853. Phone: 814-776-5373</i>				
<i>NPDES Application No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI 0624 10 002	Kevin R. Kline PADOT Eng District 2-0 1924 Daisy Street Extension Clearfield PA 16830-3226	Elk	Jones Township	Wilson Run CWF and EV Wetland

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


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PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

## PUBLIC WATER SUPPLY (PWS) PERMIT

Pursuant to the Pennsylvania Safe Drinking Water Act, the following parties have applied for a public water supply permit to construct or substantially modify a public water system.

Persons wishing to comment on the permit application are invited to submit a statement to the office listed above 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 this application. Comment responses should include the name, address, and telephone number of the writer and a concise statement to inform the Department of the exact basis of 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 any related documents are on file at the office listed above the application and available for public review. Arrangements for inspection and copying information should be made with the office listed above 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 above the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1-800-654-5984.

### SAFE DRINKING WATER

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

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

##### Application No. 3910515, Public Water Supply.

Applicant	<b>Municipal Authority of Coopersburg</b> 403 East Fairview St. Coopersburg, Pa 18036
[Township or Borough]	Coopersburg Borough, <b>Lehigh Co.</b>
Responsible Official	Ed Gruver, Chariman
Type of Facility	Public Water System
Consulting Engineer	Harry E. Garman, P.E. Barry Isett & Associates PO Box 147 Trexlerstown, Pa
Application Received Date	9/14/10

Description of Action	The installation of corrosion control treatment for wells 2 and 4. The construction of a contact pipeline for the combined flows of wells 2 and 4. The demonstration of log 4 disinfection meeting the groundwater rule at wells 2,3, and 4.
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##### Application No. 2640048, Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b>
[Township or Borough]	Paupack & Lake Townships <b>Wayne County</b>
Responsible Official	Michael Pickel Aqua Pennsylvania, Inc. 762 Lancaster Avenue Bryn Mawr, PA 19010 570-647-0358
Type of Facility	Community Water System
Consulting Engineer	Douglas E. Berg, PE Entech Engineering, Inc. 4 South 4th Street P. O. Box 32 Reading, PA 19603 610-645-4207
Application Received Date	September 27, 2010

Description of Action	Application for transfer of the PWS operation permit for Paupackan Lake community water system from Paupackan Lake Association to Aqua Pennsylvania, Inc.
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### MINOR AMENDMENT

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

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

##### Application No. 4810506MA, Minor Amendment.

Applicant	<b>Bath Borough Authority</b> 160 Mill St Bath, Pa
[Township or Borough]	Bath Borough, <b>Northampton Co</b>
Responsible Official	George F. Gasper, Chairman
Type of Facility	Public Water System
Consulting Engineer	Harry E. Garman P.E Barry Isett & Associates Inc. PO Box 147 Trexlerstown, Pa
Application Received Date	10/1/10
Description of Action	The addition of pipeline for contact time and the demonstration of log 4 disinfection to meet the groundwater rule at the Smith St, Allen St and Holiday Hill wells.

**Application No. 3910513MA**

Applicant **Lehigh County Authority**  
 [Township or Borough] Allentown City  
**Lehigh County**

Responsible Official John Parsons, Mgr.  
 Program Development  
 City of Allentown—Bureau of  
 Water Resources  
 1300 Martin Luther King Drive  
 Allentown, PA 18102

Type of Facility Community Water System

Consulting Engineer Harry E. Garman, PE  
 Barry Isett & Associates  
 P. O. Box 147  
 Trexlertown, PA 18087-0147  
 610-398-0904

Application Received Date September 22, 2010

Description of Action Application for installing baffles  
 in the water filtration plant's old  
 clearwell which now serves as a  
 chlorine contact tank for Crystal  
 Springs.

**Application No. 3910514MA**

Applicant **Lehigh County Authority**  
 [Township or Borough] Upper Macungie Township  
**Lehigh County**

Responsible Official Aurel M. Arndt,  
 General Manager  
 Lehigh County Authority  
 1053 Spruce Street  
 P. O. Box 3348  
 Allentown, PA 18106-0348  
 610-398-2503

Type of Facility Community Water System

Consulting Engineer NA

Application Received Date October 1, 2010

Description of Action Application for construction of a  
 24 inch diameter interconnecting  
 line between the City of  
 Allentown distribution system to  
 the Lehigh County Authority  
 distribution system. The line will  
 begin in Allentown at the  
 intersection of 26th and Chew  
 Streets and terminate adjacent  
 an LCA pump station along  
 Schantz Road.

**Application No. 3910516MA, Public Water Supply.**

Applicant **Lehigh County Authority**  
 [Township or Borough] Lower & Upper Macungie  
 Townships  
**Lehigh County**

Responsible Official Aurel M. Arndt,  
 General Manager  
 Lehigh County Authority  
 1053 Spruce Street  
 P. O. Box 3348  
 Allentown, PA 18106

Type of Facility Community Water System

Consulting Engineer Harry E. Garman,  
 PE Barry Isett & Associates  
 P. O. Box 147  
 Trexlertown, PA 18087-0147  
 610-398-0904

Application Received Date October 1, 2010

Description of Action Application for replacement of a  
 buried chlorine contact tank.

**Application No. 6410504MA**

Applicant **Aqua Pennsylvania, Inc.**  
 [Township or Borough] Hawley Borough  
**Wayne County**

Responsible Official Steve Clark, Honesdale  
 Div. Manager

Type of Facility Community Water System

Consulting Engineer Douglas E. Berg, PE  
 Entech Engineering, Inc.  
 4 South 4th Street  
 P. O. Box 32  
 Reading, PA 19603  
 610-645-4207

Application Received Date October 12, 2010

Description of Action Application for installation of a  
 chlorine analyzer and recorder at  
 each well site and construction  
 additional conveyance piping to  
 achieve compliance with 4-log  
 disinfection of viruses at the  
 Hawley CWS.

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

**Application No. 0410512GWR, Minor Amendment.**

Applicant **Center Township  
 Water Authority,**  
 224 Center Grange Road,  
 Aliquippa, PA 15001

[Township or Borough] Center Township

Responsible Official Steve Gulla, Plant Operator  
 Center Township  
 Water Authority,  
 224 Center Grange Road,  
 Aliquippa, PA 15001

Type of Facility

Consulting Engineer Lennon, Smith,  
 Souleret Engineering, Inc.,  
 846 Fourth Avenue  
 Coraopolis, PA 15108

Application Received Date September 29, 2010

Description of Action Demonstration of 4-log  
 treatment for groundwater  
 sources

**Application No. 0310509GWR, Minor Amendment.**

Applicant **Eastern Armstrong County  
 Municipal Authority**  
 147 Windy Ridge Lane  
 Elderton, PA 15736

[Township or Borough] Elderton

Responsible Official William Ferrier,  
Water Treatment  
Plant Operator  
Eastern Armstrong County  
Municipal Authority  
147 Windy Ridge Lane  
Elderton, PA 15736

## Type of Facility

Consulting Engineer Gibson-Thomas  
Engineering Co., Inc.  
1004 Ligonier Street  
PO Box 853  
Latrobe, PA 15650

Application Received Date October 1, 2010

Description of Action Demonstration of 4-log  
treatment for groundwater  
sources

**Application No. 5610519GWR, Minor Amendment.**

Applicant **Municipal Authority of  
the Borough of Berlin**  
700 North Street  
Berlin, PA 15530

[Township or Borough] Brothersvalley Township &  
Berlin Borough

Responsible Official Michael Brant, Water  
Plant Operator  
Municipal Authority of  
the Borough of Berlin  
700 North Street  
Berlin, PA 15530

## Type of Facility

Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
Somerset, PA 15501

Application Received Date October 14, 2010

Description of Action Demonstration of 4-log  
treatment for groundwater  
sources

**Application No. 0310507GWR, Minor Amendment.**

Applicant **Cowanshannock Municipal  
Authority**  
Box 127  
NuMine, PA 16244

[Township or Borough] Cowanshannock Township

Responsible Official George Wranich, Operator  
Cowanshannock Municipal  
Authority  
Box 127  
NuMine, PA 16244

Type of Facility Margaret water system

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
PO Box 200  
Indianola, PA 15051

Application Received Date October 1, 2010

Description of Action Demonstration of 4-log  
treatment for groundwater  
sources

**Application No. 0310507GWR, Minor Amendment.**

Applicant **Cowanshannock Municipal  
Authority**  
Box 127  
NuMine, PA 16244

[Township or Borough] Cowanshannock Township

Responsible Official George Wranich, Operator  
Cowanshannock Municipal  
Authority  
Box 127  
NuMine, PA 16244

Type of Facility Yatesboro NuMine water system

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
PO Box 200  
Indianola, PA 15051

Application Received Date October 1, 2010

Description of Action Demonstration of 4-log  
treatment for groundwater  
sources

**Application No. 0310511MA, Minor Amendment.**

Applicant **Cowanshannock Municipal  
Authority**  
Box 127  
NuMine, PA 16244

[Township or Borough] Cowanshannock Township

Responsible Official Dale Mazzarini, Chairwoman  
Cowanshannock Municipal  
Authority  
Box 127  
NuMine, PA 16244

Type of Facility Yatesboro water system

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
PO Box 200  
Indianola, PA 15051

Application Received Date October 1, 2010

Description of Action Installation of 16-inch diameter  
waterline to provide additional  
chlorine contact time.

**Application No. 0310510MA, Minor Amendment.**

Applicant **Cowanshannock Municipal  
Authority**  
Box 127  
NuMine, PA 16244

[Township or Borough] Cowanshannock Township

Responsible Official Dale Mazzarini, Chairwoman  
Cowanshannock Municipal  
Authority  
Box 127  
NuMine, PA 16244

Type of Facility Margaret water system

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
PO Box 200  
Indianola, PA 15051



Application Received    October 1, 2010  
Date

Description of Action    Installation of 12-inch diameter  
waterline to provide additional  
chlorine contact time.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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#### **Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908)**

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Sections 302, 303, 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any 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. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must 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 the cleanup standards, or who 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 any 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 site(s) identified below, 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 below. During this comment period the municipality may request that the person identified below, 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, please contact the Environmental Cleanup Program Manager in the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate

Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at 1-(800) 654-5984.

The Department of Environmental Protection has received the following Notice(s) of Intent to Remediate:

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

**Farmer's Valley Wax Plant Crude Tanks Area**, Keating Township, **McKean County**. URS Corporation, Foster Plaza 4, 501 Holiday Drive, Pittsburgh, PA 15220 on behalf of Pennzoil-Quaker State Company, One Shell Plaza, Room 687, 910 Louisiana, Houston TX 77002 has submitted a Notice of Intent to Remediate. The site once housed aboveground storage tanks containing crude oil. Site soil & groundwater contaminated with arsenic, bis[2-ethylhexyl]phthalate, 2-methylnaphthalene, aluminum, antimony, barium, beryllium, cadmium, calcium, caprolactam, chromium, cobalt, copper, diethyl phthalate, iron, lead, magnesium, manganese, mercury, methylcyclohexane, nickel, potassium, selenium, silver, sodium, thallium, vanadium, and zinc. The intended future use of the site is anticipated to remain industrial. The proposed cleanup standard for this site is Site-Specific. The Notice of Intent to Remediate was published in *The Bradford Era* on August 25, 2010.

**Walton Property**, East Mead Township, **Crawford County**. Environmental Coordination Services & Recycling, 3237 US Highway 19, Cochran, PA 16314 has submitted a Notice of Intent to Remediate. A fuel oil spill occurred in the basement of a house and fuel oil discharged to the basement floor and ground surface. The Notice of Intent to Remediate was published in *The Meadville Tribune* on September 17, 2010. Future use of the property will be residential. The proposed cleanup standard for the site is Statewide Health.

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

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**Application for Determination of Applicability 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/or the Beneficial Use of Municipal Waste.**

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*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401*

**General Permit Application No. WMGM027SE001. Green Resource Energy, LLC**, Tin 2 Building, North End, Berdis Boulevard, Keystone Industrial Port Complex, Fairless Hills PA 19030. This application is for a Determination of Applicability under the conditions of the existing General Permit WMGM027 for processing of non-recyclable waste materials to produce a solid fuel that will be beneficially used at industrial facility and utility power plants. Operation under this permit will be conducted inside the confines of an existing building within the facility. The Green Resource Energy, LLC, facility is located within the US Steel property in Falls Township, **Bucks County**. The application for determination of applicability was received by the Southeast Regional Office on August 26, 2010.

**AIR QUALITY**  
**PLAN APPROVAL AND OPERATING**  
**PERMIT APPLICATIONS**  
**NEW SOURCES AND MODIFICATIONS**

The Pennsylvania Department of Environmental Protection (DEP) 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 DEP, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

Notice is hereby given that DEP has received applications for plan approvals and/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 identified in this notice. Persons interested in reviewing the application files should contact the appropriate Regional Office to schedule an appointment.

Persons wishing to receive a copy of the proposed Plan Approval or Operating Permit must indicate their interest to the DEP Regional Office within 30 days of the date of this notice, and must file protests or comments on a Proposed Plan Approval or Operating Permit within 30 days of the DEP providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with DEP Regional Offices must 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 DEP 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 identified below. 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 through 143, the Federal Clean Air Act and regulations adopted under the Act.

**PLAN APPROVALS**

**Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

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

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

**15-0067H: Herr Foods, Inc.** (273 Old Baltimore Pike, Nottingham, PA 19362-0300) on October 1, 2010, submitted an application for installation of two (2) additional batch kettles on potato chip line No. 4 at their facility in West Nottingham Township, **Chester County**. Herr Foods, Inc. is a Synthetic Minor facility, operating under SMOP 15-00067. The additional kettles will increase production and have minimal emissions. The Plan Approval will contain monitoring, recordkeeping and operating restrictions designed to minimize emissions and 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*

**54-308-026: Sapa Extrusions, Inc.** (53 Pottsville Street, Cressona, PA 17929) for installation of two (2) new preheater furnaces at their site in Cressona Borough, **Schuylkill County**.

**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.**

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

*Contact: B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/15226*

**65-00101C: MAX Environmental Technologies, Inc.** (1815 Washington Road, Pittsburgh, PA 15241) to allow continued construction and initial temporary operation of an electric arc furnace dust (EAFD) treatment system and dust collector at their Yukon Facility in South Huntingdon Township, **Westmoreland County**.

In accordance with 25 PA Code §§ 127.44-46 the Department of Environmental Protection (DEP) intends to issue Air Quality Plan Approval: PA-65-00101C to allow the continued construction and initial temporary operation of an electric arc furnace dust (EAFD) treatment system and dust collector at the Yukon Facility located in South Huntingdon Township, Westmoreland County. The facility will treat a maximum of 357,000 tons of EAFD annually. Air contamination sources proposed at the facility include EAFD unloading and lime silo loading. Best available technology (BAT) for the proposed sources includes the incorporation of particulate matter (PM) and opacity emission limits, monitoring and recordkeeping requirements, and work practice standards from Title 25 of the Pennsylvania Code. BAT also includes the use of fabric filters to control PM emissions from EAFD unloading and lime storage silo loading. Potential emissions from the EAFD unloading and lime silo loading are estimated to be 0.31 tons of PM and 0.11 tons of particulate matter less than 10/2.5 microns in diameter (PM<sub>10</sub>/PM<sub>2.5</sub>) per year. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently apply for or amend their application for a State Only Operating Permit in accordance with Pa. Code Title 25 Subchapter F.

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 Alan Binder, Pennsylvania

Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed Plan Approval (specify the Plan Approval number).

Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

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

For additional information you may contact Alan Binder at 412-442-4168.

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

*Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940*

**62-163B: IA Construction Corporation** (158 Lindsay Road, Zelienople, PA 16063-2812) for a minor modification to plan approval 62-163A for installation of a cone crusher, screen and conveyor at their Garland Aggregate Plant on Route 27 in Pittsfield Township, **Warren County**.

Pursuant to 25 Pa. Code Sections 127.44(b) and 127.424(b), the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 62-163B to IA Construction Corporation for a minor modification to plan approval 62-163A. This modification is for the installation of a cone crusher, screen and conveyor at the Garland Aggregate Plant. The Plan Approval will subsequently be incorporated into a facility Operating Permit through an administrative amendment in accordance with 25 Pa. Code Section 127.450.

Plan Approval No. 62-163B is for the installation of a cone crusher, screen and conveyor. Based on the information provided by the applicant and DEP's own analysis, the combined subject sources will have the potential to emit approximately 31.88 tons of particulate matter (PM-10).

The Plan Approval will contain testing, recordkeeping, reporting, work practice and additional requirements designed to keep the facility operating within all applicable air quality requirements. Portions of the facility will also be subject to the Standards for Performance specified in 40 CFR Part 60, Subpart OOO, for Nonmetallic Mineral Processing Plants.

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

*Contact: Edward Braun, Chief—Telephone: 215-685-9476*

**AMS 09197: Chestnut Hill Hospital** (8835 Germantown Avenue, Philadelphia, PA 19118) for installation of two (2) 16.74 MMBTU/hr boilers burning #2 fuel oil or natural gas, two (2) 3 MMBTU/hr boilers burning #2 fuel oil or natural gas, and four (4) less than or equal to 450 kW emergency generators. The facility is restricted to 25 tons per year of Nitrogen Oxides (NO<sub>x</sub>) emissions. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

**V05-003: Plains Products Terminals LLC**—(6850 Essington Ave, Philadelphia, PA 19134)

The proposed changes require a significant operating permit modification under 25 PA Code Section 127.541. The proposed modification to the Title V Operating Permit include the following: (Underlined words are being added, ~~Strikethrough~~ words are being removed.)

(Based on the existing gasoline loading limit and the proposed distillate loading limit, the South Terminal has in the potential to emit 14.27 tpy of Total HAPs and 9.47 tpy of a Single HAP. This is below the 10/25 HAP limitation.)

1. The Permittee shall conduct annual Method 9 checks on Thermal Fluid Heater B while burning #6 oil to show compliance with visible emission limitations in C 3. (a) of this operating permit.

2. Monitoring:

Verification on a monthly basis that Thermal Fluid Heater B Nox emissions are less than the emission limit D1 (a) (3). NO<sub>x</sub> emissions shall be calculated based on AMS-approved performance tests, AP-42 emission factors, or other emission factors approved by AMS.

3. Recordkeeping:

Monthly fuel usage and NO<sub>x</sub> emissions per rolling 12-month period for Thermal Fluid Heater B. NO<sub>x</sub> emissions shall be calculated based on AMS-approved performance tests, AP-42 emission factors, or other emission factors approved by AMS.

4. Marine Loading

(1) Type and amount of organic material loaded.

(2) The Permittee shall provide verification on a quarterly basis that for each month HAP emissions from marine vessel loading are less than 10 tons per rolling 12-month period for any singular HAP and 25 tons per rolling 12-month period for total HAPs. Verification for the PTE for Marine Loading shall be based on using AP-42 Section 5.2 Transportation and Marketing of Petroleum Liquids and other AMS-approved emission factors.

5. Gasoline throughput at the South Terminal shall not exceed 960,000,000 gallons per rolling 12-month period. Distillates throughput at the South Terminal shall not exceed ~~40,000,000~~ 200,000,000 gallons per rolling 12-month period.

(The potential emission increase as a result of this increase throughput from 40,000,000 to 200,000,000 of distillates is 1.12 tons of VOC and an increase of 0.14 tons of HAPs.)

6. Each calendar month, the vapor collection system, the vapor processing system, and each loading rack handling gasoline shall be inspected during the loading of gasoline tank trucks for total organic compounds liquid or vapor leaks. For purposes of this paragraph, detection methods incorporating sight, sound, or smell are acceptable. Each detection of a leak shall be recorded and the source of the leak repaired within 15 calendar days after it is detected.[40 CFR 60.502 (j)]

7. The VRU shall be operated in accordance with the CEMs and MACT standards

8. The VRU shall be operated during all loading of gasoline at the South Terminal loading rack

(Loading the low vapor pressure of distillate oil does not require controls under AMR V, 25 Code 129.59 or MACT Subpart Y and the potential emissions from distillate loading are 1.4 tons VOC.)

9. (e) Group 04- Truck Loading

(1) Each owner or operator of a bulk gasoline terminal or pipeline breakout station shall submit a excess emissions report to AMS. The following occurrences are excess emission events and the following information shall be included in the excess emissions report.

(i) Each exceedance or failure to maintain the monitoring operating parameters under 40 CFR 63.425(b). The report shall include the monitoring data for the days on which exceedances or failures to maintain have occurred and a description and timing of the steps taken to repair or perform maintenance on the vapor collection and processing systems or the CMS.

(ii) Each instance of a nonvapor-tight gasoline cargo tank loading at the facility in which the owner or operator failed to take the steps to assure that such cargo tank would not be reloaded at the facility before vapor tightness documentation for that cargo tank was obtained.

(iii) Each reloading of a nonvapor tight gasoline cargo tank at the facility before vapor tightness documentation for the cargo tank is obtained. By the facility in accordance with 40 CFR 63.422 (c)(2)

(iv) For each occurrence of an equipment leak for which no repair attempt was made within 5 days or for which repair was not completed within 15 days after detection.

- (1) The date on which the leak was detected.
- (2) The date of each attempt to repair the leak
- (3) The reasons for the delay of repair
- (4) The date of successful repair

Additionally,

10. The CAM plan was removed for the Vapor Recovery Unit (VRU). Since it was only required because the VRU was used to comply with the 10/25 tpy HAP limits at the South Terminal. The CAM Plan for the VRU is no longer required under the CAM applicability Requirements of 40 CFR 64.2.

11. The CAM plan for the Vapor Incinerator was removed. It was required because the Vapor Incinerator was used to comply with the barge cleaning VOC emission limits. The CAM Plan for the Vapor Incinerator is no longer required under the CAM applicability Requirements of 40 CFR 64.2.

12. Thermal Fluid Heater A removed from Table A1-Facility Inventory list and all associated conditions because it is no longer in operation.

13. Truck loading Rack 1,895,810 kgal/yr of mogas, distillate and additive from Table A1-Facility Inventory was removed. No longer in operation.

14. In Table A1-Facility Vapor Incinerator was moved from Combustion Units to Control Devices Section.

15. The Barge Cleaning Operation sections removed from Table A1-Facility Inventory List and all associated conditions including VOC emission limits because it is no longer in operation.

Persons wishing to file protest, comment or request a public hearing on the above operating permit must submit the request for public hearing by 4:30 PM on 11/30/2010. 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.

If requested, there will be a public hearing at the Spelman Building, 321 University Ave, 1st floor conference room, Philadelphia PA 19104 at 6:00 PM on December 15, 2010. If anyone has questions about the hearing they can contact Ramesh Mahadevan 215-685-9497 for further clarification.

### OPERATING PERMITS

#### **Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

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

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

**48-00003: Keystone Cement Co.** (PO Box A, Bath, PA 18014-0058) a renewal Title V Operating Permit for a Portland Cement manufacturing facility in East Allen Township, **Northampton County**. The facility is considered a major stationary source subject to Title V Operating Permit requirements adopted in 25 Pa. Code 127, Subchapter G. Emissions sources at facility are in the quarrying, raw mill, calcining, clinker production, finish mill, packing, fossil fuel, and boiler areas. The proposed Title V Operating Permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

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

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

**17-00001: RRI Energy Mid-Atlantic Power Holdings, LLC** (121 Champion Way, Suite 200, Canonsburg, PA 15317) for renewal of the Title V Operating Permit for their Shawville Generating Station in Bradford Township, **Clearfield County**. The facility is currently operating under TVOP 17-00001, which was issued November 7, 2000. The facility's sources include four (4) utility boilers, 15 space heaters, seven (7) internal combustion units, two (2) parts washers, and miscellaneous fugitive emission sources of minor significance. The facility has the potential to emit major quantities of SO<sub>x</sub>, NO<sub>x</sub>, CO, PM (PM<sub>10</sub> and PM<sub>2.5</sub>), VOCs, individual HAPs, and combined HAPs. The proposed Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

**18-00004: Armstrong World Industries, Inc.** (325 Eagle Valley Road, Beech Creek, PA 16822) for renewal of the Title V Operating Permit for their Beech Creek Plant in Beech Creek Township, **Clinton County**. The facility is currently operating under TVOP 18-00004, which was issued May 10, 1999. The facility's sources include two (2) natural gas-fired or #2 fuel oil-fired boilers, one (1) small natural gas-fired water heater, one (1) 9-station rotogravure press, one (1) ink mixing and dispensing operation, one (1) make ready operation, one (1) solvent distillation operation, one (1) propane-fired emergency generator, one (1) #2 oil-fired water pump, and three (3) storage tanks. The facility has the potential to emit major quantities of VOCs. The facility has the potential to emit less than major quantities of SO<sub>x</sub>, NO<sub>x</sub>, CO, PM (PM<sub>10</sub> and PM<sub>2.5</sub>), individual HAPs, and combined HAPs. The pro-

posed Title V operating permit contains all applicable regulatory requirements including monitoring, record-keeping, and reporting conditions.

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

*Contact: Edward Braun, Chief—Telephone: 215-685-9476*

**V10-027: Newman and Co., Inc.** (6101 Tacony Street, Philadelphia, PA 19135) for operation of a paperboard manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emissions' sources include a 118 MMBTU/hr boiler, twenty nine heaters less than 0.5 MMBTU/hr, and two power washers. The facility also has a stage II vapor recovery system for a 3,000 gallon gasoline tank, a 973,000 BTU/hr fire pump, and a trim waste blower system.

The operating permit will be issued under the *Pennsylvania Code Title 25*, 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 Mr. Edward Wiener (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.

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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*

**23-00075: Rhodia, Inc.** (Blue Bell & Second Street, Marcus Hook, PA 19061) for operation of their facility in Marcus Hook Borough, **Delaware County**. This action is a renewal of the permit for a non-Title V (Natural Minor) facility. The facility is a manufacturer of surfactant materials. There are no proposed changes to equipment or operating conditions. The permit will continue to 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*

**52-00003: GF Edwards, Inc.** (P. O. Box 174, Elmhurst, PA 18416) a renewal State Only operating permit for operation of a stone crushing facility in Greene Township, **Pike County**. The State Only operating permit also includes emissions, monitoring, record keeping, reporting, testing and any additional conditions designed to ensure compliance with all applicable Federal and State air pollution control requirements.

**48-00050: Bethlehem City Lehigh & Northampton County WWTP** (144 Shimersville Road, Bethlehem, PA 18015-9528) for a renewal operating permit for a Wastewater Treatment Plant in the City of Bethlehem, **Northampton County**. The facility's main sources of emissions include two (2) boilers, two (2) digestors, one (1) aeration basin, one (1) clarifier, one (1) emergency generator, one (1) parts washer. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, record keeping and reporting conditions regarding compliance with all applicable requirements are also included.

**39-00095: American Atelier, Inc.** (2132 Downyflake Lane, Allentown, PA 18103) for operation of a furniture and related product manufacturing facility including spray coating operations in the City of Allentown, **Lehigh County**. This is an initial State-Only Operating Permit.

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

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

**18-00008: Woolrich, Inc.** (2 Mill Street, Woolrich, PA 17779) for their facility in Pine Creek Township, **Clinton County**. The facility's main sources include material dyeing and finishing operations, the pre-treatment of industrial wastewater and parts cleaning. The facility has the potential to emit CO, NO<sub>x</sub>, PM<sub>10</sub>, HAPs, and VOC below the major emission thresholds. The facility has taken a synthetic minor restriction to limit the Sox emissions below the major thresholds. The proposed operating permit contains applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

**59-00024: Seneca Resources** (2131 Mars Court, Bakersfield, CA 93308) for the Cherry Flats Compressor Station in the Covington Township, **Tioga County**. The facility's main sources include six natural gas-fired compressor engines equipped with oxidation catalysts and two glycol dehydrators. The facility has the potential to emit particulate matter (PM<sub>10</sub>), nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), volatile organic compounds (VOC), and combined and individual hazardous air pollutants (HAP) emissions below the major thresholds. The facility has taken a synthetic minor restriction to limit the carbon monoxide (CO), nitrogen oxides (NO<sub>x</sub>), and volatile organic compounds (VOCs) emissions below the major threshold. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

**08-00006: General Electric Railcar Repair Services Corp.** (North Thomas Avenue, Sayre, PA 18840) for their facility in Sayre Borough, **Bradford County**. The facility's main sources include a railcar painting operation. The facility has taken restrictions to limit potential volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) emissions below Title V thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

**17-00057: Petroleum Development Corp.** (103 East Main Street, Bridgeport, WV 26330) for their Tate compressor station in Greenwood Township, **Clearfield County**. The facility's main sources include a 115 hp natural gas fired reciprocating internal combustion compressor engine and a glycol dehydration system. The

facility has the potential to emit nitrogen oxides (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), particulate matter (PM<sub>10</sub>), volatile organic compounds (VOCs), and hazardous air pollutants (HAPs) below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

**17-00058: Petroleum Development Corp.** (103 East Main Street, Bridgeport, WV 26330) for their Passmore compressor station located in Bell Township, **Clearfield County**. The facility's main sources include a 180 hp natural gas fired reciprocating internal combustion compressor engine and a glycol dehydration system. The facility has the potential to emit nitrogen oxides (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), particulate matter (PM<sub>10</sub>), volatile organic compounds (VOCs), and hazardous air pollutants (HAPs) below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

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

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

**65-00979: Laurel Mountain Midstream, LLC** (1550 Coraopolis Heights Road, Second Floor, Moon Township, PA 15108) for operation of compressor station in West Newton Borough, **Westmoreland County**.

**65-00966: Greensburg Thermal, LLC** (755 Opossum Lake Road, Carlisle, Pa 17015) for operation of one coal-waste fired boiler and two No. 2 fuel oil fired backup boilers which provide steam for heating and cooling to the adjacent SCI Greensburg Facility in Hempfield Township, **Westmoreland County**

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

*Contact: Matthew Williams, New Source Review Chief—Telephone: 814-332-6940*

**61-00206: Renovex** (1028 Stevenson Road, Grove City, PA 16127-7918) to issue a renewal State Only Operating Permit for the reprocessing of old used propane cylinders in Barkeyville Borough, **Venango County**. The facility is a Natural Minor. The primary sources at the facility include a cylinder washer, shot blast operation, spray paint booth, curing oven, and propane storage tanks. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

*Contact: Edward Brawn, Chief—Telephone: 215-685-9476*

**S09-020: PECO Oregon Shop** (2610 Columbus Boulevard, Philadelphia, PA 19148) for the operation of a maintenance facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include twelve (12) natural gas combustion units each rated at less than 5.0 MMBTU/hr, one 765 Hp emergency generator, two paint shop spray booths with dry panel filters, one transformer shop paint spray booth with dry

panel filters, and a gasoline storage tank and distribution with Stage I and Stage II Vapor Recovery Systems.

The operating permit will be issued under the Pennsylvania Code Title 25, 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.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.31); 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 Act (52 P. S. §§ 30.51—30.66); the Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). 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 of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated above 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 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 above 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 §§ 77.121-123 and 86.31-34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Written comments or objections related to 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.

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 (relating to public hearing-informal conferences) or § 86.34 (relating to in-

formal conferences), 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.

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. The Department has made a tentative determination to issue the NPDES permit in conjunction with the mining activity permit, but the issuance of the NPDES permit is contingent upon the approval of the associated mining activity permit.

For coal mining activities, NPDES permits, when issued, will contain effluent limits that do not exceed the technology-based effluent limitations. The proposed limits are listed in Table 1.

For noncoal mining activities, the proposed limits are found in Table 2 below. Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description below specifies the parameters. The limits will be in the ranges specified in Table 1.

More restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining that may occur, will be incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91 through 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) (TMDLs).

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the District Mining Office indicated above each application 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 § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and shall contain the name, address, telephone number and the interest of the party filing the request, and shall 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. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

*Coal Applications Received*

*Effluent Limits*--The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH <sup>1</sup>		greater than 6.0; less than 9.0	
Alkalinity greater than acidity <sup>1</sup>			

<sup>1</sup> 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) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**03951301 and NPDES Permit # PA0002275, Keystone Coal Mining Corporation**, (P. O. Box 219, 400 Overview Drive, Shelocta, PA 15774), to renew the permit for the Keystone Cleaning Plant in Plumcreek Township,

**Armstrong County** and related NPDES permit. No additional discharges. Application received: August 13, 2010.

**17851501 and NPDES Permit # PA0215694, RES Coal, LLC**, (224 Grange Road, Armagh, PA 15650), to renew the permit for the Clearfield Siding in Boggs Township, **Clearfield County** and related NPDES permit. No additional discharges. Application received: August 12, 2010.

**30841317 and NPDES Permit # PA0213527, Consol PA Coal Company, LLC**, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Enlow Fork Mine in Richhill and Morris Townships, **Greene County** and Morris, East Finley, and West

Finley Townships, **Washington County** and related NPDES permit. Application received: June 29, 2010.

**32051301 and NPDES Permit # PA0215228, AMFIRE Mining Company, LLC**, (One Energy Place, Latrobe, PA 15650), to revise the permit for the Barrett Deep Mine in Buffington and Brush Valley Townships, **Indiana County** to add underground permit and subsidence control plan area acres. Underground Acres Proposed 524.0, Subsidence Control Plan Acres Proposed 524.0. No additional discharges. Application received: July 28, 2010.

**32841602 and NPDES Permit # PA0092631, AMFIRE Mining Company, LLC**, (One Energy Place, Latrobe, PA 15650), to renew the permit for the Clymer Tipple in Cherryhill Township, **Indiana County** and related NPDES permit. No additional discharges. Application received: August 6, 2010.

**56061301 and NPDES Permit # PA0235709, RoxCOAL, Inc.**, (P. O. Box 149, Friedens, PA 15541), to revise the permit for the Kimberly Run Mine in Somerset Township, **Somerset County** and related NPDES permit to increase daily discharge limits for approved NPDES point 003. Receiving stream: Kimberly Run stream, classified for the following use(s): CWF. Application received: August 13, 2010.

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

**56663069, NPDES No. PA0120944 and General Permit GP-12-56663069**, Action Mining, Inc., 1117 Shaw Mines Road, Meyersdale, PA 15552, revision of an existing bituminous surface to obtain coverage for coal processing under air quality general permit GP-12 in Elk Lick and Summit Townships, **Somerset County**, affecting 3040.0 acres. Receiving stream(s): unnamed tributaries to Casselman River, Casselman River, unnamed tributary to Elk Lick Creek and Elk Lick Creek classified for the following use(s): cold water fishery. There are no public water supply intakes within 10 miles downstream. Application received: October 1, 2010.

**56100102, NPDES No. PA0263010 and General Permit GP-12-56100102, PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, revision of an existing bituminous coal mining site to obtain coverage for coal processing under air quality general permit GP-12 in Stonycreek and Somerset Townships, **Somerset County**, affecting 360.0 acres. Receiving stream(s): unnamed tributaries to Wells Creek and Stonycreek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 27, 2010.

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

**16100105 and NPDES Permit No. PA0258946, Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Commencement, operation and restoration of a bituminous strip operation in Porter Township, **Clarion County** affecting 86.6 acres. Receiving streams: Unnamed tributaries to Leatherwood Creek and unnamed tributaries to Jack Run, both classified for the following state-wide uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: October 4, 2010.

**16050111 and NPDES Permit No. PA0258041, Neiswonger Construction, Inc.** (17592 Route 322, Strattanville, PA 16258) Renewal of an existing bituminous strip operation in Porter Township, **Clarion**

**County** affecting 86.0 acres. Receiving streams: Unnamed tributary to Licking Creek and unnamed tributary to West Fork of Leatherwood Creek, both classified for the following state-wide uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. This renewal is for reclamation only. Application received: October 12, 2010.

**10840116 and NPDES Permit No. PA0602531, State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201) Renewal of an existing bituminous strip and auger operation in Concord & Oakland Townships, **Butler County** affecting 224.8 acres. Receiving streams: Two unnamed tributaries to Connoquenessing Creek, classified for the following state-wide uses: HQ-WWF. The first downstream potable water supply intake from the point of discharge is Western Pennsylvania Water Company. This renewal is for reclamation only. Application received: October 12, 2010.

**24100104 and NPDES Permit No. PA0258954, AMFIRE Mining Company, LLC** (One Energy Place, Suite 2800, Latrobe, PA 15650) Commencement, operation and restoration of a bituminous strip operation in Fox & Huston Townships, **Elk & Clearfield Counties** affecting 68.9 acres. Receiving streams: Unnamed tributary to East Branch Wilson Run, classified for the following state-wide uses: HQ-CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: October 7, 2010.

**10040104 and NPDES Permit No. PA0242594, Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Renewal of an existing bituminous strip operation in Concord Township, **Butler County** affecting 160.0 acres. Receiving streams: Unnamed tributaries to South Branch Slippery Rock Creek, classified for the following state-wide uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. This renewal is for reclamation only. Application received: October 12, 2010.

**37050101 and NPDES Permit No. PA0242616, Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Renewal of an existing bituminous strip operation in Wayne & Shenango Townships, **Butler County** affecting 147.0 acres. Receiving streams: Unnamed tributaries to Duck Run, classified for the following state-wide uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. This renewal is for reclamation only. Application received: October 12, 2010.

**24743008 and NPDES Permit No. PA0127566, Fairview Coal Company** (P. O. Box R, Ridgway, PA 15853) Renewal of an existing bituminous strip and auger operation in Fox Township, **Elk County** affecting 66.0 acres. Receiving streams: Unnamed tributary to Benninger Creek and Benninger Creek to Brandy Camp to Toby Creek to the Clarion River, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. This renewal is for reclamation only. Application received: October 14, 2010.

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

**17900104 and NPDES No. PA0116939, Hepburnia Coal Co.** (P. O. Box 1, Grampian, PA 16838). Renewal of an existing bituminous surface mine located in Brady and Bell Townships, **Clearfield County** affecting 537.6 acres. Receiving streams: Buck Run and Beech Run and unnamed tributaries to Beech Run classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: October 4, 2010.



**17100102 and NPDES No. PA0257273. King Coal Sales, Inc.** (P. O. Box 712, Philipsburg, PA 16866). Revision to add auger mining on an existing bituminous surface mine located in Cooper Township, **Clearfield County** affecting 61.0 acres. Receiving streams: Sulphur Run classified for cold water fishery and Moshannon Creek classified for trout stocking. There are no potable

water supply intakes within 10 miles downstream. Application received: October 5, 2010.

*Noncoal Applications Received*

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

Parameter	Table 2		
	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

**34100802. Matthew Sieber**, 58 Stoney Lane, Mifflin, PA 17058, commencement, operation, and restoration of a small noncoal (industrial minerals) operation in Milford Township, **Juniata County**, affecting 5.0 acres, receiving stream(s): unnamed tributary to Licking Creek. Permit received: October 7, 2010.

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

**54950302C13 and NPDES Permit No. PA0223603. Pennsy Supply, Inc.**, (P. O. Box 3331, Harrisburg, PA 17105), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Wayne township, **Schuylkill County**, receiving stream: Bear Creek, classified for the following uses: cold water fishes and migratory fishes. Application received: October 6, 2010.

**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 of Environmental Protection. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. 1341), requires the state to certify that the involved projects will not violate the applicable provisions of Sections 301-303, 306 and 307 of the FWPCA 33 U.S.C. §§ 1311—1313, 1316 and 1317 as well as relevant state requirements. Persons objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the 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 the hours of 8:00 AM and 4:00 PM on each working day at the office noted above the application.

If you are a person with a disability and wish to attend the hearing and you require an auxiliary aid, service or other accommodation to participate in the proceedings, please contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1-800-654-5984.

**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Floodplain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E53-437. Pennsylvania General Energy Company, LLC**, 120 Market Street, Warren, PA 16365-2510. Pine Hill Natural Gas Pipeline Development, Eulalia Township, **Potter County**, ACOE Baltimore District (Short Run, PA Quadrangle Latitude: 41° 36' 35.02"; Longitude: 77° 49' 42.88").

The applicant proposes to construct, operate and maintain a six inch diameter natural gas pipeline crossing beneath Little Lyman Run (High Quality-Cold Water) for the development of the Pine Hill Site. As proposed installation of the gas pipeline will be accomplished by open trenching across Little Lyman Run. Installation of the pipeline by trenching shall be completed in dry work conditions by dam and pumping, fluming or diverting stream flow around the work area. Since Little Lyman Run is a wild trout fishery, no pipeline construction or future repair work shall be conducted in or along the stream channel between October 1 and December 31 without prior written approval from the Pennsylvania Fish and Boat Commission, which also serves as the Coudersport Borough Flood Control Project. As proposed, the project poses no impact to wetlands while perma-

nently impacting 3-feet of the waterway. The project is located along the western right-of-way of Horton Road approximately 1605-feet south of Junction Road and Horton Road intersection.

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

**E02-1642. Adventure Phase IV, A PA LP**, 102 West Anderson Street, Selma, NC 27576-2562. To relocate and create wetland replacements in McCandless Township, **Allegheny County**, Pittsburgh ACOE District. (Emsworth PA Quadrangle N: 12.7 inches; W: 2.8 inches; Latitude: 40° 34' 12"; Longitude: 80° 01' 13"). The applicant proposes to relocate and maintain approximately 1.152.0 linear feet of an unnamed tributary (UNT 1) to Little Pine Creek (TSF), to relocate and maintain approximately 160.0 linear feet of a second unnamed tributary (UNT 1A) to Little Pine Creek (TSF), to enclose and maintain approximately 180.0 linear feet of an unnamed tributary (UNT 2) to Little Pine Creek (TSF), to enclose and maintain approximately 360.0 linear feet of an unnamed tributary (UNT 2A) to Little Pine Creek (TSF), to restore and maintain an unnamed tributary to Little Pine Creek (UNT 3) by installing in-stream stabilization and habitat improvement structures, and to place and maintain fill in approximately 0.11 acre of PEM/PSS wetlands for the purpose of constructing the McCandless Town Center. The project is located on the east side of the McKnight Road Extension at the intersection of the McKnight Road Extension and Cumberland Road and will impact approximately 1,852.0 linear feet of stream channel and 0.11 acre of PEM/PSS wetlands. To compensate for the wetland impacts, the applicant proposes to create 0.15 acre of wetland replacement wetlands.

**E02-1644. Todd A. McMullen**, 745 Metz Road, Tarentum, PA 15084-3032. To operate and maintain the existing fill and also maintain the existing culverts in Fawn Township, **Allegheny County**, Pittsburgh ACOE District. (Curtisville, PA Quadrangle N: 0.5 inches; W: 1.2 inches; Latitude: 40° 37' 48"; Longitude: 79° 45' 31"). The applicant proposes to operate and maintain the existing fill on the right bank of Metz Run (an unnamed tributary to Bull Creek) (TSF) for the purpose of building a house and to operate and maintain the existing 48 inch diameter and 36 inch diameter culverts in the channel of said stream for the purpose of providing access to applicants property. The project is located on the north side of Metz Road (T-772), approximately 1,700.0 feet upstream from the mouth of said stream.

*Northcentral Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E4129-004 Anadarko E&P Company, LP**, P. O. Box 1330, Houston, Texas 77251-1330, Mifflin Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain a surface water withdrawal along Second Fork Larry's Creek (EV) adjacent to Route 287 north of Salladasburg (Salladasburg, PA Quadrangle 41° 20' 11.26"N 77° 14' 36.28"W). The proposed withdrawal will include a submersible pump set in a wet well with related materials set in the stream bed. The project will result in 29 square feet of permanent stream and floodway impact, and 220 square feet of temporary stream and floodway impact all for the purpose of obtaining water for use to develop multiple Marcellus Shale wells.

## ENVIRONMENTAL ASSESSMENT

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

**EA18-003. Trout Unlimited**, 18 East Main Street, Suite 3, Lock Haven, PA 17745-1388. Swamp Area Passive treatment, in Noyes Township, **Clinton County**, ACOE Baltimore District

To construct and maintain: 1) a concrete intake diversion weir to direct up to 90% of the AMD tainted stream water of an unnamed tributary to 2 Mile Run to, 2) a terraced swamp area passive treatment system that will discharge treated water out of, 3) a armored outfall into 2 Mile Run, all of which is located downstream of a point 2,550 feet northeast of the intersection of 2 Mile Run and Robbins Road.

(Renovo West, PA, PA Quadrangle N: 41°20'34"; W: -77°51'3").

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105*

**D45-148EA. CCP Property Owners Association South**, 1 Big Ridge Drive, East Stroudsburg, PA 18302. Middle Smithfield Township, **Luzerne County**, ACOE Philadelphia District.

Project proposes to breach and remove Rakes Dam across Pond Creek (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The dam is located approximately 1400 feet north of the intersection of US209 and Primrose Lane (T540) (Bushkill, PA Quadrangle; Latitude: 41° 03' 24", Longitude: -75° 06' 09").

## DAM SAFETY

*Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, PO Box 8554, Harrisburg, PA 17105-8554.*

**D30-055A. Consol PA Coal Company, LLC**, P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323. To modify, operate, and maintain Bailey Mine Area No. 3 Slurry Dam and four (4) associated saddle dams across a tributary to Enlow Fork (WWF) for the purpose of impounding mine waste slurry. The proposed work will raise the existing embankment by approximately seven feet to provide additional slurry storage.

(Wind Ridge, PA Quadrangle N: 15.2 inches; W: 1.0 inches) Richhill Township, **Greene County**.

**D21-187A. Hemp Brothers, Inc.**, 205 Creek Road, Box 278, Camp Hill, PA 17055. To modify, operate and maintain Toland Quarry A and B Dam across a tributary to Mountain Creek (CWF), for the purpose of capping/closing the impoundment and deregulate the dam in (Mt. Holly Springs, PA Quadrangle N: 13.5 inches; E: 5 inches) in Dickinson Township **Cumberland County**.

**D64-230. Association of Property Owners of the Hideout, Inc.**, 640 The Hideout, Lake Ariel, PA 18436. To modify, operate, and maintain the Deerfield Lake Dam across a tributary to Ariel Creek (HQ-CWF). Project proposes permanent impacts to 0.02-acre of PEM wetland for the purpose of modifying the dam to meet Commonwealth Regulations (Lakeville, PA Quadrangle N: 8.5 inches; W: 15.3 inches) in Salem Township, **Wayne County**.

## ACTIONS

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

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOIs) for coverage under General Permits. This Notice of Final Action is provided in accordance with regulations at 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of the Pennsylvania Clean Streams Law, 35 P. S. §§ 691.1 *et seq.*, and the Federal Clean Water Act, 33 USCA §§ 1251 *et seq.*

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New, 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 through VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permit(s). The approval for coverage under these general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth 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 set forth 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 above the action.

Any person aggrieved by any of these actions may appeal that action to the Environmental Hearing Board, pursuant to section 4 of the Environmental Hearing Board Act, 35 P. S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5a. 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 Environmental Hearing Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge an action, your appeal must reach the Board within 30 days. You do not need a lawyer to file an appeal with the Board.

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

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

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

<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>
PA0063142 (Industrial Waste)	Chrin Brothers Sanitary Landfill 635 Industrial Drive Easton, PA 18042	Northampton County Williams Township	Unnamed Tributary of Lehigh River (02C) Cold Water Fishes	Y
PAS232210 (Storm Water)	Consolidated Container Company Allentown 6831 Ruppssville Road Allentown, PA 18106	Lehigh County Upper Macungie Township	Tributary to Iron Run (2-C)	Y
PA0064033 (Sewage)	Pusti Margiya Vashnav Samaj of North America 15 Manor Road Schuylkill Haven, PA 17972	Schuylkill County Wayne Township	Unnamed Tributary to Lower Little Swatara Creek (07D)	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>
PA0081591 (Sew)	Eastern York County Sewer Authority 44 Walnut Springs Road York, PA 17406-9000	York County Hallam Borough	Kreutz Creek / 7-I	Y
PA0082287 (Sew)	PA DE District Council Assemblies of God 430 Union Hall Road Carlisle, PA 17013-8303	Cumberland County North Middleton Township	Conodoguinet Creek / 7-B	Y

*Northcentral Region: Water Management 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>
PA0033910 (Sewage)	Northeast Bradford School Wastewater Treatment Plant RR 1 Box 211b Rome, PA 18837-9505	Bradford County Orwell Township	Johnson Creek (4-D)	Y

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

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

**NPDES Permit No. PA0244431 Amendment No. 1**, Industrial Waste, **Philadelphia Ship Repair, LLC**, 5195 South 19th Street, Philadelphia, PA 19112.

This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: Approval for the transfer of an NPDES Permit from PennShip SVC, LLC to Philadelphia Ship Repair, LLC due to the change of ownership.

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

**NPDES Permit No. PA0110361**, Sewage, **Freedom Township Water & Sewer Authority**, 131 Municipal Street, East Freedom, PA 16637-8158.

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

Description of Proposed Action/Activity: Authorization to discharge to Frankstown Branch Juniata River in Watershed 11-A.

**NPDES Permit No. PA0261564**, Sewage, **Mr. John M. Lee**, 14547 Paxton Run Road, Shippensburg, PA 17527.

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

Description of Proposed Action/Activity: Authorization to discharge to UNT Conodoguinet Creek in Watershed 7B.

**NPDES Permit No. PAS803505**, Industrial Waste - Stormwater, **HPT PSC Properties Trust**, 24601 Center Ridge Road, Westlake, OH 44145.

This proposed facility is located in Middlesex Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to the Letort Spring Run in Watershed 7-B.

**NPDES Permit No. PAS223502**, Industrial Waste - Stormwater, **Jamie Kreider, Frey Brothers Manufacturing, Inc.**, 372 Puseyville Road, Quarryville, PA 17566

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

Description of Proposed Action/Activity: Authorization for discharge to UNT West Branch Octoraro Creek in Watershed 7-K.

## III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

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

**WQM Permit No. 3910402**, Sewerage, **Upper Macungie Township Authority**, 8330 Schantz Road, Breinigsville, PA 18031.

This proposed facility is located in Upper Macungie Township, **Lehigh County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit to allow sanitary sewer improvements in the Lime Street and Nursery Street areas, and rerouting of sewage flows.

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

**WQM Permit No. 0110403**, Sewage, **William Stevens**, 2350 Harney Road, Littlestown, PA 17340.

This proposed facility is located in Germany Township, **Adams County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewage facilities consisting of a grease trap, lift station, CSBR pre-packaged unit, aerobic digester, dose pump and sand mound designed to treat a maximum of 2,400 gallons per day.

**WQM Permit No. 2110405**, Sewage, **Silver Spring Township Authority**, PO Box 1001, New Kingstown, PA 17027.

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

Description of Proposed Action/Activity: Permit approval for the construction of sewerage facilities consisting of the Trindle Spring Run Interceptor project consists of abandonment of Five Pump Stations, construction of 6,715 LF of 12" gravity sewer, 1,691 LF of 8" gravity sewer, and manholes.

**WQM Permit No. 2110406**, Sewage, **Silver Spring Township Authority**, PO Box 1001, New Kingstown, PA 17027.

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

Description of Proposed Action/Activity: Permit approval for the construction of sewerage facilities consisting of an upgrade to an existing 8" Force Main to a 12" Force Main and upgrade the existing pump station from 0.259 MGD to 0.5188 MGD.

**WQM Permit No. 2810403**, Sewage, **John M. Lee**, 14547 Paxton Run Road, Shippensburg, PA 17527.

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

Description of Proposed Action/Activity: Permit approval for the construction/operation of a small flow sewage treatment system to serve their single family residence.

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

**WQM Permit No. 4110405**, Sewerage [SIC 4952], **Williamsport Sanitary Authority**, 253 West Fourth Street, Williamsport, PA 17701-6113.

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

Description of Proposed Action/Activity: Permit issued authorizing the Contract C-5 project, which will include nutrient removal and combined sewer overflow improvements at the Central Plant.

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

**WQM Permit No. WQG018781**, Sewerage, **David E. Morris**, 10 Fiske Avenue, Bradford, PA 16701

This proposed/existing facility is located in Foster Township, **McKean County**.

Description of Proposed Action/Activity: A Single Residence Small Flow Treatment Facility.

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

**WQM Permit No. 1510402**, Sewerage, **Stroud Water Research Center**, 970 Spencer Road, Avondale, PA 19311.

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

Description of Action/Activity: Construction and operation of a wastewater treatment plant.

**WQM Permit No. 1507417**, Sewerage, **Amendment, Valley Forge Sewer Authority**, 333 Pawling Road, Phoenixville, PA 19460.

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

Description of Action/Activity: Replacement of both pumps impeller from 14.7" to 15.25" to increase each pump capacity from 2250 gpm to 3000 gpm

**WQM Permit No. 2398407**, Renewal, Sewerage, **Claude DeBottom**, 1604 Walnut Street, Philadelphia, PA 19103.

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

Description of Action/Activity: Renewal of the existing 0.0152 mgd wastewater treatment plant with absorption bed discharge.

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#### **IV. NPDES Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) Permit Actions**

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#### **V. NPDES Waiver Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) Actions**

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

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#### **VII. Approvals to Use NPDES and/or Other General Permits**

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The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

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#### **List of NPDES and/or Other General Permit Types**

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PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
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)

*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>
Upper Southampton Township Bucks County	PAG0200 091012	1051, LC, LLC 945 Lincoln Highway Morrisville, PA 19067	Mill Creek (CWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Falls Township Bucks County	PAG0200 091046	Township of Falls 188 Lincoln Highway, Ste 100 Fairless Hill, PA 19030	Rock Run/Martins Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Makefield Township Bucks County	PAG0200 091035	Makefield Woodside, LLC PO Box 291 Yardley, PA 19067	Buck Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Marlborough Township Chester County	PAG0200 1509040-A1	Advanced Geoservices 1055 Andrew Drive, Ste A West Chester, PA 19380-4293	Unnamed Tributary Doe Run (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Easttown Township Chester County	PAG0200 151022	Main Line Real Properties, LP 214 West Lancaster Avenue Devon, PA 19333	Darby Creek (CWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Merion Township Montgomery County	PAG0200 461045	Alexander Vaccaro 1840 Aloha Lane Gladwyne, PA 19035	Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Jessup Boro Lackawanna Co.	PAG02003510010	SLIB CO. ATTN: Karl Pfeiffenberger 222 Mulberry St PO Box 431 Scranton PA 18501	Grassy Island Creek CWF, MF	Lackawanna Co. Conservation District 570-281-9495
Hanover Twp, Lehigh County	PAG02003910004	Alex Barlas US Navy NAVFAC MIDLANT 4921 S Broad St. Phila. PA 19912	Unnamed Tributary to Lehigh River CWF, MF	Lehigh Co. Conservation District 610-391-9583
Upper Mount Bethel Twp. Northampton Co.	PAG02004810007	Samuel D'Alessandro 112 North Courtland St. Stroudsburg PA 18301	Unnamed Tributary to Delaware River CWF, MF	Northampton Co. Conservation District 610-746-1971

## NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Lurgan Township Franklin County	PAG2002810013	Earl Parshall P. O. Box 129 Shippensburg, PA 17257	UNT to Paxton Run/WWF-MF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499
Southampton Township Franklin County	PAG2002809020-1	David Cooper 229 Huber Village Boulevard, Suite 100 Westerville, OH 43081	Gum Run/CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499
Southampton Township Franklin County	PAG2002805087-R	Robert Forrester 2073 Orrstown Road Shippensburg, PA 17257	Muddy Run/WWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499
Chambersburg Borough Franklin County	PAG2002810020	Roger Hurd Ventura Foods 1501 Orchard Drive Chambersburg, PA 17201	UNT to Conococheague/ WWF-MF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499
Girard Township Goshen Township Clearfield County	PAG2001710011	Covington-Karthaus- Girard Area Authority PO Box 104 Frenchville, PA 16836	Chub Run CWF Surveyor Run CWF Bald Hill Run CWF West Branch of Susquehanna River WWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Montoursville Borough Lycoming County	PAG2004105011R	Tom Hart Williamsport Airport Authority 700 Airport Rd Montoursville, PA 17754	Susquehanna River WWF	Lycoming County Conservation District 542 County Farm Rd Suite 202, Montoursville, PA 17754, (570) 433-3003
Point Township Northumberland County	PAG2004910014	Furman Foods, Inc. 770 Cannery Road Northumberland, PA 17857	UNT to West Branch Susquehanna River WWF/MF	Northumberland County Conservation District RR 3, Box 238-C Sunbury, PA 17801 (570) 286-7114, X 4
Liberty Borough Tioga County	PAG2005910006	Liberty Cottages, LP 4 Riverside Plaza Blossburg, PA 16912	Blockhouse Creek CWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, X 3
Fayette County North Union Township	PAG2002610003	Steetz Incorporated David Mastrostefano 5700 Sixth Avenue Altoona, PA 16602	Redstone Creek (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 724-438-4497

<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>
Fayette County North Union Township	PAG2002610011	R.E.A.L. Investments LLC Don Hough PO Box 45 Hopwood, PA 15445	UNT to Redstone Creek (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 724-438-4497
Somerset County Conemaugh Township	PAG02005609008	Laurel View Village 2000 Cambridge Drive Davidsville, PA 15928	UNT to Stonycreek River (CWF)	Somerset County CD 6024 Glades Pike, Suite 103 Somerset, PA 15501 814-445-4352
Jackson Township Butler County	PAG02 0010 10 013	The Buncher Company Penn Liberty Plaza 1 1300 Penn Avenue, Ste 300 Pittsburgh PA 15222	UNT to Glade Run WWF	Butler Conservation District 724-284-5270
Connoquenessing Township Butler County	PAG02 0010 10 014	Howard Neff Butler Land Company LLC 1126 Ridgemont Drive Meadville PA 16335	UNT to Connoquenessing Creek WWF	Butler Conservation District 724-284-5270
Cranberry Township Butler County	PAG2 0010 04 027R	Donald Rodgers 215 Executive Drive Cranberry PA 16066	UNT to Brush Creek WWF	Butler Conservation District 724-284-5270
Erie County North East Borough	PAG02 0025 04 031R	Dave Thornton PO Box 569 10650 West Main Street North East PA 16428	UNT to 16 Mile Creek WWF; MF	Erie Conservation District 814-825-6403
Erie County Harborcreek Township	PAG02 0025 10 010	Greater Erie Industrial Development Corporation 5240 Knowledge Parkway Erie PA 16510	Fourmile Creek WWF; MF	Erie Conservation District 814-825-6403
Venango County Barkeyville Borough	PAG02 0061 10 003	Sam Dotan United Reality Company PO Box 1780 Altoona PA 16604	UNT Wolf Creek CWF	Venango Conservation District 814-676-2832

*General Permit Type—PAG-4*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Huntingdon County / Shirley Township	PAG043537	DCNR—Bureau of Forestry—Juniata House 181 Rothrock Lane Huntingdon, PA 16652	Juniata River / CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Foster Township, McKean County	PAG041014	David E. Morris 10 Fiske Avenue Bradford, PA 16701	Unnamed Tributary to the Kendall Creek, 16-C	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

## PUBLIC WATER SUPPLY (PWS) PERMITS

The Department of Environmental Protection (Department) has taken the following actions on applications received under the Safe Drinking Water Act for the construction, substantial modification or operation of a public water system.

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental

Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at 717-787-3483. This paragraph does not, in



and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30 days. You do not need a lawyer to file an appeal with the Board.

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

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. 721.1—721.17)**

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

**Permit No. Minor Amendment—Construction Public Water Supply.**

**Applicant** Jersey Shore Area Joint Water Authority  
 [Township or Borough] Jersey Shore Borough  
**County** Lycoming  
**Responsible Official** Mr. Michael C. Zellers  
 Jersey Shore Area Joint Water Authority  
 P. O. Box 5046  
 1111 Bardo Avenue  
 Jersey Shore, PA 17740  
**Type of Facility** Public Water Supply—Construction  
**Consulting Engineer** Dennis Norman, P.E.  
 Norman Engineered Designs  
 P. O. Box 126  
 3256 Woodward Avenue  
 Avis, PA 17721  
**Permit Issued Date** October 19, 2010  
**Description of Action** Construction of 120 feet of 36-inch detention piping to provide 4-log inactivation of viruses of Pine Creek Well water.

**Permit No. Minor Amendment—Operation Public Water Supply.**

**Applicant** Coudersport Borough Authority  
 [Township or Borough] Coudersport Borough  
**County** Potter  
**Responsible Official** Mr. Gareth Gockley  
 Coudersport Borough Authority  
 201 South West Street  
 Coudersport, PA 16915  
**Type of Facility** Public Water Supply—Operation  
**Consulting Engineer** Daniel Guss, P.E.  
 Uni-Tec Consulting Engineers, Inc.  
 2007 Cato Avenue  
 State College, PA 16801  
**Permit Issued Date** October 19, 2010

**Description of Action** 4-log inactivation of viruses at Entry Point 101 (North Spring and North Well Nos. 1, 2 and 3) and Entry Point 102 (East Well Nos. 1 and 2).

**Permit No. Minor Amendment—Construction Public Water Supply.**

**Applicant** Brady Township-Troutville Borough Water Association, Inc.  
 [Township or Borough] Brady Township  
**County** Clearfield  
**Responsible Official** Lester G. Wachob, President  
 Brady Township-Troutville Borough Water Association, Inc.  
 3309 Shamokin Trail  
 Luthersburg, PA 15848  
**Type of Facility** Public Water Supply—Construction  
**Consulting Engineer** Stephen V. Heine, P.E.  
 P. O. Box 466  
 Huntingdon, PA 16652  
**Permit Issued Date** October 19, 2010  
**Description of Action** Replacement of Luthersburg Reservoir No. 2 and repairs to Luthersburg Reservoir No. 1 and Troutville Reservoir No. 1.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Lewis Township	1428 Rovendale Drive Watsonstown, PA 17777	Northumberland

*Plan Description:* The approved plan provides for sewerage parts of Lewis Township. The selected alternative involves the purchase of the Warrior Run School District wastewater treatment facility with the construction of sewers along a portion of SR 1007 corridor, Pleasant View Estates, and a portion of Warrior Run Boulevard. Additionally, sewers will be constructed along a portion of SR 0054, Schell Road, and Koch Road with conveyance to Turbotville Borough wastewater treatment facility. Finally, a small flow treatment system will be constructed to serve residents along SR 1008 with the remaining portions of the studied area covered under a sewage management program. The total project cost is estimated to be \$3,502,746 and is expected to be funded by PENNVEST. 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.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Butler Area Sewer Authority (BASA), City of Butler, Butler Township, Summit Township, Oakland Township, Center Township, Connoquenessing Township, East Butler Borough	100 Litman Road Butler, PA 16001	Butler

*Plan Description:* The approved plan addresses the current and future sewage needs of the Butler Area Sewer Authority service area. Tributary municipalities are the City of Butler, East Butler Borough and Butler, Summit, Oakland, Center and Connoquenessing Townships. Provisions are included for closing sanitary overflow structures at the Deshon, General Tire and Ball Park locations through construction of flow diversion and storage facilities. In addition, flow diversion structures will also be constructed for the Connequenessing Interceptor and the Monroe Street Pump Station force main. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Hawthorn Borough, Redbank Township & Redbank Township	P. O. Box 52 Hawthorn, PA 16230	Clarion & Armstrong

*Plan Description:* The approved plan provides for construction of new gravity sewers, force mains and pump stations to service areas of Hawthorn Borough and Redbank Township, Clarion County and Redbank Township, Armstrong County. The new sewage treatment plant will be located in Oak Ridge Village in Redbank Township, Armstrong County. Implementation of the plan will be by the Hawthorn Redbank Redbank Municipal Authority. Both Clarion and Armstrong Counties support this project. Environmental consistency has been established and a Phase I Archaeological Survey is included in the project. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
City of Hermitage	800 North Hermitage Road Hermitage, PA 16148	Mercer

*Plan Description:* The approved plan provides for addressing current and future sewage needs of the City of Hermitage and the surrounding service areas of Clark Borough, Wheatland Borough, Jefferson Township, Shenango Township and South Pymatuning Township. An upgrade and expansion of the existing water pollution control plant as well as rehabilitation of collector and interceptor sewers within the City are planned. A cogeneration system is also proposed as part of this plan, and will allow for conversion of waste sludge to Methane

gas for power that can be used at the plant or sold to the power grid. 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.

**SEWAGE FACILITIES ACT PLAN DISAPPROVAL****Plan Disapprovals 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:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Salisbury Township	(5581 Old Philadelphia Pike, Gap, PA 17527)	Lancaster County

*Plan Description:* The Gary and Bradley Graham proposed plan revision for subdivision of one residential lot using an on lot sewage system plus a residue lot, was disapproved because the module failed to properly assess the impact of the proposed on lot sewage system upon an unnamed tributary to Pequea Creek, a surface water classified as High Quality. The submitted assessment only compared concentrations between the plume and the stream, but did not assess the addition of the mass of nitrate entering the stream. While the plume may become diluted traveling between the drain field and stream, the mass remains constant. The study did not assess the impact in accordance with the methodology described in Chapter 8 of DEP's Water Quality Antidegradation Implementation Guidance. The proposed subdivision is located on the west side of Narvon Rd across from Northeimer Road in Salisbury Township, Lancaster County. The APS number is 726779 and the DEP code number is A3-36950-452-2.

## HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

### Public Notice of Proposed Consent Order and Agreement

#### DuPont/New Castle Junk Site City of New Castle and Union Township, Lawrence County

Pursuant to Section 1113 of the Pennsylvania Hazardous Sites Cleanup Act, Act of October 18, 1988, P. L. 756, No. 108, 35 P. S. § 6020.101—6020.1305 ("HSCA"), notice is hereby provided that the Pennsylvania Department of Environmental Protection ("Department") is entering into a Consent Order and Agreement with the Lawrence County Economic Development Corporation ("LCEDC") concerning the proposed ownership and redevelopment of a portion of the DuPont/New Castle Junk Site ("Site").

In the past, wastes containing hazardous substances were disposed at the Site and these substances contaminated the environment at the Site. The Department and some of the responsible persons for the Site conducted a response action at the Site between 1992 and 2002. This response action included treatment of wastes and soils contaminated by hazardous substances, followed by placement of a soil cap on one portion of the treated wastes at a portion of the site referred to as the "Battery Property".

Upon completion of the response action, the Battery Property at the Site was acquired by the Lawrence County Economic Development Corporation ("LCEDC") and made available for redevelopment. The remainder of the Site includes former industrial buildings and a properly closed residual waste landfill on a portion of the Site referred to as the "China Property". The China Property has been owned by Realities, U.S.A. Inc. ("Realities") since 1993.

LCEDC intends to purchase the China Property at the Site from Realities. LCEDC is not a "responsible party" as defined in Section 103 of HSCA, 35 P.S. § 6020.103. However, in recognition of the extensive cleanup efforts at the Site, under the terms of the Consent Order and Agreement ("Agreement"), LCEDC has agreed to continue the re-use of the China Property in a manner consistent with the completed response action, including maintaining the residual waste landfill and the concrete surfaces at the Site. LCEDC is aware of the existence of a discreet area of lead and arsenic contamination in surface soils on the China Property and understands that further investigation and response actions will be necessary to prevent direct contact with this contamination. Following acquisition of title to the China Property, the LCEDC shall submit plans for Department approval to maintain the residual waste landfill and concrete surfaces. LCEDC will implement a work plan, following Department approval, to limit direct contact with lead and arsenic in surface soils, including the discreet area previously identified.

The specific terms of this settlement are set forth in the Agreement between the Department and LCEDC. The Department will receive and consider comments relating to the Agreement for sixty (60) days from the date of this Public Notice. The Department has the right to withdraw its consent to the Agreement if the comments disclose facts or considerations that indicate that the Agreement is inappropriate, improper, or not in the public interest. After the public comment period, the Department's settlement with LCEDC shall be effective upon the date that the Department notifies LCEDC, in writing, that this Agreement is final and effective in its present form, and that the Department has filed a response to significant written comments to the Agreement, or that no such comments were received.

Copies of the Agreement are available for inspection at the Department's Northwest Regional Office. Comments may be submitted, in writing, to Mr. Gary Mechtly, Program Manager, Hazardous Sites Cleanup, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335. Further information may be obtained by contacting Mr. Mechtly, at 814-332-6648. TDD users may contact the Department through the Pennsylvania Relay Services at 800-645-5984.

**Public Notice of First Modification to the July 29, 1998 Consent Order and Agreement**

**DuPont/New Castle Junk Site  
City of New Castle and Union Township,  
Lawrence County**

Pursuant to Section 1113 of the Pennsylvania Hazardous Sites Cleanup Act, Act of October 18, 1988, P.L. 756, No. 108, 35 P.S. 35 P.S. § 6020.101—6020.1305 ("HSCA"), notice is hereby provided that the Pennsylvania Department of Environmental Protection ("Department") has agreed to modify the July 29, 1998 Consent Order and Agreement ("1998 Agreement") with Realities U.S.A., Inc. ("Realities") concerning a portion of the DuPont/New Castle Junk Site ("Site") referred to as the "China Property".

Realities has owned the China Property since 1993 and entered into the 1998 Agreement to resolve its liability for the Department's response costs for addressing the release of hazardous substances at the China Property. Pursuant to the 1998 Agreement, Realities agreed to pay, among other amounts, an annual payment of 1% of its gross annual rental income or \$5,000 whichever is greater. Realities has complied with the 1998 Agreement.

In 2008, additional contamination was found at the China Property that was not addressed by the 1998 Agreement. Realities now intends to transfer the China Property to the Lawrence County Economic Redevelopment Corporation ("LCEDC"). LCEDC intends to obtain the assignment of a state grant to purchase the China Property and address the additional contamination. To address Realities liability for the additional contamination, Realities has agreed to reduce the sale price of the China Property by \$50,000 at the time of the sale of the China Property to LCEDC. The reduction in price will reduce the amount of the grant funds needed to acquire the China Property and address the additional contamination. In exchange, Realities will receive the Department's covenant not to sue for the additional contamination and contribution protection under HSCA. By separate notice of even date herewith, the Department is providing public notice of a Consent Order and Agreement with LCEDC addressing its proposed ownership of the China Property and the additional contamination.

The specific terms of this settlement with Realities are set forth in the Modification to Consent Order and Agreement ("Agreement") with the Department and Realities. The Department will receive and consider comments relating to the Agreement for sixty (60) days from the date of this Public Notice. The Department has the right to withdraw its consent to the Agreement if the comments concerning the Agreement disclose facts or considerations that indicate that the Agreement is inappropriate, improper, or not in the public interest.

After the public comment period, the Department's settlement with Realities shall be effective upon the date that the Department notifies Realities, in writing, that this Agreement is final and effective in its present form, and that the Department has filed a response to significant written comments to the Agreement, or that no such comments were received.

The Agreement is available for inspection and copying at the Department's office at 230 Chestnut Street, Meadville, Pennsylvania. Comments may be submitted, in writing, to Mr. Gary Mechtly, Program Manager, Hazardous Sites Cleanup Program, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335. Further information may be obtained by contacting Mr. Mechtly at 814-332-6648. TDD users may contact the Department through the Pennsylvania Relay Service at 800-645-5984.

**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—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (Act) require

the Department of Environmental Protection (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 non-residential 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 shall 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, please contact the Environmental Cleanup Program Manager in the Department of Environmental Protection 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 listed. 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 Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Former Myers Great Value Market**, Dillsburg Borough, **York County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of Parula Properties, LLC., 100 South 7th Street., Akron, PA 17501, submitted a Final Report concerning remediation of site soil contaminated with leaded gasoline. The report is intended to document remediation of the site to meet the Residential Statewide Health standard.

**Carlisle Town Center**, Carlisle Borough, **Cumberland County**. BL Companies, 213 Market Street, Suite 6, Harrisburg, PA 17101, on behalf of Downtown Construction Company, LLC, 2201 Barren Hill Road, Conshohocken, PA 19428, submitted a Final Report concerning remediation of site soils contaminated with VOCs and SVOCs from historical manufacturing processes when the site was occupied by Hoffman Materials. The report is intended to document remediation of the site to meet the Residential Statewide Health standard.

**Tavares & Drey Residences**, Ontelaunee Township, **Berks County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Antonia Tavares, 35 Berkley Park Road, Reading, PA 19605 and Sheila Drey, 33 Berkley Park Road, Reading, PA 19605, submitted a Final Report concerning remediation of site soils and groundwater contaminated with #2 fuel oil. The

report is intended to document remediation of the site to meet the Residential Statewide Health standard.

**Former Schmidt & Ault/Regis Paper Company**, York City and Spring Garden Township, **York County**. Herbert, Rowland, & Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Tyler Run, LLC, 11915 Park Heights Avenue, Owings Mills, MD 21117, submitted a Cleanup Plan concerning remediation of site soils and groundwater contaminated with benzene, chlorinated solvents and PCBs. The applicant is seeking to remediate the site to a combination of Statewide Health and Site-Specific standards.

**Former Fort Hunter Station**, Middle Paxton Township, **Dauphin County**. Herbert Rowland & Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Dauphin County Parks and Recreation, 100 Fort Hunter Road, Harrisburg, PA 17110, submitted a Final Report concerning remediation of site soils and groundwater contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet a combination of Statewide Health and Site-Specific standards.

**Bedford Valley Petroleum Bulk Storage Facility**, Snake Spring Township, **Bedford County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Bedford Valley Petroleum, 10228 Lincoln Highway, Everett, PA 15537, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with diesel fuel released from a supply line. The report is intended to document remediation of the site to meet the Site-Specific standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 PA Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (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 non-residential 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 provisions of 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 analy-

sis. 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 provisions of 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, please contact the Environmental Cleanup Program Manager in the Department of Environmental Protection 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 listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Environmental Cleanup Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Reedy Property**, 43 King Fisher Drive, Barry Township, **Schuylkill County**. David R. Crowther, BlackRock Environmental, LLC, P. O. Box 288, Nazareth, Pa 18064 submitted a Final Report for Groundwater (on behalf of his client, Lawrence Reedy, 43 King Fisher Drive, Ashland, PA 17921), concerning the remediation of groundwater found to have been impacted by kerosene as a result of a release from a 275-gallon aboveground storage tank. The report documented attainment of the Residential Statewide Health Standard for groundwater and was approved on October 12, 2010.

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

**Worley & Obetz, Inc. / Kathleen Klawitter Residence**, Lower Swatara Township, **Dauphin County**. Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518, on behalf of Preferred Realty Management, 26 South Market Street, Elizabethtown, PA 17022-2307 and Worley & Obetz, Inc., P. O. Box 429, Manheim, PA 17545, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil released from an aboveground storage tank. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on September 30, 2010.

**Former Myers Great Value Market**, Dillsburg Borough, **York County**. Groundwater Sciences Corporation, 2601 Market Place St Suite 310, Harrisburg, PA 17110, on behalf of Parula Properties, LLC., 100 South 7th Street., Akron, PA 17501, submitted a Final Report concerning remediation of site soil contaminated with leaded gasoline. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on October 13, 2010.

**Roaring Spring Bottled Water**, Roaring Spring Borough, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Roaring Spring Bottling Company, 740 Spang Street, Roaring Spring, PA

16673, submitted a Final Report concerning remediation of site soils and groundwater contaminated with gasoline from a leaking underground storage tank. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on October 18, 2010.

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

**Former Carnegie Tar and Asphalt Plant**, Oakmont Borough, **Allegheny County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Edgewater Properties, L.P., 3785 Old William Penn Highway, Murrysville, PA 15668 has submitted a Risk Assessment and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with arsenic, benzene, iron, and trichloroethylene. The combined Risk Assessment and Cleanup Plan Report was approved on October 12, 2010.

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

**Applications for Determination of Applicability for General Permit Issued 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/or the Beneficial Use of Municipal Waste.**

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401*

**General Permit Application No. WMGM039SE001. Accurate Recycling Corporation**, 508 E Baltimore Pike, Lansdowne PA 19050. This application is for Determination of Applicability under the terms and conditions of General Permit WMGM039 for the processing and beneficial use of pre- and post-consumer asphalt shingles as an ingredient in hot-mix and cold mix asphalt paving material. The processing of asphalt shingles shall take place at Accurate Recycling Corporation Lansdowne Facility located at 508 East Baltimore Pike, Lansdowne, PA 19050, Upper Darby Township, **Delaware County**. The determination of applicability was issued by the Southeast Regional Office on September 7, 2010.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permits Issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

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

**Permit Application No. 301626. White Pines Corporation**, 515 State Route 442, Millville, PA 17846. Pine Township, **Columbia County**. The permit is for the expansion of the existing facility to construct an aerated leachate storage impoundment. The permit also allows the trucking of leachate for up to one year. The permit was issued by Northcentral Regional Office on October 18, 2010.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

*Southwest Regional Office, Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412.442.4000.*

**Permit ID No. 100594. Monroeville Landfill**, 600 Thomas Street Ext., Monroeville, PA 15146. Operation of a municipal waste landfill in Municipality of Monroeville, **Allegheny County**. Permit issued in the Regional Office on October 5, 2010.

## 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.**

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

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**GP3-21-05043A: Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17105) on October 7, 2010, for a Portable Nonmetallic Mineral Processing Plant under GP3 in Silver Spring Township, **Cumberland County**.

**GP9-21-05043A: Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17105) on October 7, 2010, for Diesel or #2 fuel-fired Internal Combustion Engine(s) under GP9 in Silver Spring Township, **Cumberland County**.

**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

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

**46-0158C: Colorcon, Inc.** (415 Moyer Boulevard, West Point, PA 19486) on October 14, 2010, for replacement of the reaction vessel used in the existing polyvinyl acetate phthalate (PVAP) production process at their facility, as well as the installation of an additional reaction vessel. The facility is a non-Title V facility in Upper Gwynedd Township, **Montgomery County**.

Both reaction vessels will be identical to the existing reaction vessel and may contain the raw ingredients for PVAP production (at differing points in the reaction). However, at a given time, only one reaction vessel may feed the rest of the PVAP production process.

The PVAP production process is currently permitted under State Only Operating Permit No. 46-00158 and Plan Approval No. 46-0158B, and will maintain the particulate matter (PM) and volatile organic compound (VOC) emission restrictions specified in the latter. This

plan approval will include monitoring, recordkeeping, reporting, and work practice 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, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**38-03058A: Lebanon Industries** (3000 State Drive, Lebanon, Pennsylvania 17042-8803) on October 12, 2010, for installation of an aluminum sweat furnace at the former Alcoa site in South Lebanon Township, **Lebanon County**.

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

*Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940*

**10-333C: Penn United Technologies, Inc.** (799 North Pike Road, Cabot, PA 16023-2223) on October 15, 2010, for a change to the recordkeeping requirement for the closed sump system to a visual observation rather than an actual physical measurement and the addition of the New Source Performance Standards for the batch vapor degreaser solvent degreasing unit (40 CFR 60 Subpart T) when halogenated solvents are used under the alternative operating scenario in Jefferson Township, **Butler County**.

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

*Contact: Edward Braun, Chief—Telephone: 215-685-9476*

**AMS 10163: Kuusakoski Philadelphia LLC.** (3150 Orthodox Street., Philadelphia, PA 19137) on October 6, 2010, to install a 60,000 tons per year waste electronics scrap recycling plant in the City of Philadelphia, **Philadelphia County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) 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, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**05-05025A: Bedford Reinforced Plastics, Inc.** (2 Corporate Drive, Bedford, PA 15522-7946) on October 13, 2010, for construction of six pultrusion lines, two (2) 5,000 gallon resin tanks and one (1) 3,750 gallon resin tank in Bedford Township, **Bedford County**. The plan approval was extended.

**06-05024C: RRI Energy Mid-Atlantic Power Holdings, LLC** (121 Champion Way, Canonsburg, PA 15317) on October 12, 2010, for installation of an activated carbon injection system to control mercury emissions from the three (3) power boilers at the Titus Generating Station in Cumru Township, **Berks County**. The plan approval was modified to change the responsible official, and to revise the schedule for submission of operating parameters and monitoring system specifications.

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

*Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940*

**62-017P: United Refining Co.** (15 Bradley Street, Warren, PA 16365) on March 31, 2010, on September 30, 2010, for modification of Boiler No. 4 to install flue gas recirculation in City of Warren, **Warren County**. This is a Title V facility.

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**Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

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

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**28-05036: LamTech, Inc.** (5150 Innovation Way, Chambersburg, PA 17201-4187) on October 12, 2010, for their Marblux synthetic marble manufacturing facility in Greene Township, **Franklin County**. The Title V permit was renewed.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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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*

**39-00085: Victaulic Co. of America, Inc.** (4901 Kesslerville Road, Easton, PA 18045) on October 12, 2010, to issue a State Only (Synthetic Minor) operating permit for their valve and pipe fitting manufacturing plant in the City of Allentown, **Lehigh County**.

**54-00080: Hexcel Corp.** (P. O. Box 179, Pottsville, PA 17901-0179) on October 1, 2010, for an initial State-Only Operating Permit to operate a machined and heat treated parts cleaner at their facility in East Norwegian Township, **Schuylkill County**.

**40-00085: Certech, Inc.** (550 Stewart Road, Wilkes-Barre, PA 18706-1455) on October 18, 2010, to renew the State-Only Operating Permit for operation of a ceramics manufacturing facility located in Hanover Township, **Luzerne County**.

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

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**07-03008: Nason Hospital** (105 Nason Drive, Roaring Spring, Pennsylvania 16673-1202) on October 7, 2010, for the boilers, ethylene oxide sterilizer and emergency generators at their hospital facility in Roaring Spring Borough, **Blair County**. This is a renewal of the State Only Operating permit.

**06-05110: Exide Technologies** (PO Box 14294, Reading, PA 19612-4294) on October 13, 2010, for operation of the battery formation facility which is adjacent to the secondary lead smelter facility in Muhlenberg Township, **Berks County**. This synthetic minor permit covers only the Reading Formation and Distribution Center (RFDC),

which consists of Source 116 battery formation operations and Source 201 emergency Generators. This facility is a separate facility from the Exide Reading Smelter. Nevertheless, the emissions from the two adjacent facilities must be aggregated in determining the applicability of Federal regulations such as PSD and NNSR.

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940*

**20-00232: Meadville Plating** (10775 Franklin Pike, Meadville, PA 16335) on October 8, 2010, renewed State Only Operating Permit for their plating operations facility in West Mead Township, **Crawford County**. The sources at the facility include 8 hard chromium plating tanks (subject to 40 CFR Part 63, Subpart N), miscellaneous natural gas combustion sources, a TCE cold cleaning tank (subject to 40 CFR Part 63 Subpart T), nickel electroplating tanks (subject to 40 CFR Part 63 Subpart WWWWWW) and other trivial activities. The renewal permit also contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

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

**15-00132: Cephalon, Inc.** (145 Brandywine Parkway, West Chester, PA 19380) on October 14, 2010, to amend the operating permit to incorporate requirements of Plan Approval 15-0132A for a 750 kW electric generator, into the facility's State Only Operating Permit, 15-00132 in West Goshen Township, **Chester County**. This Administrative Amendment is issued in accordance with the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.31); 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); the Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21).** 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 such applications will also address the application permitting requirements of the following statutes; the Air Quality 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).

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*Coal Applications Returned*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**03060701 and NPDES Permit # PA0235661, McVile Mining Company**, (301 Market Street, Kittanning, PA 16201), to revise the permit for the McVile Coal Refuse Disposal Area No. 2 in South Buffalo Township, **Armstrong County** to install a pipeline and sludge injection borehole into Clementine Mine #1. No additional discharges. Application received: April 8, 2009. Application returned: October 13, 2010.

*Coal Permits Actions*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**56841312 and NPDES Permit # PA0588491, Svonavec, Inc.**, (150 W. Union Street, Suite 201, Somerset, PA 15501), to revise the permit for the Coal Preparation Plant No. 2 in Black Township, **Somerset County** to add blasting to the existing permit area. No additional discharges. Application received: July 22, 2010. Permit issued: October 13, 2010.

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

**32090104 and NPDES No. PA0262897. Beth Contracting, Inc.**, 815 Rock Run Road, Glen Campbell, PA 15742 commencement, operation and restoration of a bituminous surface mine in Banks Township, **Indiana County**, affecting 23.2 acres. Receiving stream(s): unnamed tributary to Cush Creek and Horton Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 16, 2009. Permit issued: October 14, 2010.

**11813039 and NPDES No. PA0125474. Cooney Brothers Coal Company**, P. O. Box 246, Cresson, PA 16630, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Adams Township, **Cambria County**, affecting 1,353.0 acres. Receiving stream(s): unnamed tributaries to/and Paint Creek; unnamed tributaries to/and Sulphur Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 16, 2010. Permit issued: October 4, 2010.

**11813040 and NPDES No. PA0125423. Cooney Brothers Coal Company**, P. O. Box 246, Cresson, PA 16630, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Adams Township, **Cambria County**, affecting 750.0 acres. Receiving stream(s): unnamed tributaries to/and South Fork Little Conemaugh River; unnamed tributaries to/and Sulfur Creek classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority. Application received: March 16, 2010. Permit issued: October 4, 2010.

**56090110 and NPDES No. PA0262862. Godin Mining, Inc.**, 128 Colton Drive, Stoystown, PA 15563, commencement, operation and restoration of a bituminous surface and auger mine in Jenner Township, **Somerset County**, affecting 91.9 acres. Receiving stream(s): Hoffman Run classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria-Somerset Authority. The permit includes a Chapter 105 permit waiver for relocation and restoration of previously affected unnamed

tributary A and a Chapter 105 permit for affecting and replacing 0.15 acres of wetland. Application received: September 18, 2009. Permit issued: October 14, 2010.

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

**63090103 and NPDES Permit No. PA0251747. Amerikohl Mining, Inc.** (1384 State Route 711, Stahlstown, PA 15687). Permit revised to allow construction and operation of a portable coal crusher at an existing bituminous surface mining site located in Somerset and Fallowfield Townships, **Washington County**, affecting 222.2 acres. Receiving streams: Sawmill Creek and unnamed tributaries to Sawmill Creek. Revision Application received: July 26, 2010. Revised permit issued: October 12, 2010.

**03090201 and NPDES Permit No. PA0251798. Coal Valley Sales, LLC** (111 Freeport Road, Pittsburgh, PA 15215). Permit issued for commencement, operation, and reclamation of a bituminous surface mining/coal refuse reprocessing site located in North Buffalo and Cadogan Townships, **Armstrong County**, affecting 72.6 acres. Receiving streams: Unnamed tributary to Allegheny River. Application received: March 22, 2010. Permit issued: October 12, 2010.

**26040102 and NPDES Permit No. PA0250571. Amerikohl Mining, Inc.** (1384 State Route 711, Stahlstown, PA 15687). Permit renewal issued for reclamation only of an existing bituminous surface mining site located in Springfield Township, **Fayette County**, affecting 103 acres. Receiving streams: unnamed tributary to Stony Run and Indian Creek to Youghiogheny River. Application received: August 6, 2010. Reclamation-only renewal issued: October 14, 2010

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

**33030110 and NPDES Permit No. PA0242454. Hepburnia Coal Company** (P. O. Box I, Grampian, PA 16242) Renewal of an existing bituminous strip operation in Snyder Township, **Jefferson County** affecting 122.5 acres. Receiving streams: Unnamed tributaries to Little Toby Creek. Application received: August 19, 2010. Permit Issued: October 13, 2010.

**33050103 and NPDES Permit No. PA0257991. Cookport Coal Co., Inc.** (425 Market Street, Kittanning, PA 16201) Renewal of an existing bituminous strip and auger operation in Perry Township, **Jefferson County** affecting 63.5 acres. Receiving streams: Nicely Run. Application received: July 29, 2010. Permit Issued: October 14, 2010.

**33960108 and NPDES Permit No. PA0227315. Bedrock Mines, LP** (111 Freeport Road, Pittsburgh, PA 15215) Renewal of an existing bituminous strip operation in Ringgold Township, **Jefferson County** affecting 54.1 acres. Receiving streams: Unnamed tributaries to Painter Run. Application received: August 18, 2010. Permit Issued: October 15, 2010.

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

**14090101 and NPDES No. PA0257061. Larry D. Baumgardner Coal Co., Inc.**, (P. O. Box 186, Lanse, PA 16849). Commencement, operation and restoration of a bituminous surface mine located in Snow Shoe Township, **Centre County** affecting 36.5 acres. Receiving streams:



unnamed tributaries to Black Moshannon Creek classified for high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: February 10, 2009. Permit issued: October 8, 2010.

**17950102 and NPDES No. PA0220001. Hilltop Coal Co.** (12 Dutchtown Road, Houtzdale, PA 16651). Permit renewal for reclamation only on an existing bituminous surface mine located in Bigler Township, **Clearfield County** affecting 25.0 acres. Receiving streams: Upper Morgan Run classified for cold water fishery, North Branch Clearfield Creek to the West Branch of the Susquehanna River classified for high quality cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: September 24, 2010. Permit issued: October 8, 2010.

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

**54040201C2. Reading Anthracite Company,** (P. O. Box 1200, Pottsville, PA 17901), insignificant boundary correction to an existing anthracite coal refuse reprocessing operation in Butler, West Mahanoy and Union Townships, **Schuylkill County** affecting 1108.97 acres, receiving stream: none. Application received: June 29, 2010. Correction issued: October 12, 2010.

*Noncoal Permits Actions*

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

**26950401 and NPDES Permit No. PA0201294. Amerikohl Aggregates, Inc.** (202 Sunset Drive, Butler, PA 16001). Permit renewal issued for continued operation and reclamation of a large noncoal surface mining site located in Springfield Township, **Fayette County**, affecting 570 acres. Receiving streams: unnamed tributaries to Clay Run and Buck Run to Youghiogheny River. Application received: August 6, 2010. Renewal issued: October 14, 2010

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

**59050301 and NPDES No. PA0256170. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16803). Renewal of the NPDES Permit for discharges of treated mine drainage from a quarry operation in Lawrence Township, **Tioga County**. Receiving streams: Mutton Lane Creek to Tioga River classified for Warm Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: September 14, 2010. Permit issued: October 7, 2010.

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

**45950302C6 and NPDES Permit No. PA0613037. Haines & Kibblehouse, Inc.,** (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Tobyhanna Township, **Monroe County**, receiving streams: Twomile Run and an unnamed tributary of Trout Creek. Application received: August 16, 2010. Renewal issued: October 13, 2010.

**ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Blasting Permits Actions*

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

**63104006. Geokinetics** (P. O. Box 397, Eighty Four, PA 15330). Blasting activity permit for seismic exploration of the Waynesburg 3D Phase II, located in East Findlay Township, **Washington County** and Morris, etc Townships, **Greene County**. The duration of blasting is expected to last 15 months. Blasting permit issued: October 13, 2010.

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

**42104016. Pennsylvania General Energy Co, LLC** (120 Market Street, Warren, PA 16365). Blasting activity permit for stone removal for use in construction of roads and drill pad in Norwich Township, **McKean County**. This blasting activity permit will expire on July 1, 2011. Permit Issued: October 8, 2010.

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

**08104127. Austin Powder Northeast LLC,** (25800 Science Park Drive, Beachwood, OH 44122). Blasting for a well pad located in New Albany Boro, **Bradford County**. Permit issued: October 12, 2010. Permit expires: September 9, 2011.

**14104012. Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866). Construction blasting for Penn State water line relocation located in College Township, **Centre County**. Permit issued: October 13, 2010. Permit expires: October 7, 2011.

**14104013. Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866). Construction blasting for a well pad located in Snow Shoe Township, **Centre County**. Permit issued: October 13, 2010. Permit expires: October 11, 2011.

**18104003. T.A.W. Inc.** (RR 2, Box 14, Wysox, PA 18854). Construction blasting for a well pad containment pond located in West Keating Township, **Clinton County**. Permit issued: October 7, 2010. Permit expires: July 7, 2011.

**59104012. Doug Wathen, LLC** (16208 State Highway 13, Suite 100, Branson West, MO 65616). Construction blasting for Sparrowhawk frack pond located in Covington Township, **Tioga County**. Permit issued: October 13, 2010. Permit expires: January 10, 2011.

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

**39104108. American Rock Mechanics, Inc.,** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Lehigh Hills in Upper Macungie Township, **Lehigh County** with an expiration date of October 11, 2011. Permit issued: October 12, 2010.

**58104118. Meshoppen Blasting, Inc.**, (P. O. Box 127, Meshoppen, PA 18630), construction blasting for Delhagen Roadway and Well Pad in Rush Township, **Susquehanna County** with an expiration date of November 30, 2010. Permit issued: October 12, 2010.

**51104001. Explo-Craft, Inc.**, (P. O. Box 1332, West Chester, PA 19380), construction blasting at the Philadelphia Museum of Art in the City of Philadelphia, **Philadelphia County** with an expiration date of September 30, 2011. Permit issued: October 12, 2010.

**58104049. John Brainard**, (3978 SR 2073, Kingsley, PA 18826), construction blasting for the Fraser Well Pad in Forest Lake Township, **Susquehanna County** with an expiration date of July 31, 2011. Permit issued: October 12, 2010.

**13104101. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Boulder Creek Resort in Kidder Township, **Carbon County** with an expiration date of October 31, 2011. Permit issued: October 13, 2010.

**36104157. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Penn Ebro Project in Ephrata Township, **Lancaster County** with an expiration date of December 30, 2010. Permit issued: October 13, 2010.

**36104158. Abel Construction Co., Inc.**, (P. O. Box 476, Mountville, PA 17554), construction blasting for Woodes Edge in Manor Township, **Lancaster County** with an expiration date of October 1, 2011. Permit issued: October 13, 2010.

**48104111. Austin Powder Northeast, LLC**, (25800 Science Park Drive, Beachwood, OH 44122), construction blasting for Chrin Commerce Center in Tatamy Borough and Palmer Township, **Northampton County** with an expiration date of September 14, 2011. Permit issued: October 13, 2010.

**48104112. Austin Powder Northeast, LLC**, (25800 Science Park Drive, Beachwood, OH 44122), construction blasting for Parkview Estates in Palmer Township, **Northampton County** with an expiration date of September 14, 2011. Permit issued: October 13, 2010.

**52104111. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Saw Creek Estates in Middle Smithfield and Lehman Townships, **Pike County** with an expiration date of October 31, 2011. Permit issued: October 15, 2010.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection 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 of Environmental Protection has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of Sections 301-303, 306 and 307 of the FWPCA 33 U.S.C. §§ 1311-1313, 1316 and 1317, and that the construction will not violate applicable Federal and State Water Quality Standards.

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing

Board Act, 35 P. S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30 days. You do not need a lawyer to file an appeal with the Board.

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

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**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 (35 §§ 691.1-691.702) and Notice of Final Action for Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C. § 1341).**

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*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E01-294: Patrick Shaeffer**, 1147 Eichelberger Street, Hanover, PA 17331, McSherrystown Borough, **Adams County**, ACOE Baltimore District

To remove a 470.0-foot section of existing dual 34.0-inch by 49.0-inch corrugated metal pipe culvert and to construct and maintain a 716.0-foot long, dual 38.0-inch by 57.0-inch, elliptical corrugated metal pipe culvert in an unnamed tributary to Plum Creek (WWF) with a depressed rip rap apron extending 100.0 feet downstream for the purpose of constructing a housing development. The project is located between Second Street and Sterling Drive (McSherrystown, PA Quadrangle N: 9.1 inches, W: 3.1 inches; Latitude: 39°47'59", Longitude: 77°01'17") in McSherrystown Borough, **Adams County**.

**E21-418: East Pennsboro Township**, 98 South Enola Drive, Enola PA 17025-2704, East Pennsboro Township, **Cumberland County**, ACOE Baltimore District

To construct and maintain a new headworks building, including grading, a 4.0-inch DIP water line, 1.0-inch copper water line, 2.0-inch copper water line, 4.0-foot diameter sanitary sewer manhole, 21.0-inch diameter PVC sanitary sewer line, two (2) 3-inch FRP pipelines, 30.0-inch DIP effluent pipeline, 42.0-inch DIP high flow pipeline, and to construct and maintain two (2) chlorine contact tanks, including a 1.0-inch PVC effluent sample line, 4.0-foot diameter effluent sample manhole, 48.0-inch

diameter DIP chlorine contact tank effluent pipeline, 48.0-inch diameter DIP effluent pump station discharge pipeline, and two 15.0-inch HDPE stormwater outfalls with endwalls and R-4 rip-rap aprons. All impacts are located within the 100-year FEMA floodplain of Conodoguinet Creek (WWF) and will permanently impact 0.01 acre of floodplain. The purpose of the project is to improve the existing East Pennsboro Township Wastewater Treatment Plant. The project is located along Dulles Drive in East Pennsboro Township, Cumberland County (Harrisburg West, PA Quadrangle N: 3.9 inches, W: 6.3 inches; Latitude: 40° 16' 19", Longitude: -76° 55' 15")

**E01-293: Conewago Enterprises, Inc.**, 660 Edgegrove Road, PO Box 407, Hanover, PA 17331, Conewago Township, **Adams County**, ACOE Baltimore District

To place and maintain fill in 0.81 acre of PEM wetland for the purpose of expanding an existing commercial facility. The project is located at the intersection of Oxford Avenue and Black Lane, just northeast of the town of Edgegrove (McSherrystown, PA Quadrangle N: 13.5 inches, W: 7.5 inches; Latitude: 39°49'28.16", Longitude: 77°02'25.12"), in Conewago Township, **Adams County**. To compensate for wetland impacts, the permittee shall provide a minimum of 1.55 acres of replacement wetlands onsite.

**E67-883: Penn Township**, 20 Wayne Avenue, Hanover, PA 17331, Penn Township, York County, ACOE Baltimore District

To install and maintain an 18.0-inch sanitary sewer line in and across Oil Creek (WWF), to install and maintain an 18.0-inch sanitary sewer line encased in a 36.0-inch steel casing in and across an unnamed tributary to Oil Creek (WWF), to install and maintain a 10.0-inch sanitary sewer line in and across Oil Creek (WWF), to install and maintain an 18.0-inch sanitary sewer line in and across 133.0 feet of wetland, to install and maintain 75.0 feet of stream bank protection along Oil Creek (WWF), to install and maintain a temporary crossing in Oil Creek (WWF), to construct and maintain 6,300.0 linear feet of gravity interceptor in the 100-year flood plain of Oil Creek (WWF), all for the purpose of upgrading the existing sanitary sewer facilities. The project will temporarily impact 0.039 acre of palustrine emergent wetland and permanently impact 0.005 acre of palustrine emergent wetland. The amount of wetland impact is considered a de minimus impact of 0.005 acre and wetland mitigation is not required. The interceptor will generally run north-northeast along Oil Creek from York Street to Penn Township's wastewater treatment plant, located at 1020 Wilson Avenue (Hanover, PA Quadrangle N: 10.55 inches, W: 12.32 inches; Latitude: 39°48'2.1", Longitude: 76°57'30.7") in Penn Township, **York County**.

**E28-357: Franklin County Commissioners, Bridges #27 & #28**, Saint Thomas & Hamilton Townships, **Franklin County**, ACOE Baltimore District

To remove existing Franklin County Bridge #27 and perform streambank restoration and to construct and maintain a 30.0-foot wide single span bridge with a normal span of 35.0 feet and a minimum underclearance of 11.2 feet across Dennis Creek (CWF) with R-6 rip-rap scour protection at the abutments, to place and maintain approximately 120 cubic yards of fill within the floodway of Dennis Creek (CWF) and to fill 0.03 acres of wetland; to widen and maintain Franklin County Bridge #28 by installing additional pre-stressed concrete box beams to extend the overall width of the bridge to 25.1 feet wide,

with a 45.0 foot normal span and a minimum underclearance of 9.2 feet across Back Creek (TSF) and to place and maintain approximately 3000 cubic yards of fill within the floodway of Back Creek (TSF). Bridge #27 is located on Twin Bridge Road (Chambersburg, PA Quadrangle, N: 13.0 inches, W: 16.1 inches; Latitude: 39° 56' 47", Longitude: 77° 44' 22") and Bridge #28 is located on Crottlestown Road (Chambersburg, PA Quadrangle, N: 12.9 inches, W: 16.0 inches; Latitude: 39° 56' 46", Longitude: 77° 44' 21") in Saint Thomas and Hamilton Townships, Franklin County. The amount of wetland impact is considered a de minimus impact of 0.03 acre and wetland mitigation is not required. The purpose of the project is to realign the roadways and approaches to the bridges to improve the adjacent intersections.

**E67-881: Hopewell Township Board of Supervisors**, PO Box 429, Stewartstown, PA 17262, Hopewell Township, **York County**, ACOE Baltimore District

To remove an existing structure and to construct and maintain a 34.0-foot long, 1.0-foot depressed with baffles, 10.0-foot X 5.5-foot, reinforced concrete box culvert in an unnamed tributary of Ebaughs Creek (CWF), with depressed rip-rap aprons extending 5.0 feet upstream and 5.0 feet downstream for the purpose of improving safety standards, to remove an existing structure and to construct and maintain a 62.0-foot long, 1.0-foot depressed with baffles, 12.0-foot X 4.5-foot, reinforced concrete box culvert in an unnamed tributary of Ebaughs Creek (CWF), with depressed rip-rap aprons extending 5.0 feet upstream and 5.0 feet downstream for the purpose of improving safety standards, to remove an existing structure and to construct and maintain a 32.0-foot long, 1.0-foot depressed with baffles, 10.0-foot x 4.0-foot, reinforced concrete box culvert in an unnamed tributary of Ebaughs Creek (CWF), with depressed rip-rap aprons extending 5.0 feet upstream and 5.0 feet downstream for the purpose of improving safety standards. The project is located on Shaw Road between the High Street and Bridgeview Road intersections (Stewartstown, PA Quadrangle N: 1.8 inches, W: 17.5 inches; Latitude: 39°45'39.71", Longitude: 76°36'16.37") in Hopewell Township, York County.

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E14-535. Walker Lumber Company**, PO Box 60, Route 322, Woodland, PA 16881. Heintzelman Tract, in Union Township, **Centre County**, ACOE Baltimore District (Julian, PA Quadrangle N: 40°53'0.85"; W: -77°54'13.33").

To use an existing ford in Bald Eagle Creek and maintain its two, 20-foot wide by 30-foot long approaches, with 6-inches of #3 clean limestone located 1,000 feet southeast of the intersection of Poor Farm Lane and SR 220 on the Heintzelman Tract. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E18-457. Anne S. Bauman**, 26 Danis Street, Mill Hall, PA 17751. Tim Fence, in Mill Hall Borough, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle N: 41°6'20.6"; W: 77°29'13.8").

To construct and maintain a 146-foot long by 4-foot tall chicken wire fence on 25 "U" steel garden posts to serve as a barrier fence between the Bauman property and the downstream neighbor's property, located 200 feet downstream from the Bressler Alley and Danis Street intersection. This permit was issued under Section 105.13(e) "Small Projects."

**E19-280. Town of Bloomsburg**, 301 East Second Street Bloomsburg, PA 17815. Bloomsburg Composting Site, in Town of Bloomsburg, **Columbia County**, ACOE Baltimore District (Catawissa, PA Quadrangle Latitude: 40-59-11; Longitude: 76-27-32.6).

To construct, operate and maintain a compost handling facility located in the 100-yr floodplain of the Susquehanna River, which carries a water quality designation of Warm Water Fishery. The Facility will be housed on 4.9 acres of floodplain and will not impact any wetlands. The facility is located in the northeast corner of Fort McClure Boulevard and Sand Street. This permit was issued under Section 105.13(e) "Small Projects."

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, 16335.*

**E37-181, Mr. Nyron Ligo**, Ligo Lane, New Wilmington, PA 16142. Bridge over UNT Little Neshannock Creek, in Wilmington Township, **Lawrence County**, ACOE Pittsburgh District (New Castle North, PA Quadrangle N: 41°, 07', 16"; W: 80°, 20', 52").

To construct and maintain a private steel beam bridge having a clear span of approximately 20 feet and an underclearance of approximately 2.5 feet on a UNT Little Neshannock Creek approximately 3000 feet W of the intersection of S.R. 208 and S.R. 158. The crossing has already been constructed. UNT Little Neshannock Creek is a perennial stream classified as a trout stocked fishery.

#### **EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control (ESCP) Permit(s) have been issued.

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P. S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30 days. You do not need a lawyer to file an appeal with the Board.

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

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

08/13/2010  
 ESCGP-1 No.: ESX10-059-0061  
 Applicant Name: Chesapeake Appalachia, LLC  
 CONTACT: Tal Oden  
 Address: P O Box 18496  
 City: Oklahoma City State: OK Zip Code: 73154-0496

County: Greene Township(s): Springhill  
 Receiving Stream(s) and Classifications: PA Fork Fish Creek WWF, Other  
 Secondary Water, Pigeon Run WWF

9/7/2010  
 ESCGP-1 No.: ESX10-125-0038 Major Revision  
 Applicant Name: EQT Production Co/Kevech Well #590468 Project  
 Contact Person: Shari D. Hodges  
 Address: 455 Racetrack Rd. Suite 101  
 City: Washington State: PA Zip Code: 15301  
 County: Washington Township(s): Fallowfield  
 Receiving Stream(s) and Classifications: Sawmill Creek/Pigeon Creek WWF, Other  
 Secondary Water, Monongahela River

9/1/10  
 ESCGP-1 No.: ESX10-059-0067  
 Applicant Name: CNX Gas Company, LLC  
 Contact Person: Daniel Bitz  
 Address: 200 Evergreene Drive  
 City: Waynesburg State: PA Zip Code: 15370  
 County: Greene Township(s): Morris  
 Receiving Stream(s) and Classifications: Enlow Fork, Other

09/07/2010  
 ESCGP-1 No.: ESX10-129-0030  
 Applicant Name: RW Gathering LLC and Williams Production Appalachia LLC  
 Contact Person: David R. Freudenrich  
 Address: 1000 Town Center, Suite 130  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Westmoreland Township(s): Derry  
 Receiving Stream(s) and Classifications: Stony Run & Union Run, Other CWF & WWF  
 Secondary Water, Conemaugh River & Loyal hanna Creek

8/3/10  
 ESCGP-1 No.: ESX10-129-0022  
 Applicant Name: ATLAS RESOURCES, LLC  
 Contact Person: JEREMY HIRTZ  
 Address: 800 MOUNTAIN VIEW DRIVE  
 City: SMITHFIELD State: PA Zip Code: 15473  
 COUNTY WESTMORELAND Township(s): SOUTH HUNTINGDON  
 Receiving Stream(s) and Classifications: UNT TO BARREN RUN AND BARREN RUN, OTHER

8/30/10  
 ESCGP-1 No.: ESX10-005-0009  
 Applicant Name: EXCO Resources (PA), LLC  
 Contact Person: Larry Sanders  
 Address: 3000 Ericsson Drive, Suite 200  
 City: Warrendale State: PA Zip Code: 15086  
 County: Armstrong Township(s): Manor  
 Receiving Stream(s) and Classifications: UNT to Campbell Run (WWF), Other

09/15/2010  
 ESCGP-1 No.: ESX10-125-0077  
 Applicant Name: CNX Gas Company LLC  
 Contact Person: Daniel Bitz  
 Address: 200 Evergreene Drive  
 City: Waynesburg State: PA Zip Code: 15370  
 County: Washington Township(s): Morris  
 Receiving Stream(s) and Classifications: Unnamed Tributaries to Tenmile Creek HQ  
 Secondary Water Tenmile Creek

09/09/2010

ESCGP-1 No.: ESX10-059-0068

Applicant Name: CNX Gas Co LLC

Contact Person: Daniel Bitz

Address: 200 Evergreene Drive

City: Waynesburg State: PA Zip Code: 15370

County: Greene Township(s): Morris

Receiving Stream(s) and Classifications: Boothe Run and  
UNT to Enlow Fork/Wheeling Creek Watershed, Other  
Secondary Water Enlow Fork

09/07/2010

ESCGP-1 No.: ESX10-129-0029

Applicant Name: XTO Energy, Inc.

Contact Person: Bernhardt Kissel

Address: 395 Airport Road

City: Indiana State: PA Zip Code: 15701

County: Westmoreland Township(s): Fairfield

Receiving Stream(s) and Classifications: Hannas Run,  
CWF, Other

9/16/10

ESCGP-1 NO.: ESX10-125-0079

Applicant Name: Range Resources—Appalachia, LLC

CONTACT PERSON: Carla Suszkowski

ADDRESS: 380 Southpointe Boulevard, Suite 300

City: Canonsburg State: PA 15317

County: Washington Township(s): Morris

Receiving Stream(s) and Classifications: UNT to Tenmile  
Creek, Other

09/17/2010

ESCGP-1 NO.: ESX10-129-0012 Major Revision

Applicant Name: Atlas Energy Resources, LLC

CONTACT: Jeremy Hirtz

ADDRESS: 800 Mountain View Drive

City: Smithfield State: PA Zip Code: 15478

County: Westmoreland Township(s): Salem

Receiving Stream(s) and Classifications: UNT 43387 to  
Crabtree Creek, Other  
Secondary Water Crabtree Creek

09/22/2010

ESCGP-1 NO.: ESX10-059-0071

Applicant Name: EQT Gathering, LLC

CONTACT: Hanna E. McCoy

ADDRESS: 625 Liberty Avenue Suite 1700

City: Pittsburgh State: PA Zip Code: 15222

County: Greene Township(s): Morris

Receiving Stream(s) and Classifications: UNT Browns  
Creek/Browns Creek HQ  
Secondary Water South Fork Tenmile Creek

09/27/2010

ESCGP-1 NO.: ESX10-051-0036

Applicant Name: Atlas Energy Inc

CONTACT: Jeremy Hirtz

ADDRESS: 800 Mountain View Drive

City: Smithfield State: PA Zip Code: 15478

County: Fayette Township(s): Upper Tyrone

Receiving Stream(s) and Classifications: Gulley Run/  
Youghiogheny River, Other

09/23/2010

ESCGP-1 NO.: ESX10-125-0081

Applicant Name: MarkWest Liberty Midstream & Re-  
sources, LLC

CONTACT: Robert McHale

ADDRESS: 100 Plaza Drive Suite 102

City: Atlasburg State: PA Zip Code: 15301

County: Washington Township(s): Amwell

Receiving Stream(s) and Classifications: UNTs to Bane  
Creek, Other  
Secondary Water Bane Creek*Northwest Region: Oil and Gas Program Manager 230  
Chestnut St. Meadville, PA 16335*ESCGP-1 #ESX10-047-0005—Boone Mountain Major  
Modification and Phase 2

Applicant Seneca Resources Corporation

Contact Douglas A. Kepler

Address 51 Zents Boulevard

City Brookville State PA Zip Code 15825

County Elk Township(s) Horton(s)

Receiving Stream(s) and Classification(s) Rattlesnake  
Creek and Mountain Run—HQ

ESCGP-1 #ESX10-083-0029—SRC Pad D Mt Jewett

Applicant Seneca Resources Corporation

Contact Mike Clinger

Address 51 Zents Boulevard

City Brookville State PA Zip Code 15825

County McKean Township(s) Hamlin(s)

Receiving Stream(s) and Classification(s) Tributaries of  
Marvin Creek and Tributaries of Kane Creek—CW

ESCGP-1 #ESX10-047-0006—James City

Applicant Seneca Resources Corporation

Contact Douglas A. Kepler

Address 51 Zents Boulevard

City Brookville State PA Zip Code 15825

County Elk Township(s) Highland(s)

Receiving Stream(s) and Classification(s) Unnamed tribu-  
tary to Wolf Run and Ellithorpe run to Big Mill Creek,  
Secondary Water Big Mill Creek—HQ

ESCGP-1 #ESX10-047-0009—Wolfinger Pad A &amp; B

Applicant Seneca Resources Corporation

Contact Mike Clinger

Address 51 Zents Boulevard

City Brookville State PA Zip Code 15825

County Elk and Cameron Township(s) City of St. Mary's  
and Shippen(s)Receiving Stream(s) and Classification(s) Warner Hollow  
and Reed Hollow—HQ, EVESCGP-1 #ESX10-047-0010—Longhorn CRM1 Marcel-  
lus Well Project

Applicant EQT Production Company

Contact Todd Klaner

Address 455 Racetrack Road, Suite 101

City Washington State PA Zip Code 15301

County Elk Township(s) Horton(s)

Receiving Stream(s) and Classification(s) Unnamed tribu-  
tary to Mead Run/Little Toby Creek, Mead Run/Little  
Toby Creek, South Branch Laurel Run/Laurel Run,  
Unnamed tributary to Laurel Run/Laurel Run, Vine-  
yard Run/Clarion River, East Branch Walburn Run/  
Walburn Run, and West Branch Walburn Run/Walburn  
Run.*Northcentral Region: Oil & Gas Management Program  
Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESX10-015-0283

Applicant Name Talisman Energy USA Inc

Contact Person Tracy Gregory

Address 337 Daniel Zenker Drive

City, State, Zip Horseheads, NY 14845

County Bradford

Township(s) Wells/Columbia Twps

Receiving Stream(s) and Classification(s) Wolfe Creek

ESCGP-1 # ESX10-117-0206

Applicant Name East Resources Management, LLC

Contact Person Jefferson Long

Address 190 Thorn Hill Road

City, State, Zip Warrendale, PA 15086

County Tioga

Township(s) Richmond  
Receiving Stream(s) and Classification(s) State Creek,  
Tioga River Basin, Tioga River

ESCGP-1 # ESX10-115-0046  
Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins  
Address 101 North Main Street  
City, State, Zip Athens, PA 18810  
County Susquehanna

Township(s) Rush Twp.  
Receiving Stream(s) and Classification(s) UNT to Deer  
Lick Creek, Elk Lake Stream, Deer Lick Creek, East  
Branch Wyalusing Creek

ESCGP-1 # ESX10-115-0036  
Applicant Name Cabot Oil & Gas Corp

Contact Person Brett Thomas  
Address RR6 Box 6100  
City, State, Zip Montrose, PA 18801  
County Susquehanna

Township(s) Springville Twp.  
Receiving Stream(s) and Classification(s) UNT to Meshop-  
pen Creek

ESCGP-1 # ESX10-105-0024  
Applicant Name Penn Virginia Oil & Gas Corp

Contact Person Michael Stamper  
Address 1000 Town Center Way, STE 210  
City, State, Zip Canonsburg, PA 15317  
County Potter

Township(s) Coudersport Borough  
Receiving Stream(s) and Classification(s) Niles Hollow  
Trib. to the Allegheny River

ESCGP-1 # ESX10-027-0017  
Applicant Name EXCO Resources (PA), LLC

Contact Person Larry Sanders  
Address 3000 Ericsson Drive, Ste 200  
City, State, Zip Warrendale, PA 15086  
County Centre

Township(s) Burnside Twp.  
Receiving Stream(s) and Classification(s) Cherry Run and  
Little Sandy Run/North Fork Beech Creek, Beech  
Creek

ESCGP-1 # ESX10-015-0271  
Applicant Name EOG Resources

Contact Person Nathan Wells  
Address 400 Southpoint Blvd, Plaza 1, STE 300  
City, State, Zip Canonsburg, PA 15317  
County Bradford

Township(s) Ridgebury Twp  
Receiving Stream(s) and Classification(s) Fall Creek, Trib  
to Bentley Creek

ESCGP-1 # ESX10-015-0274  
Applicant Name EOG Resources

Contact Person Nathan Wells  
Address 400 Southpoint Blvd, Plaza 1, STE 300  
City, State, Zip Canonsburg, PA 15317  
County Bradford

Township(s) Springfield Twp.  
Receiving Stream(s) and Classification(s) UNT to Bentley  
Creek

ESCGP-1 # ESX10-115-0035  
Applicant Name Cabot Oil & Gas Corp

Contact Person Brett Thomas  
Address RR6 Box 6100  
City, State, Zip Montrose, PA 18801  
County Susquehanna

Township(s) Franklin Twp.  
Receiving Stream(s) and Classification(s) UNT to Dubois  
Creek

ESCGP-1 # ESX10-015-0281  
Applicant Name Talisman Energy USA, Inc

Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Bradford

Township(s) Troy Twp.  
Receiving Stream(s) and Classification(s) W. Branch  
Sugar Creek, Sugar Creek

ESCGP-1 # ESX10-117-0102(01)  
Applicant Name Novus Operating, LLC

Contact Person Jim Wood  
Address 2963 Ruger Drive  
City, State, Zip Royse City, TX 25189  
County Tioga

Township(s) Covington Twp/  
Receiving Stream(s) and Classification(s) UNT to Tioga  
River, Tioga River

ESCGP-1 # ESX10-113-0021  
Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins  
Address 101 North Main Street  
City, State, Zip Athens, PA 18810  
County Sullivan

Township(s) Elkland Twp.  
Receiving Stream(s) and Classification(s) Kings Creek

ESCGP-1 # ESX10-015-0280  
Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins  
Address 101 North Main Street  
City, State, Zip Athens, PA 18810  
County Bradford

Township(s) Ulster  
Receiving Stream(s) and Classification(s) UNT to  
Susquehanna River, Susquehanna River

ESCGP-1 # ESX10-015-0276  
Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins  
Address 101 North Main Street  
City, State, Zip Athens, PA 18810  
County Bradford

Township(s) Overton Twp.  
Receiving Stream(s) and Classification(s) UNT to Black  
Creek, Black Creek

ESCGP-1 # ESX10-015-0275  
Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins  
Address 101 North Main Street  
City, State, Zip Athens, PA 18810  
County Bradford

Township(s) Towanda Twp.  
Receiving Stream(s) and Classification(s) UNT to French  
Run, French Run

ESCGP-1 # ESX10-015-0279  
Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins  
Address 101 North Main Street  
City, State, Zip Athens, PA 18810  
County Bradford

Township(s) North Towanda Twp.  
Receiving Stream(s) and Classification(s) UNT to Sugar  
Creek, Sugar Creek

ESCGP-1 # ESX10-117-0204  
Applicant Name East Resources Management, LLC

Contact Person Jefferson Long  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086

County Tioga  
Township(s) Middlebury Twp.  
Receiving Stream(s) and Classification(s) UNT Crooked  
Creek, UNT Losey Creek, Tioga River Basin, Crooked  
Creek, Tioga River, Losey Creek

ESCGP-1 # ESX10-117-0205  
Applicant Name East Resources Management, LLC  
Contact Person Jefferson Long  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga  
Township(s) Rutland and Sullivan Twps.  
Receiving Stream(s) and Classification(s) Elk Run, UNT  
to Elk Run, UNT to Mill Creek

ESCGP-1 # ESX10-113-0028  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 101 North Main Street  
City, State, Zip Athens, PA 18810  
County Sullivan  
Township(s) Elkland Twp  
Receiving Stream(s) and Classification(s) UNT to Lick  
Creek and Mill Creek, Lick Creek and Mill Creek

ESCGP-1 # ESX10-113-0024  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 101 North Main Street  
City, State, Zip Athens, PA 18810  
County Sullivan  
Township(s) Fox Twp.  
Receiving Stream(s) and Classification(s) Porter Creek/  
Elk Creek

ESCGP-1 # ESX10-113-0020  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 101 North Main Street  
City, State, Zip Athens, PA 18810  
County Sullivan  
Township(s) Elkland Twp.  
Receiving Stream(s) and Classification(s) UNT to Mill  
Creek, Mill Creek

ESCGP-1 # ESX10-015-0230(01)  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 101 North Main Street  
City, State, Zip Athens, PA 18810  
County Bradford  
Township(s) Overton Twp  
Receiving Stream(s) and Classification(s) UNT Black  
Creek/ UNT Ladds Creek, Little Loyalsock Creek,  
South Br. Towanda Creek

ESCGP-1 # ESX10-115-0047  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 101 North Main Street  
City, State, Zip Athens, PA 18810  
County Susquehanna  
Township(s) Auburn Twp.  
Receiving Stream(s) and Classification(s) UNT to  
Tuscarora Creek

ESCGP-1 # ESX10-015-0285  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 101 North Main Street  
City, State, Zip Athens, PA 18810  
County Bradford  
Township(s) Litchfield Twp.

Receiving Stream(s) and Classification(s) UNT to Satterlee  
Creek, Satterlee Creek

ESCGP-1 # ESX10-117-0208  
Applicant Name East Resources Management, LLC  
Contact Person Jefferson Long  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga  
Township(s) Richmond Twp.  
Receiving Stream(s) and Classification(s) UNT to Corey  
Creek, Susquehanna River Basin, Corey Creek, Tioga  
River

ESCGP-1 # ESX10-015-0287  
Applicant Name EOG Resources Inc  
Contact Person Nathan Wells  
Address 400 Southpoint Blvd, Plaza 1, Suite 300  
City, State, Zip Canonsburg, PA 15317  
County Bradford  
Township(s) Springfield Twp.  
Receiving Stream(s) and Classification(s) UNT to Leonard  
Creek, Brace Creek, Sugar Creek

ESCGP-1 # ESX10-015-0238(01)  
Applicant Name Talisman Energy USA Inc.  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Columbia Twp.  
Receiving Stream(s) and Classification(s) Trib. to North  
Branch Sugar Creek, North Branch Sugar Creek

ESCGP-1 # ESX10-081-0084  
Applicant Name Anadarko E&P Company, LP  
Contact Person Rane Wilson  
Address 33 West 3rd St, Ste 200  
City, State, Zip Williamsport, PA 17701  
County Lycoming  
Township(s) Cummings Twp  
Receiving Stream(s) and Classification(s) English Run,  
First Fork Larry's Creek

ESCGP-1 # ESX10-015-0289  
Applicant Name Talisman Energy USA, Inc  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Warren Twp.  
Receiving Stream(s) and Classification(s) UNT to Wap-  
pasening Creek, UNT to Chaffee Run,

ESCGP-1 # ESX10-113-0030  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 101 North Main Street  
City, State, Zip Athens, PA 18810  
County Sullivan  
Township(s) Elkland Twp.  
Receiving Stream(s) and Classification(s) UNT to Mill  
Creek/UNT to Blackwater Run, Mill Creek, Blackwater  
Run

ESCGP-1 # ESX10-015-0273  
Applicant Name Talisman Energy USA, Inc  
Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) Columbia Twp.  
Receiving Stream(s) and Classification(s) Trib. to Mill  
Creek, Mill Creek

ESCGP-1 # ESX10-105-0022

Applicant Name Pennsylvania General Energy Company, LLC

Contact Person Douglas Kuntz  
Address 120 Market Street  
City, State, Zip Warren, PA 16365  
County Potter

Township(s) Pleasant Valley and Roulette Twps  
Receiving Stream(s) and Classification(s) UNT to Sartwell Creek, Sartwell Creek, Fishing Creek, UNTS to Fishing Creek, Allegheny River

ESCGP-1 # ESX10-033-0003(02)

Applicant Name Energy Corporation of America

Contact Person Benjamin Carpenter  
Address 501 56th Street South East  
City, State, Zip Charleston, WV 25304  
County Clearfield

Township(s) Goshen Twp  
Receiving Stream(s) and Classification(s) Trout, Little Trout, Pine, Coldstream & Stump Lick Runs, Bloody Run, and West Branch Susquehanna River

ESCGP-1 # ESX10-127-0011

Applicant Name Hess Corporation

Contact Person Eugene Linscomb  
Address 910 Church Street  
City, State, Zip Honesdale, PA 18439  
County Wayne

Township(s) Scott Twp.  
Receiving Stream(s) and Classification(s) UNT to Star-rucca Creek

ESCGP-1 # ESX10-015-0286

Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins  
Address 101 North Main Street  
City, State, Zip Athens, PA 18810  
County Bradford

Township(s) Smithfield Twp  
Receiving Stream(s) and Classification(s) UNT of Browns Creek, Browns Creek

ESCGP-1 # ESG10-117-0179

Applicant Name Ultra Resources, Inc.

Contact Person Belinda Salinas  
Address 5 East Avenue, #108  
City, State, Zip Wellsboro, PA 16901-1613  
County Tioga

Township(s) Elk Twp  
Receiving Stream(s) and Classification(s) Water Trough Hollow, Billings Branch, Kettle Creek

ESCGP-1 # ESX10-115-0050

Applicant Name Cabot Oil & Gas Corp.

Contact Person Jeffrey Keim  
Address 5 Penn Center West, Suite 401  
City, State, Zip Pittsburgh, PA 15276  
County Susquehanna

Township(s) Dimock Twp.  
Receiving Stream(s) and Classification(s) UNT to Horton Creek, Ely Lake, UNT to Meshoppen Creek

ESCGP-1 # ESX10-117-0210

Applicant Name East Resources Management, LLC

Contact Person Jefferson Long  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga

Township(s) Charleston Twp.  
Receiving Stream(s) and Classification(s) Elk Run, Tioga River Basin, Tioga River

ESCGP-1 # ESX10-117-0207

Applicant Name East Resources Management, LLC

Contact Person Jefferson Long  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086

County Tioga  
Township(s) Shippen Twp  
Receiving Stream(s) and Classification(s) Little Fourmile Run/West Branch Susquehanna River Basin, Pine Creek

ESCGP-1 # ESX10-015-0288

Applicant Name EOG Resources Inc.  
Contact Person Nathan Wells  
Address 400 Southpoint Blvd, Plaza 1, Suite 300  
City, State, Zip Canonsburg, PA 15317

County Bradford  
Township(s) Springfield Twp.  
Receiving Stream(s) and Classification(s) Pisgah Creek, Sugar Creek

ESCGP-1 # ESX10-015-0290

Applicant Name EOG Resources Inc.  
Contact Person Nathan Wells  
Address 400 Southpoint Blvd, Plaza 1, Suite 300  
City, State, Zip Canonsburg, PA 15317

County Bradford  
Township(s) Springfield Twp.  
Receiving Stream(s) and Classification(s) Brace Creek, Leonard Creek

ESCGP-1 # ESX10-015-0292

Applicant Name Talisman Energy USA, Inc

Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Bradford

Township(s) Warren Twp.  
Receiving Stream(s) and Classification(s) UNT to Wappasening Creek, Wappasening Creek

ESCGP-1 # ESX10-015-0291

Applicant Name Talisman Energy USA, Inc

Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Bradford

Township(s) Warren Twp.  
Receiving Stream(s) and Classification(s) UNT to Corbin Creek, Wappasening Creek

ESCGP-1 # ESX10-023-0001

Applicant Name J-W Operating Company

Contact Person Thomas Lopus  
Address 2200 Georgetown Drive  
City, State, Zip Sewickly, PA 15143  
County Cameron

Township(s) Shippen Twp.  
Receiving Stream(s) and Classification(s) Portable Run, Bender Run, May Hollow Run, Miller Hollow

ESCGP-1 # ESX10-081-0087

Applicant Name Anadarko E&P Company, LP

Contact Person Bertha Nefe  
Address P. O. Box 1330  
City, State, Zip Houston, TX 77251  
County Lycoming

Township(s) Watson Twp.  
Receiving Stream(s) and Classification(s) Gamble Run, UNT to Gamble Run, Pine Creek

ESCGP-1 # ESX10-113-0029

Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins  
Address 101 North Main Street  
City, State, Zip Athens, PA 18810



County Sullivan  
Township(s) Elkland Twp.  
Receiving Stream(s) and Classification(s) UNTs to Kings  
Creek/UNT to Elk Creek, Kings Creek/Elk Creek

ESCGP-1 # ESX10-117-0209  
Applicant Name East Resources Management, LLC  
Contact Person Jefferson Long  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga  
Township(s) Sullivan Twp.  
Receiving Stream(s) and Classification(s) UNT to Corey  
Creek/Susquehanna River Basin in PA, Corey Creek,  
Tioga River

ESCGP-1 # ESX10-117-0211  
Applicant Name East Resources Management, LLC  
Contact Person Jefferson Long  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga  
Township(s) Farmington Twp.  
Receiving Stream(s) and Classification(s) Thornbottom  
Creek, Susquehanna River Basin in PA, Cowanesque  
River

ESCGP-1 # ESX10-117-0213  
Applicant Name East Resources Management, LLC  
Contact Person Jefferson Long  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga  
Township(s) Jackson Twp.  
Receiving Stream(s) and Classification(s) UNT to Seeley  
Creek/Susquehanna River Basin in PA, Seeley Creek

ESCGP-1 # ESX10-117-0214  
Applicant Name East Resources Management, LLC  
Contact Person Jefferson Long  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga  
Township(s) Delmar Twp.  
Receiving Stream(s) and Classification(s) UNT to E. Br.  
Stony Fork, W. Br. Susquehanna R. Basin in PA, Stony  
Fork, Babb Creek, Pine Creek

ESCGP-1 # 0810801  
Applicant Name Appalachia Midstream Services, LLC  
Contact Person Patrick Myers, Jr.  
Address 100 1st Center  
City, State, Zip Horseheads, NY 14845-1015  
County Bradford  
Township(s) Towanda  
Receiving Stream(s) and Classification(s) UNTs to  
Towanda Creek—CWF UNT to French Run—CWF

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## SPECIAL NOTICES

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### **Plan Revision Approval under the Municipal Waste Planning, Recycling and Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101**

*Southcentral Region: Waste Management Program Manager, 909 Elmerton Avenue Harrisburg, PA 17110.*

The Department of Environmental Protection (Department) approved the Huntingdon County Municipal Waste Management Plan Revision on September 17, 2010.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. 7514) and 2 Pa.C.S. 501—508 and 701—704 (relating to the Administratively Agency Law), to the Environmen-

tal Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

The plan revision is a public document and may be viewed at the Department Regional Office previously noted.

Questions concerning this approval should be directed to Anthony Rathfon, Program Manager, Department of Environmental Protection, Waste Management Program at the previous Regional Office.

*Southwest Regional Office, Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

### **Categorical Exclusion**

*Location: East Rochester Borough, 760 Spruce Street, East Rochester, PA 15074*

Description: The Pennsylvania Infrastructure Investment Authority which administers Pennsylvania's State Revolving Fund is intended to be the funding source for this project.

The Borough proposes to separate its combined sewer sub-system to comply with a DEP Consent Order and Agreement. Construction will occur in the same area as existing sewers.

The Department's review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

[Pa.B. Doc. No. 10-2051. Filed for public inspection October 29, 2010, 9:00 a.m.]

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### **Availability of Technical Guidance**

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.pa.us> (DEP Keywords: "eLibrary"). 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.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2010.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Final Technical Guidance—Substantive Revision*

DEP ID: 562-2000-705. Title: Mining Contract Operator Approval. Description: This Technical Guidance Document addresses contract operator approvals for coal and industrial mineral mining permits, describing the methods to be utilized by the Bureau of Mining and Reclamation for evaluating and tracking contract operators. The mining acts require that applicants and their related parties (including contractors) be in compliance with the acts, rules, regulations, permits or licenses of the Department in order to be eligible to receive permit or license approvals. Contact: Questions regarding this technical guidance document should be directed to Bruce A. Carl at (717) 787-5015 or brcarl@state.pa.us.

Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

#### *Draft Technical Guidance—Substantive Revision*

DEP ID: 273-4130-003. Title: Guidance for Application of Regional Civil Assessment Procedure. Description: The Department proposes to revise its Guidance for Application of Regional Civil Assessment Procedure, Technical Guidance Document Number 273-4130-003, which was developed in 1992 and revised in 2002, to establish uniform criteria for assessing monetary penalties for violations of requirements of the Federal Clean Air Act, Pennsylvania Air Pollution Control Act (APCA) and rules and regulations adopted under the acts. The technical guidance document provides a methodology for determining appropriate civil penalties to resolve violations in accordance with Section 9.1 of the APCA. The proposed revisions include provisions for violations of applicable requirements including permit or plan approval conditions, specific pollutant emission limitations, requirements for surface coating processes, visible emissions, fugitive emissions, malodor and open burning violations. The document is also being revised to address new and revised regulations that are not adequately addressed by the current guidance, including regulations for Small Source Oxides of Nitrogen (NO<sub>x</sub>), Title V Permitting and Consumer Products. In addition, specific steps of the existing penalty calculation methodology that considers factors of a violation more than once are being corrected. In addition to clarifying revisions, the proposed changes to the document include an inflation adjustment procedure, changes to the penalty adjustment factors, and additional provisions to address the financial benefit to a person in consequence of a violation, as required under Section 9.1 of the APCA.

Copies of this document are available on the Department's Bureau of Air Quality web site at <http://www.dep.state.pa.us/dep/deputate/airwaste/aq/default.htm>.

Written Comments: Interested persons may submit written comments on this proposed technical guidance document by November 29, 2010. 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 Scott Kepner, Chief, Compliance Assurance and Monitoring Section, Department of Environmental Protection, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468 or [skepner@state.pa.us](mailto:skepner@state.pa.us).

Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-2052. Filed for public inspection October 29, 2010, 9:00 a.m.]

#### **Potomac Water Resources Committee Meeting**

The Potomac Water Resources Committee, associated with the Department of Environmental Protection (Department), will meet on November 12, 2010, at 9 a.m. in the Adams County Office of Emergency Services, 230 Greenamyer Lane, Gettysburg, PA 17325.

The regional water resources committees were created under 27 Pa.C.S. Chapter 31 (relating to water resources planning) to help guide the development of the State Water Plan and the designation of Critical Water Planning Areas for this Commonwealth.

Questions concerning the schedule or agenda items can be directed to Jay Braund at (717) 783-2402 or e-mail [jbraund@state.pa.us](mailto:jbraund@state.pa.us). This schedule, an agenda for the meeting, and meeting materials will be available through the Public Participation Center on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us).

Persons with a disability who require accommodations to attend the previously listed meeting should contact the Department at (717) 783-2402 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-2053. Filed for public inspection October 29, 2010, 9:00 a.m.]

#### **Proposed Revisions to the General Plan Approval and/or General Operating Permit for Nonroad Engines (BAQ-GPA/GP 11)**

The Department of Environmental Protection (Department) is seeking comments on proposed modifications to the General Plan Approval and/or General Operating

Permit BAQ-GPA/GP-11 for Nonroad Engines (General Permit or GP-11) in accordance with 25 Pa. Codes §§ 127.611, 127.621, 127.631 and 127.641 to authorize the use of nonroad engines, as defined in 40 CFR 89.2 (relating definitions) at multiple temporary locations.

In addition to minor clarifying revisions in the modified General Permit, the Department proposes the following changes to GP-11:

Condition 2 (relating to applicability/source coverage limitations) of the General Permit authorizes the operation of nonroad engines at multiple temporary locations if the owner or operator of the engines provides prior written notice to the Department and municipality in advance of each change in temporary locations. Prior written approval must be obtained from the Department for operations at each temporary location. Any nonroad engine that remains at one location for 12 or more months will be considered a stationary source.

Condition 4 (relating to application for use) of the amended GP-11 would require any person proposing to construct, operate or modify a nonroad engine under this General Permit to seek authorization from the Department using the Application for Authorization to Use the General Plan Approval and General Operating Permit (BAQ-GPA/GP-11); the Department's written approval must be received prior to constructing or modifying an engine. The application must be accompanied by the appropriate application fees specified in Condition 13 of the General Permit, proof of municipal notification and any additional forms and information requested by the Department. In addition, nonroad engines subject to GP-11 must be operated and maintained in accordance with the manufacturer's specifications, the specifications in the Application for Authorization to Use GP-11 and the applicable terms and conditions of the General Permit. Copies of the General Permit and applications must be maintained and at the facility and provided to the Department upon request.

Under the proposed changes to Condition 5 (relating to municipal and Department notification requirements), notice must be provided to each municipality where the nonroad engine will be constructed, modified or operated at least 5 working days prior to submitting an application to the Department seeking authorization to use GP-11; municipal notices for temporary locations will also be required.

Proposed revisions to Condition 5 for nonroad engines operating at multiple temporary locations also require the owners or operators of nonroad engines operating at multiple temporary locations to provide prior written notice to the Department at least 5 working days prior to the commencement of construction or operation of each nonroad engine at each new temporary location. The written notice must be provided to the Department on the Relocation Notification Form for Nonroad Engines Operating under BAQ-GPA/GP-11 and include proof of the municipal notification and a copy of the original application with detailed specifications and performance data.

Proposed revisions to Condition 10 (relating to monitoring, recordkeeping and reporting) of GP-11 require the nonroad owner or operator to submit a report to the Department within 30 days after the completion of operations in each municipality. The written report must

include the name, title, address, e-mail address and telephone number for the individual responsible for the construction, installation or operation of the nonroad engine, a source description including the name of the manufacturer, engine capacity, the hours of operation and duration of the operation at the temporary location. This information must be submitted in a format approved by the Department or on a Department-approved form.

Condition 13 (relating fees) proposes new fees for general plan approvals (\$1,000), general operating permits (\$375), annual operating permit administration fees (\$375) and general permit renewals (\$1,000).

#### *Opportunity to Comment*

A copy of the draft revised General Permit and supporting material will be made available on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: Public Participation; select Proposals Open for Comment). A copy of the draft revised General Permit may also be obtained by contacting Jeanette Van Skike, Division of Permits, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

The Department requests written comments on the proposed revisions to this General Permit by December 14, 2010. Comments received by facsimile will not be accepted. Notice and opportunity for comment will also be provided to the United States Environmental Protection Agency and Delaware, Maryland, New Jersey, New York, Ohio, Virginia and West Virginia. Interested persons may submit written comments, suggestions or objections to Krishnan Ramamurthy, Chief, Division of Permits, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. The Department will also consider written requests that a public hearing be held concerning this proposed General Permit.

Upon issuance of the modified GP-11, the Department will publish a notice in the *Pennsylvania Bulletin* of the issuance of the modified General Permit.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-2054. Filed for public inspection October 29, 2010, 9:00 a.m.]

#### **Solid Waste Advisory Committee Meeting Cancellation**

The Solid Waste Advisory Committee meeting scheduled for Thursday, November 4, 2010, has been cancelled. The 2011 meeting schedule will be announced in a future *Pennsylvania Bulletin* notice. Questions concerning this meeting should be directed to Michael Texter, (717) 783-6006 or [mtexter@state.pa.us](mailto:mtexter@state.pa.us).

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-2055. Filed for public inspection October 29, 2010, 9:00 a.m.]

### State Board for Certification of Water and Wastewater Systems Operators Rescheduled Meeting

The State Board for Certification of Water and Wastewater Systems Operators (Board) conference call meeting on Friday, December 17, 2010, in the 8th Floor Conference Room has been rescheduled as a regular Board meeting on December 10, 2010, at 10 a.m. in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. If there is inclement weather on December 10, the Board meeting will be held on December 17, 2010, in the 10th Floor Conference Room at 10 a.m.

Questions concerning the Board meeting can be directed to Cheri Sansoni at (717) 772-5158 or by e-mail to csansoni@state.pa.us. The agenda and meeting material for the previously listed meeting date will be available through the Public Participation Center on the Department's web site at www.depweb.state.pa.us.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Cheri Sansoni at (717) 772-5158, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users), to discuss how the Department may accommodate their needs.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-2056. Filed for public inspection October 29, 2010, 9:00 a.m.]

### Statewide Water Resources Committee Meeting

The Statewide Water Resources Committee, associated with the Department of Environmental Protection (Department), will meet on November 18, 2010, at 9:30 a.m. in the Rachel Carson State Office Building, 10th Floor Conference Room, 400 Market Street, Harrisburg, PA.

The statewide and regional water resources committees were created under 27 Pa.C.S. Chapter 31 (relating to water resources planning) to help guide the development of the State Water Plan and the designation of Critical Water Planning Areas for this Commonwealth.

Questions concerning the schedule or agenda items can be directed to Jay Braund at (717) 783-2402 or e-mail at jbraund@state.pa.us. This schedule, an agenda for the meeting and meeting materials will be available through the Public Participation Center on the Department's web site at www.depweb.state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact the Department at (717) 783-2402 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-2057. Filed for public inspection October 29, 2010, 9:00 a.m.]

### Stream Redesignation Evaluations; Water Quality Standards Review

Under 25 Pa. Code § 93.4d (relating to processing of petitions, evaluations and assessments to change a designated use) the Department of Environmental Protection (Department) gives notice that an evaluation will be conducted on all or portions of the following streams to determine the proper Aquatic Life Use or Special Protection designations in this Commonwealth's Water Quality Standards.

<i>Stream Name</i>	<i>County</i>	<i>Tributary To</i>
East Branch Clarion River, Basin	Elk, McKean	Clarion River
Driftwood Branch Sinnemahoning Creek, Basin	Cameron, Potter, Elk, McKean	Sinnemahoning Creek
East Fork Sinnemahoning Creek, Basin	Potter	First Fork Sinnemahoning Creek
Trout Run, Basin	Clearfield	West Branch Susquehanna River
Laurel Run, Basin	Clearfield, Elk	Bennet Branch Sinnemahoning Creek
Hagermans Run, Basin	Lycoming	West Branch Susquehanna River
Muncy Creek, Basin	Lycoming, Sullivan, Montour, Columbia	West Branch Susquehanna River
West Branch Fishing Creek, Basin	Sullivan	Fishing Creek
Aughwick Creek, Basin	Huntington, Fulton, Mifflin, Juniata, Franklin, Bedford	Juniata River
Laurel Run, Basin	Fayette	Indian Creek
Aquashicola Creek, Basin	Monroe, Carbon	Lehigh River
Silver Creek, Basin	Susquehanna	Snake Creek

Persons who have technical data concerning the water quality, instream habitat or biological condition of these stream sections are encouraged to make it available to the Department for consideration in the assessment. These assessments may lead to recommendations to the Environmental Quality Board for redesignation.

Data should be submitted to Tony Shaw, Division of Water Quality Standards, Bureau of Water Standards and Facility Regulation, P. O. Box 8467, Harrisburg, PA 17105-8467, tshaw@state.pa.us. Data should be submitted no later than 30 days following publication of this notice. Questions concerning this evaluation can be directed to Tony Shaw at (717) 787-9637.

East Branch Clarion River basin from the source to the confluence with West Branch Clarion River is currently designated High Quality-Cold Water Fishes (HQ-CWF). The study area will include the entire East Branch Clarion River basin.

Driftwood Branch Sinnemahoning Creek basin from the source to Elk Fork is currently designated HQ-CWF. Driftwood Branch Sinnemahoning Creek main stem from Elk Fork to the confluence with Bennett Branch is currently designated Trout Stocking (TSF). Tributaries to Driftwood Branch Sinnemahoning Creek from Elk Fork to the confluence with Bennett Branch are currently designated HQ-CWF with the exception of the following named tributaries or tributary segments: Elk Fork basin from the source to Nichols Run, Cooks Run basin and Clear Creek basin from the source to Mud Run, Sinnemahoning Portage Creek basin from the source to Cowley Run, and Cowley Run basin are currently designated Exceptional Value (EV); Sinnemahoning Portage Creek basin from Cowley Run to the mouth, Finley Run basin from Unnamed Tributary at R.M. 1.7 to the confluence with Portable Run, Portable Run basin from the source to the confluence with Finley Run, and Sterling Run basin from the confluence of Portable and Finley Runs to the mouth are currently designated CWF. The study area will include the entire Driftwood Branch Sinnemahoning Creek basin.

East Fork Sinnemahoning Creek basin from the source to Dolliver Trail is currently designated EV. East Fork Sinnemahoning Creek basin from Dolliver Trail to the confluence with First Fork Sinnemahoning Creek is currently designated HQ-CWF with the exception of Stony Lick Run and Birch Run basins which are currently designated EV. The study area will include the entire East Fork Sinnemahoning Creek basin.

Trout Run basin from the source to the confluence with West Branch Susquehanna River and Laurel Run basin (Clearfield County) from the source to the confluence with Bennett Branch Sinnemahoning Creek are both currently designated HQ-CWF. The study areas for Trout and Laurel Runs (Clearfield County) will include each basin in its entirety.

Laurel Run (Fayette County), Hagermans Run and Silver Creek basins are currently designated CWF. These study areas will include each basin in its entirety.

Muncy Creek main stem from the source to the US 220 bridge at Muncy Valley is currently designated CWF. Muncy Creek main stem from the US 220 bridge at Muncy Valley to the mouth is currently designated TSF. Tributaries to Muncy Creek from the source to, and including, Laurel Run are currently designated HQ-CWF with the exception of Elklick Run which is currently

designated EV. Tributaries to Muncy Creek from Laurel Run to the mouth are currently designated CWF. The study area will include the entire Muncy Creek basin.

West Branch Fishing Creek basin from the source to Elk Run is currently designated HQ-CWF with the exception of Shingle Mill Run which is currently designated EV. The study area will include the West Branch Fishing Creek basin from the source to Elk Run.

Aughwick Creek basin from the source to the mouth is currently designated TSF with the exception of the following named tributaries or tributary segments: Sideling Hill Creek and North Branch Little Aughwick Creek basins are currently designated HQ-CWF; South Branch Little Aughwick Creek basin from the source to the Inlet of Cowans Gap Lake is currently designated EV and from the Inlet of Cowans Gap Lake to the confluence with North Branch Little Aughwick Creek is currently designated HQ-CWF; Three Springs Creek, Laurel Run, Old Womans Run, Browns Gap Run, Sugar Run, and Fort Run basins are currently designated CWF; Blacklog Creek basin from the source to Shade Creek is currently designated HQ-CWF and from Shade Creek to the mouth is currently designated CWF. The study area will include the entire Aughwick Creek basin.

Aquashicola Creek basin from the source to the confluence with Buckwha Creek is currently designated High Quality-Cold Water Fishes, Migratory Fishes. The study area will include the Aquashicola Creek basin from the source to the confluence with Buckwha Creek.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Tony Shaw directly at (717) 787-9637 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-2058. Filed for public inspection October 29, 2010, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Real Estate for Sale Erie County

The Department of General Services (Department) will accept bids for the purchase of 0.1837-acre ± of land located at 110 West Normal Street, Edinboro, Erie County. Bids are due Tuesday, January 18, 2011. Interested parties wishing to receive a copy of Solicitation No. 94379 should view the Department's web site at [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call Jayne Fitzpatrick at (717) 787-2834.

ELIZABETH A. O'REILLY,  
*Acting Secretary*

[Pa.B. Doc. No. 10-2059. Filed for public inspection October 29, 2010, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application for Exception to 28 Pa. Code § 123.25(2)

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthesia explosion hazards):

OSS Orthopaedic Hospital  
Physicians Care Surgical Hospital

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facilities are requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL K. HUFF,  
*Acting Secretary*

[Pa.B. Doc. No. 10-2060. Filed for public inspection October 29, 2010, 9:00 a.m.]

### Application for Exception to 28 Pa. Code § 569.35

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirement of 28 Pa. Code § 569.35 (relating to general safety precautions):

AFP Surgery Center, Inc.  
Surgery Center of Pennsylvania, LLC

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facilities are requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact the Division at the previously listed address or phone numbers, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL K. HUFF,  
*Acting Secretary*

[Pa.B. Doc. No. 10-2061. Filed for public inspection October 29, 2010, 9:00 a.m.]

### Availability of Draft Preventive Health and Health Services Block Grant Application for Federal Fiscal Year 2011

The Department of Health (Department) is making copies available of the draft Preventive Health and Health Services Block Grant (block grant) Application for Federal Fiscal Year 2011, under section 1905 of the Public Health Service Act (act) (42 U.S.C.A. § 300w-4). This application is the Commonwealth's draft request to the United States Department of Health and Human Services (HHS) for block grant funding to address the Healthy People 2010 Health Status Objectives.

The block grant application is the Commonwealth's funding (fix formula-based) request to HHS describing proposed services, program goals and objectives and activities that is available for public comment. Electronic or hard copies of the proposals will be available on or after November 1, 2010, and can be obtained by calling the Bureau of Health Promotion and Risk Reduction (Bureau) at (717) 787-6214.

A public hearing will be conducted by the Department for the purpose of receiving testimony on the previously-mentioned application in accordance with section 1905 of the act. Comments and suggestions from the public should relate to the priorities and program plans included in the application.

The hearing will be held from 10 a.m. until 12 p.m. November 5, 2010, in Conference Room 1000, Health and Welfare Building, 625 Forster Street, Harrisburg, PA. Persons wishing to testify are requested to preregister by contacting the Bureau at (717) 787-6214. Registration will be accepted on the day of the hearing. Persons will be allotted a maximum of 15 minutes to testify. Individuals should provide the Department with two copies of their testimony at the time of the hearing.

Written comments will be accepted and should be sent to the Bureau at the address listed previously and should be received no later than 4 p.m. November 11, 2010.

Persons with a disability who require an alternative format of the application or desire to comment in an alternative format (for example, large print, audio tape or Braille) or wish to attend the hearing and require special accommodations, should notify the Bureau at (717) 787-6214, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

MICHAEL K. HUFF,  
*Acting Secretary*

[Pa.B. Doc. No. 10-2062. Filed for public inspection October 29, 2010, 9:00 a.m.]

### Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Public Meeting

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301(a) and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247b), will hold a public meeting on Wednesday, November 17, 2010, from 9 a.m. until 4 p.m. at the Harrisburg Holiday Inn West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

For additional information, contact Kenneth McGarvey, Department of Health, Bureau of Communicable Dis-

eases, 625 Forster Street, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, should also contact Kenneth McGarvey at the previously listed number, or at V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

MICHAEL K. HUFF,  
*Acting Secretary*

[Pa.B. Doc. No. 10-2063. Filed for public inspection October 29, 2010, 9:00 a.m.]

### Integrated Human Immunodeficiency Virus (HIV) Planning Council Public Meeting

The Statewide Integrated HIV Planning Council, established by the Department of Health (Department) under sections 301(a) and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247b), will hold a public meeting on Tuesday, November 16, 2010, from 9 a.m. to 2 p.m. at the Harrisburg Holiday Inn West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

For additional information, contact Joseph Pease, Department of Health, Bureau of Communicable Diseases, Division of HIV/AIDS, 625 Forster Street, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who wish to attend the meeting, and require an auxiliary aid, service or other accommodation to do so, should also contact Joseph Pease at the previously listed number, or at V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

MICHAEL K. HUFF,  
*Acting Secretary*

[Pa.B. Doc. No. 10-2064. Filed for public inspection October 29, 2010, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.27 (relating to lounge and recreation rooms).

Willows of Presbyterian Seniorcare  
1215 Hulton Road  
Oakmont, PA 15139

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(h) (relating to bathing facilities).

Milford Senior Care and Rehabilitation Center  
246 Route 6 and 209  
Milford, PA 18337  
FAC ID 133602

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on this 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 15 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 V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

MICHAEL K. HUFF,  
*Acting Secretary*

[Pa.B. Doc. No. 10-2065. Filed for public inspection October 29, 2010, 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 Paving and Excavating Co., Inc. and Daniel J. Rieger, Jr., Individually EIN # 23-3019128	1441 Twos Glen Lane Collegeville, PA 19426	10/14/2010

SANDI VITO,  
*Secretary*

[Pa.B. Doc. No. 10-2066. Filed for public inspection October 22, 2010, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Frosty Match & Win™ 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 Frosty Match & Win™.

2. *Price:* The price of a Pennsylvania Frosty Match & Win™ instant lottery game ticket is \$3.

3. *Play Symbols:* Pennsylvania Frosty Match & Win™ instant lottery game ticket will contain a "Play Grid" area, a "SNOWFLAKE NUMBERS" area, a horizontal "prize" area and a vertical "prize" area. The "Play Grid" area consists of 27 spaces on a play grid 9 columns wide by 3 rows deep. The 9 vertical "columns" are designated as "Column 1," "Column 2," "Column 3," "Column 4," "Column 5," "Column 6," "Column 7," "Column 8" and "Column 9." The 3 horizontal "rows" are designated as "Row 1," "Row 2" and "Row 3." Each "Column" and each "Row" offers a separate chance to win. The play symbols appearing in the "Play Grid" area are a variable selection consisting of 27 of the 90 distinctive play symbols. Each Pennsylvania Frosty Match & Win™ instant lottery game ticket will contain a "SNOWFLAKE NUMBERS" area consisting of 20 of the 91 play symbols in a 2 x 10 grid. The play symbols located in the "Play Grid" area are the numbers 1 through 90. The play symbols located in the "SNOWFLAKE NUMBERS" area are the numbers 1 through 90 and an Icicle symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the 9 "prize" areas, one below each of the 9 vertical "columns" are: \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTN), \$30<sup>00</sup> (THIRTY), \$60<sup>00</sup> (SIXTY), \$90<sup>00</sup> (NINTY), \$300 (THR HUN), \$1,000 (ONE THO) and \$3,000 (THR THO). The prize symbols and their captions located in the 3 "prize" areas, one to the right of each of the 3 horizontal "rows" are: \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTN), \$30<sup>00</sup> (THIRTY), \$60<sup>00</sup> (SIXTY), \$90<sup>00</sup> (NINTY), \$300 (THR HUN), \$1,000 (ONE THO), \$3,000 (THR THO) \$30,000 (TRY THO) and \$60,000 (STY THO).

5. *Prizes:* The prizes that can be won in this game are: \$3, \$5, \$6, \$10, \$15, \$30, \$60, \$90, \$300, \$1,000, \$3,000, \$30,000 and \$60,000. The player can win up to 7 times on each ticket.

6. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct five Grand-A-Day Holiday Giveaway 2010 second-chance drawings for which non-winning Pennsylvania Frosty Match & Win™ instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Frosty Match & Win™ instant lottery game.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which nine of the "SNOWFLAKE NUMBERS" play symbols match the same exact nine play symbols appearing in a complete horizontal "Row," and a prize symbol of \$60,000 (STY THO) appears in the corresponding "prize" area immediately to the right of that "Row," on a single ticket, shall be entitled to a prize of \$60,000.

(b) Holders of tickets upon which nine of the "SNOWFLAKE NUMBERS" play symbols match the same exact nine play symbols appearing in a complete horizontal "Row," and a prize symbol of \$30,000 (TRY THO) appears

in the corresponding "prize" area immediately to the right of that "Row," on a single ticket, shall be entitled to a prize of \$30,000.

(c) Holders of tickets upon which nine of the "SNOWFLAKE NUMBERS" play symbols match the same exact nine play symbols appearing in a complete horizontal "Row," and a prize symbol of \$3,000 (THR THO) appears in the corresponding "prize" area immediately to the right of that "Row," on a single ticket, shall be entitled to a prize of \$3,000.

(d) Holders of tickets upon which three of the "SNOWFLAKE NUMBERS" play symbols match the same exact three play symbols appearing in a complete vertical "Column," and a prize symbol of \$3,000 (THR THO) appears in the corresponding "prize" area immediately below that "Column," on a single ticket, shall be entitled to a prize of \$3,000.

(e) Holders of tickets upon which nine of the "SNOWFLAKE NUMBERS" play symbols match the same exact nine play symbols appearing in a complete horizontal "Row," and a prize symbol of \$1,000 (ONE THO) appears in the corresponding "prize" area immediately to the right of that "Row," on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which three of the "SNOWFLAKE NUMBERS" play symbols match the same exact three play symbols appearing in a complete vertical "Column," and a prize symbol of \$1,000 (ONE THO) appears in the corresponding "prize" area immediately below that "Column," on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which nine of the "SNOWFLAKE NUMBERS" play symbols match the same exact nine play symbols appearing in a complete horizontal "Row," and a prize symbol of \$300 (THR HUN) appears in the corresponding "prize" area immediately to the right of that "Row," on a single ticket, shall be entitled to a prize of \$300.

(h) Holders of tickets upon which three of the "SNOWFLAKE NUMBERS" play symbols match the same exact three play symbols appearing in a complete vertical "Column," and a prize symbol of \$300 (THR HUN) appears in the corresponding "prize" area immediately below that "Column," on a single ticket, shall be entitled to a prize of \$300.

(i) Holders of tickets upon which nine of the "SNOWFLAKE NUMBERS" play symbols match the same exact nine play symbols appearing in a complete horizontal "Row," and a prize symbol of \$90<sup>00</sup> (NINTY) appears in the corresponding "prize" area immediately to the right of that "Row," on a single ticket, shall be entitled to a prize of \$90.

(j) Holders of tickets upon which three of the "SNOWFLAKE NUMBERS" play symbols match the same exact three play symbols appearing in a complete vertical "Column" and a prize symbol of \$90<sup>00</sup> (NINTY) appears in the corresponding "prize" area immediately below that "Column," on a single ticket, shall be entitled to a prize of \$90.

(k) Holders of tickets upon which nine of the "SNOWFLAKE NUMBERS" play symbols match the same exact nine play symbols appearing in a complete horizontal "Row," and a prize symbol of \$60<sup>00</sup> (SIXTY) appears in the corresponding "prize" area immediately to the right of that "Row," on a single ticket, shall be entitled to a prize of \$60.



(l) Holders of tickets upon which three of the “SNOW-FLAKE NUMBERS” play symbols match the same exact three play symbols appearing in a complete vertical “Column” and a prize symbol of \$60<sup>00</sup> (SIXTY) appears in the corresponding “prize” area immediately below that “Column,” on a single ticket, shall be entitled to a prize of \$60.

(m) Holders of tickets upon which nine of the “SNOW-FLAKE NUMBERS” play symbols match the same exact nine play symbols appearing in a complete horizontal “Row,” and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the corresponding “prize” area immediately to the right of that “Row,” on a single ticket, shall be entitled to a prize of \$30.

(n) Holders of tickets upon which three of the “SNOW-FLAKE NUMBERS” play symbols match the same exact three play symbols appearing in a complete vertical “Column,” and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the corresponding “prize” area immediately below that “Column,” on a single ticket, shall be entitled to a prize of \$30.

(o) Holders of tickets upon which one of the “SNOW-FLAKE NUMBERS” play symbols is an Icicle symbol, on a single ticket, shall be entitled to a prize of \$30.

(p) Holders of tickets upon which nine of the “SNOW-FLAKE NUMBERS” play symbols match the same exact nine play symbols appearing in a complete horizontal “Row,” and a prize symbol of \$15<sup>00</sup> (FIFTEEN) appears in the corresponding “prize” area immediately to the right of that “Row,” on a single ticket, shall be entitled to a prize of \$15.

(q) Holders of tickets upon which three of the “SNOW-FLAKE NUMBERS” play symbols match the same exact three play symbols appearing in a complete vertical “Column,” and a prize symbol of \$15<sup>00</sup> (FIFTEEN) appears in the corresponding “prize” area immediately below that “Column,” on a single ticket, shall be entitled to a prize of \$15.

(r) Holders of tickets upon which nine of the “SNOW-FLAKE NUMBERS” play symbols match the same exact nine play symbols appearing in a complete horizontal “Row,” and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the corresponding “prize” area immediately to the right of that “Row,” on a single ticket, shall be entitled to a prize of \$10.

(s) Holders of tickets upon which three of the “SNOW-FLAKE NUMBERS” play symbols match the same exact three play symbols appearing in a complete vertical “Column,” and a prize symbol of \$10<sup>00</sup> (TEN DOL)

appears in the corresponding “prize” area immediately below that “Column,” on a single ticket, shall be entitled to a prize of \$10.

(t) Holders of tickets upon which nine of the “SNOW-FLAKE NUMBERS” play symbols match the same exact nine play symbols appearing in a complete horizontal “Row,” and a prize symbol of \$6<sup>00</sup> (SIX DOL) appears in the corresponding “prize” area immediately to the right of that “Row,” on a single ticket, shall be entitled to a prize of \$6.

(u) Holders of tickets upon which three of the “SNOW-FLAKE NUMBERS” play symbols match the same exact three play symbols appearing in a complete vertical “Column,” and a prize symbol of \$6<sup>00</sup> (SIX DOL) appears in the corresponding “prize” area immediately below that “Column,” on a single ticket, shall be entitled to a prize of \$6.

(v) Holders of tickets upon which nine of the “SNOW-FLAKE NUMBERS” play symbols match the same exact nine play symbols appearing in a complete horizontal “Row,” and a prize symbol of \$5<sup>00</sup> (FIVE DOL) appears in the corresponding “prize” area immediately to the right of that “Row,” on a single ticket, shall be entitled to a prize of \$5.

(w) Holders of tickets upon which three of the “SNOW-FLAKE NUMBERS” play symbols match the same exact three play symbols appearing in a complete vertical “Column,” and a prize symbol of \$5<sup>00</sup> (FIVE DOL) appears in the corresponding “prize” area immediately below that “Column,” on a single ticket, shall be entitled to a prize of \$5.

(x) Holders of tickets upon which nine of the “SNOW-FLAKE NUMBERS” play symbols match the same exact nine play symbols appearing in a complete horizontal “Row,” and a prize symbol of \$3<sup>00</sup> (THREE DOL) appears in the corresponding “prize” area immediately to the right of that “Row,” on a single ticket, shall be entitled to a prize of \$3.

(y) Holders of tickets upon which three of the “SNOW-FLAKE NUMBERS” play symbols match the same exact three play symbols appearing in a complete vertical “Column,” and a prize symbol of \$3<sup>00</sup> (THREE DOL) appears in the corresponding “prize” area immediately below that “Column,” on a single ticket, shall be entitled to a prize of \$3.

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>Icicle Prize</i>	<i>When You Completely Match All Numbers In Any Vertical Column In The Play Grid, Win The Prize Shown For That Column. Win With Prize(s) Of:</i>	<i>When You Completely Match All Numbers In Any Horizontal Row, Win The Prize Shown For That Row. Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per</i>
					<i>6,000,000 Tickets</i>
\$3		\$3	\$3	18.18	330,000
\$5		\$3	\$3	18.18	330,000
\$3 × 2		\$5	\$5	28.57	210,000
\$6		\$5	\$5	31.25	192,000
		\$3 × 2	\$6	200	30,000
		\$6	\$6	200	30,000
		\$6	\$6	200	30,000

Icicle Prize	When You Completely Match All Numbers In Any Vertical Column In The Play Grid, Win The Prize Shown For That Column. Win With Prize(s) Of:	When You Completely Match All Numbers In Any Horizontal Row, Win The Prize Shown For That Row. Win With Prize(s) Of:	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 6,000,000 Tickets
	\$5 × 2		\$10	250	24,000
	\$10	\$5 × 2	\$10	250	24,000
		\$10	\$10	250	24,000
	\$3 × 5		\$15	1,000	6,000
	\$5 × 3		\$15	1,000	6,000
	\$5 × 2	\$5	\$15	1,000	6,000
	\$15		\$15	1,000	6,000
		\$15	\$15	1,000	6,000
	\$5 × 5	\$5	\$30	1,000	6,000
	\$6 × 4	\$6	\$30	1,000	6,000
	\$10 × 2	\$10	\$30	1,000	6,000
	\$15	\$15	\$30	1,000	6,000
ICICLE			\$30	100	60,000
	\$30		\$30	1,000	6,000
ICICLE		\$30	\$30	1,000	6,000
	\$5 × 6		\$60	3,429	1,750
	\$10 × 5	\$10	\$60	3,429	1,750
	\$15 × 2	\$15 × 2	\$60	1,143	5,250
	\$60		\$60	3,429	1,750
ICICLE		\$60	\$60	3,429	1,750
	\$10 × 6		\$90	3,000	2,000
	\$15 × 5	\$15	\$90	3,000	2,000
ICICLE		\$30 × 2	\$90	2,400	2,500
ICICLE	\$60		\$90	2,400	2,500
ICICLE	\$90		\$90	3,000	2,000
		\$90	\$90	3,000	2,000
	\$60 × 4	\$60	\$300	40,000	150
ICICLE	\$90 × 3		\$300	40,000	150
	\$300		\$300	40,000	150
		\$300	\$300	40,000	150
	\$1,000		\$1,000	60,000	100
		\$1,000	\$1,000	60,000	100
	\$3,000		\$3,000	600,000	10
		\$3,000	\$3,000	600,000	10
		\$30,000	\$30,000	1,200,000	5
		\$60,000	\$60,000	1,200,000	5

Reveal an "ICICLE" symbol in the "SNOWFLAKE NUMBERS" area and win \$30 instantly.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 Requirements:*

(a) To be eligible for the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010, players must mail non-winning qualifying Pennsylvania Lottery 2010 holiday instant tickets having an individual or combined purchase price of at least \$20 in an envelope no larger than 4 1/8 inches by 9 1/2 inches addressed to Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010, P. O. Box 4539, Middletown, PA 17057-4539. Each envelope containing at least \$20 of qualifying Pennsylvania Lottery 2010 holiday instant tickets will constitute one entry. The player shall affix proper postage to the entry. The qualifying Pennsylvania Lottery holiday instant tickets and their respective purchase prices are: PA-0847 Merry Millionaire (\$20); PA-0848 Winner Green (\$10); PA-0849 Snow Globe Cash (\$5); PA-0850 Frosty Match & Win™ (\$3); PA-0851 Jingle Bell Doublor (\$2); and PA-0852 Happy Holidays! (\$1).

(b) Envelopes containing qualifying Pennsylvania Lottery holiday instant tickets having an individual or combined price of less than \$20 shall be disqualified. Envelopes containing non-qualifying Pennsylvania Lottery instant tickets shall be disqualified.

(c) Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received in an envelope larger than 4 1/8 inches by 9 1/2 inches shall be disqualified. The only exception is for non-winning Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received in a United States Post Office "damaged-in-mail-process" envelope.

(d) Winning Pennsylvania Lottery instant tickets submitted to the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 address will not be paid or honored. Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries containing winning Pennsylvania Lottery instant game tickets will be disqualified.

(e) The back of each non-winning qualifying Pennsylvania Lottery holiday instant ticket entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 must be completed by the same player in a legible manner,

including the player's name, address, city, state, zip code, telephone number and signature. Only one claimant per entry allowed. Claimant must be 18 years of age or older. Incomplete tickets shall be disqualified.

11. *Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings procedures:*

(a) The Lottery will conduct five Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings. All Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters on or before 4:00 p.m. December 10, 2010, will be eligible to participate in one of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings. All time references in this section are Eastern Standard Time.

(1) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters on or before 4:00 p.m. November 12, 2010, will be eligible to participate in the first Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing which will be held at Lottery Headquarters the week of November 15, 2010.

(2) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters after 4:00 p.m. November 12, 2010, through and including 4:00 p.m. November 19, 2010, will be eligible to participate in the second Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing which will be held at Lottery Headquarters the week of November 29, 2010.

(3) Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters after 4:00 p.m. November 19, 2010, through and including 4:00 p.m. November 26, 2010, will be eligible to participate in the third Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing which will be held at Lottery Headquarters the week of November 29, 2010.

(4) Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters after 4:00 p.m. November 26, 2010, through and including 4:00 p.m. December 3, 2010, will be eligible to participate in the fourth Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing which will be held at Lottery Headquarters the week of December 6, 2010.

(5) Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters after 4:00 p.m. December 3, 2010, through and including 4:00 p.m. December 10, 2010, will be eligible to participate in the final Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing which will be held at Lottery Headquarters the week of December 13, 2010.

(b) The odds of an entry being selected in a Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing depend upon the number of entries received for that drawing.

(c) To be eligible to participate in a particular Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing, a player must have complied with the requirements of section 10.

(d) The Lottery assumes no responsibility for a lost or misplaced entry not entered into one of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings.

(e) A Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entry is eligible for only one Grand-A-Day Holiday Giveaway 2010 drawing. An entry that is not eligible in one group, may, at the discretion of the Secretary, remain eligible for a subsequent Grand-A-Day Holiday Giveaway 2010 drawing.

(f) If a Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entry is rejected during or following the Pennsylvania Grand-A-Day Holiday Giveaway 2010 drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with Lottery procedure.

(g) A player may only win the prize for which they are first selected in each of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings. Subsequent entries, from the same individual, selected in the same Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing will be disqualified and a replacement entry will be selected.

(h) Manner of conducting each of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings.

(1) All entries received at Lottery Headquarters that are eligible to participate in a particular drawing, will be placed in numbered containers, each containing approximately 500 envelopes.

(2) A computer-generated randomizer or mechanical device may be used to select the numbered containers from which the winners will be selected. If used, the randomizer will not be programmed to eliminate the possibility of the same container being selected more than once.

(3) One envelope will be randomly drawn from each of the selected numbered containers. As each entry envelope is selected, its contents will be qualified according to the requirements of section 10. If the entry does not meet the requirements of section 10, another entry will be selected from that container; and so on, until a qualified entry has been chosen. Once a qualified entry has been selected, further validation will take place by verifying the status of the tickets contained in the entry envelope drawn by entering the ticket information into the computerized instant ticket database. The first qualified and validated entry from each of the designated containers will entitle its owner to a prize as described in section 12.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(i) The payment of a prize awarded in any of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings 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 prize winner).

12. *Description of Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 Drawings Prizes:*

(a) There will be seventy cash prizes of \$1,000 awarded in each of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings.

(b) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 prize payments will be made as a one-time, lump-sum cash payment in the amount of the prize won, less required federal withholding if applicable.

13. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Frosty Match & Win™ instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

14. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Frosty Match & Win™, prize money from winning Pennsylvania Frosty Match & Win™ 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 Frosty Match & Win™ 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.

15. *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.

16. *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 Frosty Match & Win™ or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 10-2067. Filed for public inspection October 29, 2010, 9:00 a.m.]

### Pennsylvania Happy Holidays! '10 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 Happy Holidays! '10.

2. *Price:* The price of a Pennsylvania Happy Holidays! '10 instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Happy Holidays! '10 instant lottery game ticket will contain one play area. The play symbols and their captions, printed in black ink and located in the play area are: Drum (DRUM) symbol, Candle (CANDLE) symbol, Ornament (ORMNT) symbol, Horn (HORN) symbol, Gingerbread Man (GBMAN) symbol, Toy Sack (TOYS) symbol, Holly (HOLLY) symbol, Bell (BELL) symbol, Reindeer (RNDEER) symbol, Candy Cane (CNDY CANE) symbol and a Gift (GIFT) symbol. The play symbols and their captions, printed in red ink and located in the play area are: Drum (DRUM) symbol, Candle (CANDLE) symbol, Ornament (ORMNT) symbol, Horn (HORN) symbol, Gingerbread Man (GBMAN) symbol, Toy Sack (TOYS) symbol, Holly (HOLLY) symbol, Bell (BELL) symbol, Reindeer (RNDEER) symbol, Candy Cane (CNDY CANE) symbol and a Red Gift (REDGIFT) 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), \$3<sup>00</sup> (THR DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN) and \$1,000 (ONE THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$3, \$4, \$5, \$10, \$20, \$40, \$50, \$100 and \$1,000. A player can win up to 4 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 16,800,000 tickets will be printed for the Pennsylvania Happy Holidays! '10 instant lottery game.

7. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct five Grand-A-Day Holiday Giveaway 2010 second-chance drawings for which non-winning Pennsylvania Happy Holidays! '10 instant lottery game tickets may be eligible as provided for in section 10.

#### 8. *Determination of Prize Winners:*

(a) Holders of tickets with a Gift (GIFT) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area to the right of the Gift (GIFT) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(b) Holders of tickets with a Gift (GIFT) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$100 (ONE HUN) appears in the "prize" area to the right of the Gift (GIFT) symbol, on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets with a Red Gift (REDGIFT) symbol in the play area, with the symbol and caption printed in red ink, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in two of the "prize" areas and a prize symbol of \$40<sup>00</sup> (FORTY) appears in two of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with a Gift (GIFT) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "prize" area to the right of the Gift (GIFT) symbol, on a single ticket, shall be entitled to a prize of \$50.

(e) Holders of tickets with a Gift (GIFT) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "prize" area to the right of the Gift (GIFT) symbol, on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets with a Red Gift (REDGIFT) symbol in the play area, with the symbol and caption printed in red ink, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in four of the "prize" areas, on a single ticket, shall be entitled to a prize of \$40.

(g) Holders of tickets with a Gift (GIFT) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "prize" area to the right of the Gift (GIFT) symbol, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets with a Red Gift (REDGIFT) symbol in the play area, with the symbol and caption printed in red ink, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in four of the "prize" areas, on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets with a Gift (GIFT) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "prize" area to the right of the Gift (GIFT) symbol, on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets with a Red Gift (REDGIFT) symbol in the play area, with the symbol and caption printed in red ink, and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in two of the "prize" areas, and a prize symbol of \$3<sup>00</sup> (THR DOL) appears in two of the "prize" areas, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets with a Red Gift (REDGIFT) symbol in the play area, with the symbol and caption printed in red ink, and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in three of the "prize" areas, and a prize

symbol of \$4<sup>00</sup> (FOR DOL) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets with a Gift (GIFT) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “prize” area to the right of the Gift (GIFT) symbol, on a single ticket, shall be entitled to a prize of \$5.

(m) Holders of tickets with a Red Gift (REDGIFT) symbol in the play area, with the symbol and caption printed in red ink, and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in three of the “prize” areas, and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$5.

(n) Holders of tickets with a Gift (GIFT) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the “prize” area to the right of the Gift (GIFT) symbol, on a single ticket, shall be entitled to a prize of \$4.

(o) Holders of tickets with a Red Gift (REDGIFT) symbol in the play area, with the symbol and caption printed in red ink, and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in four of the “prize” areas, on a single ticket, shall be entitled to a prize of \$4.

(p) Holders of tickets with a Gift (GIFT) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the “prize” area to the right of the Gift (GIFT) symbol, on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets with a Gift (GIFT) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the “prize” area to the right of the Gift (GIFT) symbol, on a single ticket, shall be entitled to a prize of \$1.

(r) Holders of tickets with a Gift (GIFT) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of FREE (TICKET) appears in the “prize” area to the right of the Gift (GIFT) symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Happy Holidays! '10 instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

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:

Get A Gift Symbol, Win Prize Shown To The Right Of It. Win With Prize(s) Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 16,800,000 Tickets
FREE	FREE \$1 TICKET	10	1,680,000
\$1 x 2	\$2	33.33	504,000
\$2	\$2	30	560,000
\$1 x 4	\$4	300	56,000
RED GIFT w/(\$1 x 4)	\$4	300	56,000
\$2 x 2	\$4	300	56,000
\$4	\$4	300	56,000
RED GIFT w/(\$1 x 3) + \$2	\$5	120	140,000
\$5	\$5	200	84,000
RED GIFT w/(\$2 x 3) + \$4	\$10	300	56,000
RED GIFT w/(\$2 x 2) + (\$3 x 2)	\$10	300	56,000
\$5 x 2	\$10	300	56,000
\$10	\$10	200	84,000
RED GIFT w/(\$5 x 4)	\$20	750	22,400
\$5 x 4	\$20	1,500	11,200
\$10 x 2	\$20	1,500	11,200
\$20	\$20	1,500	11,200
RED GIFT w/(\$10 x 4)	\$40	2,400	7,000
\$20 x 2	\$40	4,800	3,500
\$40	\$40	4,364	3,850
RED GIFT w/(\$10 x 2) + (\$40 x 2)	\$100	8,000	2,100
\$50 x 2	\$100	12,000	1,400
\$100	\$100	8,000	2,100
\$1,000	\$1,000	120,000	140

“RED GIFT” (REDGIFT) Symbol = Win All 4 Prizes Shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 Requirements:*

(a) To be eligible for the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010, players must mail non-winning qualifying Pennsylvania Lottery 2010 holiday instant tickets having an individual or combined purchase price of at least \$20 in an envelope no larger than 4

1/8 inches by 9 1/2 inches addressed to Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010, P. O. Box 4539, Middletown, PA 17057-4539. The player shall affix proper postage to the entry. The qualifying Pennsylvania Lottery holiday instant tickets and their respective purchase prices are: PA-0847 Merry Millionaire (\$20); PA—0848 Winner Green (\$10); PA-0849 \$now Globe Ca\$h (\$5); PA-0850 Frosty Match & Win™ (\$3); PA-0851 Jingle Bell Doubler (\$2); and PA-0852 Happy Holidays! (\$1).

(b) Envelopes containing qualifying Pennsylvania Lottery holiday instant tickets having an individual or combined price of less than \$20 shall be disqualified. Envelopes containing non-qualifying Pennsylvania Lottery instant tickets shall be disqualified.

(c) Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received in an envelope larger than 4 1/8 inches by 9 1/2 inches shall be disqualified. The only exception is for non-winning Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received in a United States Post Office "damaged-in-mail-process" envelope.

(d) Winning Pennsylvania Lottery instant tickets submitted to the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 address will not be paid or honored. Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries containing winning Pennsylvania Lottery instant game tickets will be disqualified.

(e) The back of each non-winning qualifying Pennsylvania Lottery holiday instant ticket entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 must be completed by the same player in a legible manner, including the player's name, address, city, state, zip code, telephone number and signature. Only one claimant per entry allowed. Claimant must be 18 years of age or older. Incomplete tickets shall be disqualified.

*11. Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings procedures:*

(a) The Lottery will conduct five Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings. All Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters on or before 4:00 p.m. December 10, 2010, will be eligible to participate in one of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings. All time references in this section are Eastern Standard Time.

(1) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters on or before 4:00 p.m. November 12, 2010, will be eligible to participate in the first Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing which will be held at Lottery Headquarters the week of November 15, 2010.

(2) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters after 4:00 p.m. November 12, 2010, through and including 4:00 p.m. November 19, 2010, will be eligible to participate in the second Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing which will be held at Lottery Headquarters the week of November 29, 2010.

(3) Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters after 4:00 p.m. November 19, 2010, through and including 4:00 p.m. November 26, 2010, will be eligible to participate in the third Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing which will be held at Lottery Headquarters the week of November 29, 2010.

(4) Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters after 4:00 p.m. November 26, 2010, through and including 4:00 p.m. December 3, 2010, will be eligible to participate in the fourth Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing which will be held at Lottery Headquarters the week of December 6, 2010.

(5) Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters after 4:00 p.m. December 3, 2010, through and including 4:00 p.m. December 10, 2010, will be eligible to participate in

the final Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing which will be held at Lottery Headquarters the week of December 13, 2010.

(b) The odds of an entry being selected in a Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing depend upon the number of entries received for that drawing.

(c) To be eligible to participate in a particular Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing, a player must have complied with the requirements of section 10.

(d) The Lottery assumes no responsibility for a lost or misplaced entry not entered into one of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings.

(e) A Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entry is eligible for only one Grand-A-Day Holiday Giveaway 2010 drawing. An entry that is not eligible in one group, may, at the discretion of the Secretary, remain eligible for a subsequent Grand-A-Day Holiday Giveaway 2010 drawing.

(f) If a Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entry is rejected during or following the Pennsylvania Grand-A-Day Holiday Giveaway 2010 drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with Lottery procedure.

(g) A player may only win the prize for which they are first selected in each of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings. Subsequent entries, from the same individual, selected in the same Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing will be disqualified and a replacement entry will be selected.

(h) Manner of conducting each of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings.

(1) All entries received at Lottery Headquarters that are eligible to participate in a particular drawing, will be placed in numbered containers, each containing approximately 500 envelopes.

(2) A computer-generated randomizer or mechanical device may be used to select the numbered containers from which the winners will be selected. If used, the randomizer will not be programmed to eliminate the possibility of the same container being selected more than once.

(3) One envelope will be randomly drawn from each of the selected numbered containers. As each entry envelope is selected, its contents will be qualified according to the requirements of section 10. If the entry does not meet the requirements of section 10, another entry will be selected from that container; and so on, until a qualified entry has been chosen. Once a qualified entry has been selected, further validation will take place by verifying the status of the tickets contained in the entry envelope drawn by entering the ticket information into the computerized instant ticket database. The first qualified and validated entry from each of the designated containers will entitle its owner to a prize as described in section 12.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(i) The payment of a prize awarded in any of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings 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 prize winner).

12. *Description of Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 Drawings Prizes:*

(a) There will be seventy cash prizes of \$1,000 awarded in each of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings.

(b) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 prize payments will be made as a one-time, lump-sum cash payment in the amount of the prize won, less required federal withholding if applicable.

13. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Happy Holidays! '10 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

14. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Happy Holidays! '10, prize money from winning Pennsylvania Happy Holidays! '10 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 Happy Holidays! '10 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.

15. *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.

16. *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 Happy Holidays! '10 or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 10-2068. Filed for public inspection October 29, 2010, 9:00 a.m.]

## Pennsylvania Jingle Bell 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 Jingle Bell Doubler.

2. *Price:* The price of a Pennsylvania Jingle Bell Doubler instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Jingle Bell Doubler instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20

(TWENT). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), Double Bell (DBLBELL) symbol and a Sleigh (SLEIGH) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "Prize" areas are: \$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), \$40.<sup>00</sup> (FORTY), \$50.<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$25,000 (TWYFIVTHO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$500, \$1,000 and \$25,000. The player can win up to 10 times on a ticket.

6. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct five Grand-A-Day Holiday Giveaway 2010 second-chance drawings for which non-winning Pennsylvania Jingle Bell Doubler 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 Jingle Bell Doubler instant lottery game.

### 8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$25,000 (TWYFIVTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Sleigh (SLEIGH) symbol, and a prize symbol of \$500 (FIV HUN) appears under the Sleigh (SLEIGH) symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Sleigh (SLEIGH) symbol, and a prize symbol of \$400 (FOR HUN) appears under the Sleigh (SLEIGH) symbol, on a single ticket, shall be entitled to a prize of \$400.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Double Bell (DBLBELL) symbol, and a prize symbol of \$100 (ONE

HUN) appears under the Double Bell (DBLBELL) symbol, on a single ticket, shall be entitled to a prize of \$200.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Sleigh (SLEIGH) symbol, and a prize symbol of \$100 (ONE HUN) appears under the Sleigh (SLEIGH) symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Double Bell (DBLBELL) symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears under the Double Bell (DBLBELL) symbol, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Sleigh (SLEIGH) symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears under the Sleigh (SLEIGH) symbol, on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Sleigh (SLEIGH) symbol, and a prize symbol of \$40<sup>00</sup> (FORTY) appears under the Sleigh (SLEIGH) symbol, on a single ticket, shall be entitled to a prize of \$40.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Double Bell (DBLBELL) symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under the Double Bell (DBLBELL) symbol, on a single ticket, shall be entitled to a prize of \$40.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Sleigh (SLEIGH) symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under the Sleigh (SLEIGH) symbol, on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Double Bell (DBLBELL) symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Double Bell (DBLBELL) symbol, on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol

of \$10<sup>00</sup> (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Sleigh (SLEIGH) symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Sleigh (SLEIGH) symbol, on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Double Bell (DBLBELL) symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the Double Bell (DBLBELL) symbol, on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Sleigh (SLEIGH) symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the Sleigh (SLEIGH) symbol, on a single ticket, shall be entitled to a prize of \$5.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Sleigh (SLEIGH) symbol, and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears under the Sleigh (SLEIGH) symbol, on a single ticket, shall be entitled to a prize of \$4.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Double Bell (DBLBELL) symbol, and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears under the Double Bell (DBLBELL) symbol, on a single ticket, shall be entitled to a prize of \$4.

(aa) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(bb) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Sleigh (SLEIGH) symbol, and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears under the Sleigh (SLEIGH) symbol, on a single ticket, shall be entitled to a prize of \$2.

(cc) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Double Bell (DBLBELL) symbol, and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears under the Double Bell (DBLBELL) symbol, on a single ticket, shall be entitled to a prize of \$2.

(dd) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

*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:



*When Any Of Your Numbers Match Either Of The Winning Numbers, Win Prize Shown Under The Matching Number. Win With Prize(s) Of:*

<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets</i>
\$1 × 2	\$2 37.5	256,000
\$1 w/DOUBLE BELL	\$2 25	384,000
\$2 w/SLEIGH	\$2 50	192,000
\$2	\$2 37.5	256,000
\$1 × 4	\$4 150	64,000
\$2 × 2	\$4 150	64,000
\$2 w/DOUBLE BELL	\$4 30	320,000
\$4 w/SLEIGH	\$4 150	64,000
\$4	\$4 150	64,000
\$1 × 5	\$5 75	128,000
(\$2 w/DOUBLE BELL) + \$1	\$5 150	64,000
\$5 w/SLEIGH	\$5 150	64,000
\$5	\$5 150	64,000
\$1 × 10	\$10 300	32,000
\$2 × 5	\$10 375	25,600
(\$4 × 2) + \$2	\$10 375	25,600
\$5 w/DOUBLE BELL	\$10 375	25,600
\$10 w/SLEIGH	\$10 375	25,600
\$10	\$10 375	25,600
\$2 × 10	\$20 750	12,800
\$4 × 5	\$20 750	12,800
\$5 × 4	\$20 750	12,800
\$10 w/DOUBLE BELL	\$20 750	12,800
\$20 w/SLEIGH	\$20 750	12,800
\$20	\$20 750	12,800
\$4 × 10	\$40 3,000	3,200
\$5 × 8	\$40 3,000	3,200
\$10 × 4	\$40 3,000	3,200
\$20 × 2	\$40 3,000	3,200
\$20 w/DOUBLE BELL	\$40 3,000	3,200
\$40 w/SLEIGH	\$40 3,000	3,200
\$40	\$40 3,000	3,200
\$5 × 10	\$50 3,000	3,200
\$10 × 5	\$50 3,000	3,200
(\$10 w/DOUBLE BELL) + (\$10 × 3)	\$50 3,000	3,200
(\$20 w/DOUBLE BELL) + (\$5 × 2)	\$50 3,000	3,200
\$50 w/SLEIGH	\$50 3,000	3,200
\$50	\$50 3,000	3,200
\$10 × 10	\$100 6,000	1,600
\$20 × 5	\$100 6,000	1,600
\$50 × 2	\$100 6,000	1,600
\$50 w/DOUBLE BELL	\$100 6,000	1,600
\$100 w/SLEIGH	\$100 8,000	1,200
\$100	\$100 6,000	1,600
\$40 × 10	\$400 120,000	80
\$100 × 4	\$400 120,000	80
(\$100 w/DOUBLE BELL) + (\$100 × 2)	\$400 120,000	80
\$400 w/SLEIGH	\$400 120,000	80
\$400	\$400 120,000	80
\$50 × 10	\$500 120,000	80
\$100 × 5	\$500 120,000	80
(\$100 w/DOUBLE BELL) + (\$100 × 3)	\$500 120,000	80
\$500 w/SLEIGH	\$500 120,000	80
\$500	\$500 120,000	80
\$100 × 10	\$1,000 120,000	80
\$1,000	\$1,000 120,000	80
\$25,000	\$25,000 960,000	10

“SLEIGH” (SLEIGH) symbol = Win prize shown under it automatically.

“DOUBLE BELL” (DBLBELL) symbol = Win double the prize shown under it automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

*10. Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 Requirements:*

(a) To be eligible for the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010, players must mail non-winning qualifying Pennsylvania Lottery 2010 holiday instant tickets having an individual or combined purchase price of at least \$20 in an envelope no larger than 4 1/8 inches by 9 1/2 inches addressed to Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010, P. O. Box 4539, Middletown, PA 17057-4539. Each envelope containing at least \$20 of qualifying Pennsylvania Lottery 2010 holiday instant tickets will constitute one entry. The player shall affix proper postage to the entry. The qualifying Pennsylvania Lottery holiday instant tickets and their respective purchase prices are: PA-0847 Merry Millionaire (\$20); PA-0848 Winner Green (\$10); PA-0849 \$now Globe Ca\$h (\$5); PA-0850 Frosty Match & Win™ (\$3); PA-0851 Jingle Bell Doubler (\$2); and PA-0852 Happy Holidays! (\$1).

(b) Envelopes containing qualifying Pennsylvania Lottery holiday instant tickets having an individual or combined price of less than \$20 shall be disqualified. Envelopes containing non-qualifying Pennsylvania Lottery instant tickets shall be disqualified.

(c) Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received in an envelope larger than 4 1/8 inches by 9 1/2 inches shall be disqualified. The only exception is for non-winning Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received in a United States Post Office "damaged-in-mail-process" envelope.

(d) Winning Pennsylvania Lottery instant tickets submitted to the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 address will not be paid or honored. Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries containing winning Pennsylvania Lottery instant game tickets will be disqualified.

(e) The back of each non-winning qualifying Pennsylvania Lottery holiday instant ticket entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 must be completed by the same player in a legible manner, including the player's name, address, city, state, zip code, telephone number and signature. Only one claimant per entry allowed. Claimant must be 18 years of age or older. Incomplete tickets shall be disqualified.

*11. Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings procedures:*

(a) The Lottery will conduct five Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings. All Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters on or before 4:00 p.m. December 10, 2010, will be eligible to participate in one of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings. All time references in this section are Eastern Standard Time.

(1) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters on or before 4:00 p.m. November 12, 2010, will be eligible to participate in the first Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing which will be held at Lottery Headquarters the week of November 15, 2010.

(2) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters after 4:00 p.m. November 12, 2010, through and including 4:00 p.m. November 19, 2010, will be eligible to partici-

pate in the second Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing which will be held at Lottery Headquarters the week of November 29, 2010.

(3) Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters after 4:00 p.m. November 19, 2010, through and including 4:00 p.m. November 26, 2010, will be eligible to participate in the third Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing which will be held at Lottery Headquarters the week of November 29, 2010.

(4) Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters after 4:00 p.m. November 26, 2010, through and including 4:00 p.m. December 3, 2010, will be eligible to participate in the fourth Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing which will be held at Lottery Headquarters the week of December 6, 2010.

(5) Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters after 4:00 p.m. December 3, 2010, through and including 4:00 p.m. December 10, 2010, will be eligible to participate in the final Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing which will be held at Lottery Headquarters the week of December 13, 2010.

(b) The odds of an entry being selected in a Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing depend upon the number of entries received for that drawing.

(c) To be eligible to participate in a particular Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing, a player must have complied with the requirements of section 10.

(d) The Lottery assumes no responsibility for a lost or misplaced entry not entered into one of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings.

(e) A Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entry is eligible for only one Grand-A-Day Holiday Giveaway 2010 drawing. An entry that is not eligible in one group, may, at the discretion of the Secretary, remain eligible for a subsequent Grand-A-Day Holiday Giveaway 2010 drawing.

(f) If a Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entry is rejected during or following the Pennsylvania Grand-A-Day Holiday Giveaway 2010 drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with Lottery procedure.

(g) A player may only win the prize for which they are first selected in each of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings. Subsequent entries, from the same individual, selected in the same Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing will be disqualified and a replacement entry will be selected.

(h) Manner of conducting each of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings.

(1) All entries received at Lottery Headquarters that are eligible to participate in a particular drawing, will be placed in numbered containers, each containing approximately 500 envelopes.

(2) A computer-generated randomizer or mechanical device may be used to select the numbered containers from which the winners will be selected. If used, the randomizer will not be programmed to eliminate the possibility of the same container being selected more than once.

(3) One envelope will be randomly drawn from each of the selected numbered containers. As each entry envelope is selected, its contents will be qualified according to the requirements of section 10. If the entry does not meet the requirements of section 10, another entry will be selected from that container; and so on, until a qualified entry has been chosen. Once a qualified entry has been selected, further validation will take place by verifying the status of the tickets contained in the entry envelope drawn by entering the ticket information into the computerized instant ticket database. The first qualified and validated entry from each of the designated containers will entitle its owner to a prize as described in section 12.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(i) The payment of a prize awarded in any of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings 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 prize winner).

**12. Description of Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 Drawings Prizes:**

(a) There will be seventy cash prizes of \$1,000 awarded in each of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings.

(b) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 prize payments will be made as a one-time, lump-sum cash payment in the amount of the prize won, less required federal withholding if applicable.

**13. Retailer Incentive Awards:** The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Jingle Bell 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).

**14. Unclaimed Prize Money:** For a period of 1 year from the announced close of Pennsylvania Jingle Bell Doubler, prize money from winning Pennsylvania Jingle Bell 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 Jingle Bell 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.

**15. 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.

**16. 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 Jingle Bell Doubler or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 10-2069. Filed for public inspection October 29, 2010, 9:00 a.m.]

**Pennsylvania Merry Millionaire '10 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 Merry Millionaire '10.

2. *Price:* The price of a Pennsylvania Merry Millionaire '10 instant lottery game ticket is \$20.

3. *Play Symbols:* Each Pennsylvania Merry Millionaire '10 instant lottery game ticket will contain one play area featuring a "MERRY NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "MERRY NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Holly (HOLLY) symbol, Cash (CASH) symbol and a Merry (MERRY) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$1,000 (ONE THO), \$2,500 (TWYFIVHUN), \$100,000 (ONEHUNTHO) and \$1MILL (ONE MIL).

5. *Prizes:* The prizes that can be won in this game are: \$10, \$20, \$25, \$40, \$50, \$100, \$250, \$500, \$1,000, \$2,500, \$100,000 and \$1,000,000. A player can win up to 20 times on a ticket.

6. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct five Grand-A-Day Holiday Giveaway 2010 second-chance drawings for which non-winning Pennsylvania Merry Millionaire '10 instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 1,440,000 tickets will be printed for the Pennsylvania Merry Millionaire '10 instant lottery game.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MERRY NUMBERS" play symbols and a prize symbol of \$1MILL (ONE MIL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be

entitled to a prize of \$1,000,000. This prize shall be paid as a lump-sum cash payment.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MERRY NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MERRY NUMBERS" play symbols and a prize symbol of \$2,500 (TWYFIVHUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2,500.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Merry (MERRY) symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in six of the "prize" areas, a prize symbol of \$100 (ONE HUN) appears in twelve of the "prize" areas, and a prize symbol of \$500 (FIV HUN) appears in two of the "prize" areas, on a single ticket, shall be entitled to a prize of \$2,500.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MERRY NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Merry (MERRY) symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in five of the "prize" areas, a prize symbol of \$50<sup>00</sup> (FIFTY) appears in twelve of the "prize" areas, and a prize symbol of \$100 (ONE HUN) appears in three of the "prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MERRY NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Merry (MERRY) symbol, and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in twenty of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Merry (MERRY) symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in five of the "prize" areas, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in ten of the "prize" areas, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MERRY NUMBERS" play symbols and a prize symbol of \$250 (TWOHUNFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Holly (HOLLY)

symbol, and a prize symbol of \$250 (TWOHUNFTY) appears under the Holly (HOLLY) symbol, on a single ticket, shall be entitled to a prize of \$250.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$250.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MERRY NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Holly (HOLLY) symbol, and a prize symbol of \$100 (ONE HUN) appears under the Holly (HOLLY) symbol, on a single ticket, shall be entitled to a prize of \$100.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MERRY NUMBERS" play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Holly (HOLLY) symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears under the Holly (HOLLY) symbol, on a single ticket, shall be entitled to a prize of \$50.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MERRY NUMBERS" play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Holly (HOLLY) symbol, and a prize symbol of \$40<sup>00</sup> (FORTY) appears under the Holly (HOLLY) symbol, on a single ticket, shall be entitled to a prize of \$40.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MERRY NUMBERS" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Holly (HOLLY) symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under the Holly (HOLLY) symbol, on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "MERRY NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

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:

When Any Of Your Numbers  
Match Any Of The Merry  
Numbers, Win Prize Shown  
Under The Matching Number.  
Win With Prize(s) Of:

Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 1,440,000 Tickets	
\$10 × 2	\$20	20	72,000
\$20 w/HOLLY	\$20	20	72,000
\$20	\$20	15	96,000
\$20 × 2	\$40	60	24,000
\$40 w/HOLLY	\$40	60	24,000
\$40	\$40	60	24,000
\$10 × 5	\$50	75	19,200
(\$20 × 2) + \$10	\$50	75	19,200
\$50 w/HOLLY	\$50	75	19,200
\$50	\$50	75	19,200
\$20 × 5	\$100	150	9,600
(\$40 × 2) + (\$10 × 2)	\$100	150	9,600
\$50 × 2	\$100	150	9,600
\$100 w/HOLLY	\$100	150	9,600
\$100	\$100	150	9,600
(\$20 × 10) + (\$10 × 5)	\$250	6,000	240
(\$40 × 5) + (\$10 × 5)	\$250	6,000	240
\$50 × 5	\$250	6,000	240
\$250 w/CASH	\$250	571.43	2,520
\$250 w/HOLLY	\$250	6,000	240
\$250	\$250	6,000	240
MERRY w/(\$10 × 5) + (\$20 × 10) + (\$50 × 5)	\$500	12,000	120
MERRY w/(\$25 × 20)	\$500	12,000	120
\$50 × 10	\$500	12,000	120
\$100 × 5	\$500	12,000	120
(\$250 w/CASH) + (\$50 × 5)	\$500	12,000	120
(\$250 w/CASH) + \$250	\$500	12,000	120
\$500	\$500	12,000	120
MERRY w/(\$20 × 5) + (\$50 × 12) + (\$100 × 3)	\$1,000	15,000	96
\$50 × 20	\$1,000	15,000	96
\$100 × 10	\$1,000	15,000	96
(\$250 w/CASH) + (\$250 × 3)	\$1,000	15,000	96
\$500 × 2	\$1,000	15,000	96
\$1,000	\$1,000	15,000	96
MERRY w/(\$50 × 6) + (\$100 × 12) + (\$500 × 2)	\$2,500	240,000	6
(\$250 w/CASH) + (\$250 × 9)	\$2,500	240,000	6
\$500 × 5	\$2,500	240,000	6
\$2,500	\$2,500	240,000	6
\$100,000	\$100,000	480,000	3
\$1,000,000	\$1,000,000	480,000	3

“HOLLY” (HOLLY) symbol = Win prize shown under that symbol.

“CASH” (CASH) symbol = Win \$250 instantly.

“MERRY” (MERRY) symbol = Win all 20 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 Requirements:*

(a) To be eligible for the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010, players must mail non-winning qualifying Pennsylvania Lottery 2010 holiday instant tickets having an individual or combined purchase price of at least \$20 in an envelope no larger than 4 1/8 inches by 9 1/2 inches addressed to Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010, P. O. Box 4539, Middletown, PA 17057-4539. The player shall affix proper postage to the entry. The qualifying Pennsylvania Lottery holiday instant tickets and their respective purchase prices are: PA-0847 Merry Millionaire (\$20); PA-

0848 Winner Green (\$10); PA-0849 Snow Globe Cash (\$5); PA-0850 Frosty Match & Win™ (\$3); PA-0851 Jingle Bell Doubler (\$2); and PA-0852 Happy Holidays! (\$1).

(b) Envelopes containing qualifying Pennsylvania Lottery holiday instant tickets having an individual or combined price of less than \$20 shall be disqualified. Envelopes containing non-qualifying Pennsylvania Lottery instant tickets shall be disqualified.

(c) Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received in an envelope larger than 4 1/8 inches by 9 1/2 inches shall be disqualified. The only exception is for non-winning Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received in a United States Post Office “damaged-in-mail-process” envelope.

(d) Winning Pennsylvania Lottery instant tickets submitted to the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 address will not be paid or honored. Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries containing winning Pennsylvania Lottery instant game tickets will be disqualified.

(e) The back of each non-winning qualifying Pennsylvania Lottery holiday instant ticket entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 must be completed by the same player in a legible manner, including the player's name, address, city, state, zip code, telephone number and signature. Only one claimant per entry allowed. Claimant must be 18 years of age or older. Incomplete tickets shall be disqualified.

11. *Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings procedures:*

(a) The Lottery will conduct five Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings. All Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters on or before 4:00 p.m. December 10, 2010, will be eligible to participate in one of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings. All time references in this section are Eastern Standard Time.

(1) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters on or before 4:00 p.m. November 12, 2010, will be eligible to participate in the first Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing which will be held at Lottery Headquarters the week of November 15, 2010.

(2) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters after 4:00 p.m. November 12, 2010, through and including 4:00 p.m. November 19, 2010, will be eligible to participate in the second Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing which will be held at Lottery Headquarters the week of November 29, 2010.

(3) Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters after 4:00 p.m. November 19, 2010, through and including 4:00 p.m. November 26, 2010, will be eligible to participate in the third Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing which will be held at Lottery Headquarters the week of November 29, 2010.

(4) Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters after 4:00 p.m. November 26, 2010, through and including 4:00 p.m. December 3, 2010, will be eligible to participate in the fourth Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing which will be held at Lottery Headquarters the week of December 6, 2010.

(5) Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters after 4:00 p.m. December 3, 2010, through and including 4:00 p.m. December 10, 2010, will be eligible to participate in the final Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing which will be held at Lottery Headquarters the week of December 13, 2010.

(b) The odds of an entry being selected in a Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing depend upon the number of entries received for that drawing.

(c) To be eligible to participate in a particular Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing, a player must have complied with the requirements of section 10.

(d) The Lottery assumes no responsibility for a lost or misplaced entry not entered into one of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings.

(e) A Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entry is eligible for only one Grand-A-Day Holiday Giveaway 2010 drawing. An entry that is not eligible in one group, may, at the discretion of the Secretary, remain eligible for a subsequent Grand-A-Day Holiday Giveaway 2010 drawing.

(f) If a Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entry is rejected during or following the Pennsylvania Grand-A-Day Holiday Giveaway 2010 drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with Lottery procedure.

(g) A player may only win the prize for which they are first selected in each of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings. Subsequent entries, from the same individual, selected in the same Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing will be disqualified and a replacement entry will be selected.

(h) Manner of conducting each of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings.

(1) All entries received at Lottery Headquarters that are eligible to participate in a particular drawing, will be placed in numbered containers, each containing approximately 500 envelopes.

(2) A computer-generated randomizer or mechanical device may be used to select the numbered containers from which the winners will be selected. If used, the randomizer will not be programmed to eliminate the possibility of the same container being selected more than once.

(3) One envelope will be randomly drawn from each of the selected numbered containers. As each entry envelope is selected, its contents will be qualified according to the requirements of section 10. If the entry does not meet the requirements of section 10, another entry will be selected from that container; and so on, until a qualified entry has been chosen. Once a qualified entry has been selected, further validation will take place by verifying the status of the tickets contained in the entry envelope drawn by entering the ticket information into the computerized instant ticket database. The first qualified and validated entry from each of the designated containers will entitle its owner to a prize as described in section 12.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(i) The payment of a prize awarded in any of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings 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 prize winner).

12. *Description of Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 Drawings Prizes:*

(a) There will be seventy cash prizes of \$1,000 awarded in each of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings.

(b) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 prize payments will be made as a one-time, lump-sum cash payment in the amount of the prize won, less required federal withholding if applicable.

13. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Merry Millionaire '10 instant lottery

game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

14. *Unclaimed Prize Money*: For a period of 1 year from the announced close of Pennsylvania Merry Millionaire '10, prize money from winning Pennsylvania Merry Millionaire '10 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 Merry Millionaire '10 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.

15. *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.

16. *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 Merry Millionaire '10 or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 10-2070. Filed for public inspection October 29, 2010, 9:00 a.m.]

### Pennsylvania \$now Globe Ca\$h 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 \$now Globe Ca\$h.

2. *Price*: The price of a Pennsylvania \$now Globe Ca\$h instant lottery game ticket is \$5.

3. *Play Symbols*: Each Pennsylvania \$now Globe Ca\$h instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and 25 (TWYFIV). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), Dollar Sign (DLRSN) symbol, Snowflake (SNWFLK) symbol and a Snowman (SNOWMN) symbol.

4. *Prize Symbols*: The prize symbols and their captions located in the "YOUR NUMBERS" 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), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$100,000 (ONEHUNTHO).

5. *Prizes*: The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$400, \$500, \$1,000, \$5,000, and \$100,000. A player can win up to 11 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game*: Approximately 7,200,000 tickets will be printed for the Pennsylvania \$now Globe Ca\$h instant lottery game.

7. *Second-Chance Drawings*: The Pennsylvania Lottery will conduct five Grand-A-Day Holiday Giveaway 2010 second-chance drawings for which non-winning Pennsylvania \$now Globe Ca\$h instant lottery game tickets may be eligible as provided for in section 10.

#### 8. *Determination of Prize Winners*:

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching "YOUR NUMBERS" 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 NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5,000 (FIV THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowflake (SNWFLK) symbol, and a prize symbol of \$500 (FIV HUN) appears under the Snowflake (SNWFLK) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman (SNOWMN) symbol, and a prize symbol of \$100 (ONE HUN) appears under the Snowman (SNOWMN) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman (SNOWMN) symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears under the Snowman (SNOWMN) symbol, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$ (DLRSN) symbol, and a

prize symbol of \$400 (FOR HUN) appears under the \$ (DLRSN) symbol, on a single ticket, shall be entitled to a prize of \$400.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowflake (SNWFLK) symbol, and a prize symbol of \$100 (ONE HUN) appears under the Snowflake (SNWFLK) symbol, on a single ticket, shall be entitled to a prize of \$200.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman (SNOWMN) symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under the Snowman (SNOWMN) symbol, on a single ticket, shall be entitled to a prize of \$200.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$ (DLRSN) symbol, and a prize symbol of \$100 (ONE HUN) appears under the \$ (DLRSN) symbol, on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowflake (SNWFLK) symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears under the Snowflake (SNWFLK) symbol, on a single ticket, shall be entitled to a prize of \$100.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman (SNOWMN) symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Snowman (SNOWMN) symbol, on a single ticket, shall be entitled to a prize of \$100.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$ (DLRSN) symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears under the \$ (DLRSN) symbol, on a single ticket, shall be entitled to a prize of \$50.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowflake (SNWFLK) symbol, and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears under the Snowflake (SNWFLK) symbol, on a single ticket, shall be entitled to a prize of \$50.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowman (SNOWMN) symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the Snowman (SNOWMN) symbol, on a single ticket, shall be entitled to a prize of \$50.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING

NUMBERS" play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$ (DLRSN) symbol, and a prize symbol of \$40<sup>00</sup> (FORTY) appears under the \$ (DLRSN) symbol, on a single ticket, shall be entitled to a prize of \$40.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowflake (SNWFLK) symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under the Snowflake (SNWFLK) symbol, on a single ticket, shall be entitled to a prize of \$40.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$ (DLRSN) symbol, and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears under the \$ (DLRSN) symbol, on a single ticket, shall be entitled to a prize of \$25.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowflake (SNWFLK) symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Snowflake (SNWFLK) symbol, on a single ticket, shall be entitled to a prize of \$20.

(aa) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(bb) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Snowflake (SNWFLK) symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the Snowflake (SNWFLK) symbol, on a single ticket, shall be entitled to a prize of \$10.

(cc) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "YOUR NUMBERS" play 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:



When Any Of Your Numbers  
Match Any Winning Number,  
Win Prize Shown Under The  
Matching Number.  
Win With Prize(s) Of:

	Win:	Approximate Odds Are 1 In:	Approximate No Of Winners Per 7,200,000 Tickets:
\$5	\$5	8.57	840,000
\$5 w/SNOWFLAKE	\$10	40	180,000
\$5 × 2	\$10	60	120,000
\$10	\$10	40	180,000
\$5 × 4	\$20	300	24,000
\$10 × 2	\$20	300	24,000
\$10 w/SNOWFLAKE	\$20	200	36,000
\$20	\$20	200	36,000
\$5 × 5	\$25	300	24,000
(\$5 w/SNOWFLAKE) + (\$5 × 3)	\$25	300	24,000
(\$10 w/SNOWFLAKE) + \$5	\$25	300	24,000
\$25 w/DOLLAR SIGN	\$25	300	24,000
\$25	\$25	300	24,000
\$5 × 8	\$40	600	12,000
(\$10 w/SNOWFLAKE) + (\$10 × 2)	\$40	600	12,000
\$20 w/SNOWFLAKE	\$40	600	12,000
\$40 w/DOLLAR SIGN	\$40	600	12,000
\$40	\$40	600	12,000
\$5 × 10	\$50	600	12,000
\$5 w/SNOWMAN	\$50	600	12,000
\$25 w/SNOWFLAKE	\$50	600	12,000
\$50 w/DOLLAR SIGN	\$50	600	12,000
\$50	\$50	600	12,000
\$10 × 10	\$100	1,500	4,800
\$10 w/SNOWMAN	\$100	1,500	4,800
\$25 × 4	\$100	1,500	4,800
\$50 w/SNOWFLAKE	\$100	1,500	4,800
\$100 w/DOLLAR SIGN	\$100	1,500	4,800
\$100	\$100	1,500	4,800
(\$20 w/SNOWMAN) + (\$20 × 10)	\$400	30,000	240
\$40 × 10	\$400	30,000	240
\$50 × 8	\$400	30,000	240
(\$100 w/SNOWFLAKE) + (\$100 × 2)	\$400	30,000	240
\$400 w/DOLLAR SIGN	\$400	30,000	240
\$400	\$400	30,000	240
\$50 × 10	\$500	40,000	180
\$50 w/SNOWMAN	\$500	40,000	180
(\$100 w/SNOWFLAKE) + (\$100 × 3)	\$500	40,000	180
\$500	\$500	40,000	180
\$100 × 10	\$1,000	60,000	120
\$100 w/SNOWMAN	\$1,000	60,000	120
\$500 w/SNOWFLAKE	\$1,000	60,000	120
\$1,000	\$1,000	60,000	120
\$500 × 10	\$5,000	600,000	12
\$1,000 × 5	\$5,000	600,000	12
\$5,000	\$5,000	600,000	12
\$100,000	\$100,000	600,000	12

"DOLLAR SIGN" (DLRSN) symbol = win prize shown under it automatically.

"SNOWFLAKE" (SNWFLK) symbol = win double the prize shown under it.

"SNOWMAN" (SNOWMN) symbol = win 10 times the amount shown under it.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 Requirements:*

(a) To be eligible for the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010, players must mail non-

winning qualifying Pennsylvania Lottery 2010 holiday instant tickets having an individual or combined purchase price of at least \$20 in an envelope no larger than 4 1/8 inches by 9 1/2 inches addressed to Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010, P. O. Box 4539, Middletown, PA 17057-4539. Each envelope containing at least \$20 of qualifying Pennsylvania Lottery 2010

holiday instant tickets will constitute one entry. The player shall affix proper postage to the entry. The qualifying Pennsylvania Lottery holiday instant tickets and their respective purchase prices are: PA-0847 Merry Millionaire (\$20); PA-0848 Winner Green (\$10); PA-0849 \$now Globe Ca\$h (\$5); PA-0850 Frosty Match & Win™ (\$3); PA-0851 Jingle Bell Doubler (\$2); and PA-0852 Happy Holidays! (\$1).

(b) Envelopes containing qualifying Pennsylvania Lottery holiday instant tickets having an individual or combined price of less than \$20 shall be disqualified. Envelopes containing non-qualifying Pennsylvania Lottery instant tickets shall be disqualified.

(c) Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received in an envelope larger than 4 1/8 inches by 9 1/2 inches shall be disqualified. The only exception is for non-winning Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received in a United States Post Office "damaged-in-mail-process" envelope.

(d) Winning Pennsylvania Lottery instant tickets submitted to the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 address will not be paid or honored. Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries containing winning Pennsylvania Lottery instant game tickets will be disqualified.

(e) The back of each non-winning qualifying Pennsylvania Lottery holiday instant ticket entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 must be completed by the same player in a legible manner, including the player's name, address, city, state, zip code, telephone number and signature. Only one claimant per entry allowed. Claimant must be 18 years of age or older. Incomplete tickets shall be disqualified.

11. *Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings procedures:*

(a) The Lottery will conduct five Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings. All Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters on or before 4:00 p.m. December 10, 2010, will be eligible to participate in one of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings. All time references in this section are Eastern Standard Time.

(1) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters on or before 4:00 p.m. November 12, 2010, will be eligible to participate in the first Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing which will be held at Lottery Headquarters the week of November 15, 2010.

(2) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters after 4:00 p.m. November 12, 2010, through and including 4:00 p.m. November 19, 2010, will be eligible to participate in the second Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing which will be held at Lottery Headquarters the week of November 29, 2010.

(3) Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters after 4:00 p.m. November 19, 2010, through and including 4:00 p.m. November 26, 2010, will be eligible to participate in the third Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing which will be held at Lottery Headquarters the week of November 29, 2010.

(4) Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters after 4:00 p.m. November 26, 2010, through and including 4:00

p.m. December 3, 2010, will be eligible to participate in the fourth Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing which will be held at Lottery Headquarters the week of December 6, 2010.

(5) Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters after 4:00 p.m. December 3, 2010, through and including 4:00 p.m. December 10, 2010, will be eligible to participate in the final Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing which will be held at Lottery Headquarters the week of December 13, 2010.

(b) The odds of an entry being selected in a Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing depend upon the number of entries received for that drawing.

(c) To be eligible to participate in a particular Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing, a player must have complied with the requirements of section 10.

(d) The Lottery assumes no responsibility for a lost or misplaced entry not entered into one of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings.

(e) A Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entry is eligible for only one Grand-A-Day Holiday Giveaway 2010 drawing. An entry that is not eligible in one group, may, at the discretion of the Secretary, remain eligible for a subsequent Grand-A-Day Holiday Giveaway 2010 drawing.

(f) If a Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entry is rejected during or following the Pennsylvania Grand-A-Day Holiday Giveaway 2010 drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with Lottery procedure.

(g) A player may only win the prize for which they are first selected in each of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings. Subsequent entries, from the same individual, selected in the same Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing will be disqualified and a replacement entry will be selected.

(h) Manner of conducting each of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings.

(1) All entries received at Lottery Headquarters that are eligible to participate in a particular drawing, will be placed in numbered containers, each containing approximately 500 envelopes.

(2) A computer-generated randomizer or mechanical device may be used to select the numbered containers from which the winners will be selected. If used, the randomizer will not be programmed to eliminate the possibility of the same container being selected more than once.

(3) One envelope will be randomly drawn from each of the selected numbered containers. As each entry envelope is selected, its contents will be qualified according to the requirements of section 10. If the entry does not meet the requirements of section 10, another entry will be selected from that container; and so on, until a qualified entry has been chosen. Once a qualified entry has been selected, further validation will take place by verifying the status of the tickets contained in the entry envelope drawn by entering the ticket information into the computerized instant ticket database. The first qualified and validated entry from each of the designated containers will entitle its owner to a prize as described in section 12.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(i) The payment of a prize awarded in any of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings 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 prize winner).

12. *Description of Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 Drawings Prizes:*

(a) There will be seventy cash prizes of \$1,000 awarded in each of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings.

(b) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 prize payments will be made as a one-time, lump-sum cash payment in the amount of the prize won, less required federal withholding if applicable.

13. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania \$now Globe Ca\$h instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

14. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$now Globe Ca\$h, prize money from winning Pennsylvania \$now Globe Ca\$h 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 \$now Globe Ca\$h 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.

15. *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.

16. *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 \$now Globe Ca\$h or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 10-2071. Filed for public inspection October 29, 2010, 9:00 a.m.]

### Pennsylvania Winner Green 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 Winner Green.

2. *Price:* The price of a Pennsylvania Winner Green instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania Winner Green instant lottery game ticket will contain one play area

featuring a “WINNING SYMBOLS” area, a “YOUR SYMBOLS” area and a separate “FAST \$100 BONUS” area containing one play symbol. The play symbols and their captions, printed in black ink and located in the “WINNING SYMBOLS” area are: Angel (ANGEL) symbol, Bell (BELL) symbol, Candle (CANDLE) symbol, Candy Cane (CANE) symbol, Cup (CUP) symbol, Drum (DRUM) symbol, Earmuff (EARMF) symbol, Gingerbread Man (GB-MAN) symbol, Gift (GIFT) symbol, Gold Bar (GOLD) symbol, Hat (HAT) symbol, Holly (HOLLY) symbol, Horn (HORN) symbol, Jingle Bell (JBELL), String of Lights (LIGHT) symbol, Mitten (MITTEN) symbol, Dollar Sign (MONEY) symbol, Nutcracker (NCRKR), Reindeer (RNDEER) symbol, Scarf (SCARF) symbol, Sleigh (SLEIGH) symbol, Snowflake (SNOWFLK) symbol, Snowman (SNOWMAN) symbol, Star (STAR) symbol, Stocking (STOCKING) symbol, Toy Sack (TOYS) symbol and a Wreath (WREATH) symbol. The play symbols and their captions, printed in green ink and located in the “WINNING SYMBOLS” area are: Angel (ANGEL) symbol, Bell (BELL) symbol, Candle (CANDLE) symbol, Candy Cane (CANE) symbol, Cup (CUP) symbol, Drum (DRUM) symbol, Earmuff (EARMF) symbol, Gingerbread Man (GB-MAN) symbol, Gift (GIFT) symbol, Gold Bar (GOLD) symbol, Hat (HAT) symbol, Holly (HOLLY) symbol, Horn (HORN) symbol, Jingle Bell (JBELL), String of Lights (LIGHT) symbol, Mitten (MITTEN) symbol, Dollar Sign (MONEY) symbol, Nutcracker (NCRKR), Reindeer (RNDEER) symbol, Scarf (SCARF) symbol, Sleigh (SLEIGH) symbol, Snowflake (SNOWFLK) symbol, Snowman (SNOWMAN) symbol, Star (STAR) symbol, Stocking (STOCKING) symbol, Toy Sack (TOYS) symbol and a Wreath (WREATH) symbol. The play symbols and their captions, printed in black ink and located in the “YOUR SYMBOLS” area are: Angel (ANGEL) symbol, Bell (BELL) symbol, Candle (CANDLE) symbol, Candy Cane (CANE) symbol, Cup (CUP) symbol, Drum (DRUM) symbol, Earmuff (EARMF) symbol, Gingerbread Man (GB-MAN) symbol, Gift (GIFT) symbol, Gold Bar (GOLD) symbol, Hat (HAT) symbol, Holly (HOLLY) symbol, Horn (HORN) symbol, Jingle Bell (JBELL), String of Lights (LIGHT) symbol, Mitten (MITTEN) symbol, Dollar Sign (MONEY) symbol, Nutcracker (NCRKR), Reindeer (RNDEER) symbol, Scarf (SCARF) symbol, Sleigh (SLEIGH) symbol, Snowflake (SNOWFLK) symbol, Snowman (SNOWMAN) symbol, Star (STAR) symbol, Stocking (STOCKING) symbol, Toy Sack (TOYS) symbol and a Wreath (WREATH) symbol. The play symbols and their captions, printed in green ink and located in the “YOUR SYMBOLS” area are: Angel (ANGEL) symbol, Bell (BELL) symbol, Candle (CANDLE) symbol, Candy Cane (CANE) symbol, Cup (CUP) symbol, Drum (DRUM) symbol, Earmuff (EARMF) symbol, Gingerbread Man (GB-MAN) symbol, Gift (GIFT) symbol, Gold Bar (GOLD) symbol, Hat (HAT) symbol, Holly (HOLLY) symbol, Horn (HORN) symbol, Jingle Bell (JBELL), String of Lights (LIGHT) symbol, Mitten (MITTEN) symbol, Dollar Sign (MONEY) symbol, Nutcracker (NCRKR), Reindeer (RNDEER) symbol, Scarf (SCARF) symbol, Sleigh (SLEIGH) symbol, Snowflake (SNOWFLK) symbol, Snowman (SNOWMAN) symbol, Star (STAR) symbol, Stocking (STOCKING) symbol, Toy Sack (TOYS) symbol, Wreath (WREATH) symbol and a Green Tree (GRTREE) symbol. The play symbols and their captions located in the “FAST \$100 BONUS” area are: NO BONUS (TRY AGAIN) symbol, TRY AGAIN (NO BONUS) symbol and a Santa (WIN\$100) symbol. The “FAST \$100 BONUS” area is played separately from the rest of the game.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR SYMBOLS” area are: \$5<sup>00</sup> (FIV

DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$50,000 (FTY THO) and \$250,000 (TWHNFYTH).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$500, \$1,000, \$50,000 and \$250,000. A player can win up to 15 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 4,800,000 tickets will be printed for the Pennsylvania Winner Green instant lottery game.

7. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct five Grand-A-Day Holiday Giveaway 2010 second-chance drawings for which non-winning Pennsylvania Winner Green instant lottery game tickets may be eligible as provided for in section 10.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING SYMBOLS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$250,000 (TWHNFYTH) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(b) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING SYMBOLS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$50,000 (FTY THO) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(c) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols, with the symbol and caption printed in green ink, matches any of the "WINNING SYMBOLS" play symbols, with the symbol and caption printed in green ink, and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(d) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING SYMBOLS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets with a Green Tree (GRTREE) play symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in ten of the "prize" areas, and a prize symbol of \$100 (ONE HUN) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING SYMBOLS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols, with the symbol and caption printed in green ink, matches any of the "WIN-

NING SYMBOLS" play symbols, with the symbol and caption printed in green ink, and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets with a Green Tree (GRTREE) play symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in five of the "prize" areas, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING SYMBOLS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(j) Holders of tickets with a Green Tree (GRTREE) play symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in ten of the "prize" areas, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(k) Holders of tickets with a Green Tree (GRTREE) play symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in ten of the "prize" areas, a prize symbol of \$50<sup>00</sup> (FIFTY) appears in four of the "prize" areas and a prize symbol of \$100 (ONE HUN) appears in one of the prize areas, on a single ticket, shall be entitled to a prize of \$400.

(l) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING SYMBOLS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets with a Santa (WIN\$100) symbol in the "FAST \$100 BONUS" area, on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols, with the symbol and caption printed in green ink, matches any of the "WINNING SYMBOLS" play symbols, with the symbol and caption printed in green ink, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(o) Holders of tickets with a Green Tree (GRTREE) play symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in ten of the "prize" areas, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(p) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols, with the symbol and caption printed in black ink, matches any of the "WINNING SYMBOLS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(q) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols, with the symbol and caption printed in green ink, matches any of the "WINNING SYMBOLS" play symbols, with the symbol and

caption printed in green ink, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching “YOUR SYMBOLS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(r) Holders of tickets upon which any one of the “YOUR SYMBOLS” play symbols, with the symbol and caption printed in black ink, matches any of the “WINNING SYMBOLS” play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$40<sup>00</sup> (FORTY) appears under the matching “YOUR SYMBOLS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(s) Holders of tickets upon which any one of the “YOUR SYMBOLS” play symbols, with the symbol and caption printed in black ink, matches any of the “WINNING SYMBOLS” play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under the matching “YOUR SYMBOLS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(t) Holders of tickets upon which any one of the “YOUR SYMBOLS” play symbols, with the symbol and caption printed in black ink, matches any of the “WINNING SYMBOLS” play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching “YOUR SYMBOLS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets upon which any one of the “YOUR SYMBOLS” play symbols, with the symbol and caption printed in black ink, matches any of the “WINNING SYMBOLS” play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching “YOUR SYMBOLS” play 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:

*When Any Of Your Symbols Match Any Winning Symbol, Win Prize Shown Under The Matching Symbol, Win With Prize(s) Of:*

<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 4,800,000 Tickets</i>	
\$5 × 2	\$10	12	400,000
\$10	\$10	12	400,000
\$5 × 4	\$20	60	80,000
\$10 × 2	\$20	30	160,000
\$20	\$20	30	160,000
\$5 × 8	\$40	200	24,000
\$10 × 4	\$40	300	16,000
\$20 × 2	\$40	300	16,000
\$40	\$40	200	24,000
\$5 × 10	\$50	600	8,000
\$10 w/GREEN	\$50	200	24,000
\$10 × 5	\$50	600	8,000
\$50	\$50	600	8,000
GREEN TREE w/(\$5 × 10) + (\$10 × 5)	\$100	600	8,000
\$20 w/GREEN	\$100	600	8,000
\$50 × 2	\$100	600	8,000
\$100 w/SANTA	\$100	120	40,000
\$100	\$100	600	8,000
GREEN TREE w/(\$10 × 10) + (\$50 × 4) + \$100	\$400	6,000	800
GREEN TREE w/(\$20 × 10) + (\$40 × 5)	\$400	6,000	800
\$50 × 8	\$400	12,000	400
\$100 × 4	\$400	12,000	400
(\$100 w/SANTA) + (\$100 × 3)	\$400	8,000	600
\$400	\$400	8,000	600
GREEN TREE w/(\$20 × 5) + (\$40 × 10)	\$500	20,000	240
(\$40 × 10) + (\$50 × 2)	\$500	24,000	200
\$100 w/GREEN	\$500	24,000	200
\$100 × 5	\$500	24,000	200
(\$100 w/SANTA) + (\$40 × 10)	\$500	20,000	240
\$500	\$500	20,000	240
GREEN TREE w/(\$50 × 10) + (\$100 × 5)	\$1,000	20,000	240
(\$40 × 5) + (\$400 × 2)	\$1,000	20,000	240
(\$100 w/SANTA) + (\$100 × 9)	\$1,000	20,000	240
\$500 × 2	\$1,000	30,000	160
\$1,000	\$1,000	20,000	240
(\$1,000 w/GREEN) × 10	\$50,000	480,000	10

When Any Of Your Symbols  
Match Any Winning Symbol,  
Win Prize Shown Under The  
Matching Symbol, Win With  
Prize(s) Of:

Prize(s) Of:	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 4,800,000 Tickets
\$50,000	\$50,000	480,000	10
\$250,000	\$250,000	480,000	10

FAST \$100 BONUS = Get a "SANTA" symbol, win \$100 instantly.

Green Symbol Match = Win 5 times the prize shown under the matching symbol.

"GREEN TREE" (GRTREE) Symbol = Win all 15 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 Requirements:*

(a) To be eligible for the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010, players must mail non-winning qualifying Pennsylvania Lottery 2010 holiday instant tickets having an individual or combined purchase price of at least \$20 in an envelope no larger than 4 1/8 inches by 9 1/2 inches addressed to Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010, P. O. Box 4539, Middletown, PA 17057-4539. The player shall affix proper postage to the entry. The qualifying Pennsylvania Lottery holiday instant tickets and their respective purchase prices are: PA-0847 Merry Millionaire (\$20); PA-0848 Winner Green (\$10); PA-0849 Snow Globe Ca\$h (\$5); PA-0850 Frosty Match & Win™ (\$3); PA-0851 Jingle Bell Doubler (\$2); and PA-0852 Happy Holidays! (\$1).

(b) Envelopes containing qualifying Pennsylvania Lottery holiday instant tickets having an individual or combined price of less than \$20 shall be disqualified. Envelopes containing non-qualifying Pennsylvania Lottery instant tickets shall be disqualified.

(c) Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received in an envelope larger than 4 1/8 inches by 9 1/2 inches shall be disqualified. The only exception is for non-winning Pennsylvania Lottery Grand-A-Day Holiday Giveaway entries received in a United States Post Office "damaged-in-mail-process" envelope.

(d) Winning Pennsylvania Lottery instant tickets submitted to the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 address will not be paid or honored. Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries containing winning Pennsylvania Lottery instant game tickets will be disqualified.

(e) The back of each non-winning qualifying Pennsylvania Lottery holiday instant ticket entered in the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 must be completed by the same player in a legible manner, including the player's name, address, city, state, zip code, telephone number and signature. Only one claimant per entry allowed. Claimant must be 18 years of age or older. Incomplete tickets shall be disqualified.

11. *Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings procedures:*

(a) The Lottery will conduct five Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings. All Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters on or before 4:00 p.m. December 10, 2010, will be eligible to participate in one of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings. All time references in this section are Eastern Standard Time.

(1) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters on or before 4:00 p.m. November 12, 2010, will be eligible to participate in the first Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing which will be held at Lottery Headquarters the week of November 15, 2010.

(2) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters after 4:00 p.m. November 12, 2010, through and including 4:00 p.m. November 19, 2010, will be eligible to participate in the second Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing which will be held at Lottery Headquarters the week of November 29, 2010.

(3) Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters after 4:00 p.m. November 19, 2010, through and including 4:00 p.m. November 26, 2010, will be eligible to participate in the third Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing which will be held at Lottery Headquarters the week of November 29, 2010.

(4) Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters after 4:00 p.m. November 26, 2010, through and including 4:00 p.m. December 3, 2010, will be eligible to participate in the fourth Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing which will be held at Lottery Headquarters the week of December 6, 2010.

(5) Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entries received at Lottery Headquarters after 4:00 p.m. December 3, 2010, through and including 4:00 p.m. December 10, 2010, will be eligible to participate in the final Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing which will be held at Lottery Headquarters the week of December 13, 2010.

(b) The odds of an entry being selected in a Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing depend upon the number of entries received for that drawing.

(c) To be eligible to participate in a particular Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing, a player must have complied with the requirements of section 10.

(d) The Lottery assumes no responsibility for a lost or misplaced entry not entered into one of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings.

(e) A Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entry is eligible for only one Grand-A-Day Holiday Giveaway 2010 drawing. An entry that is not eligible in one group, may, at the discretion of the Secretary, remain eligible for a subsequent Grand-A-Day Holiday Giveaway 2010 drawing.

(f) If a Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 entry is rejected during or following the

Pennsylvania Grand-A-Day Holiday Giveaway 2010 drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with Lottery procedure.

(g) A player may only win the prize for which they are first selected in each of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings. Subsequent entries, from the same individual, selected in the same Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawing will be disqualified and a replacement entry will be selected.

(h) Manner of conducting each of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings.

(1) All entries received at Lottery Headquarters that are eligible to participate in a particular drawing, will be placed in numbered containers, each containing approximately 500 envelopes.

(2) A computer-generated randomizer or mechanical device may be used to select the numbered containers from which the winners will be selected. If used, the randomizer will not be programmed to eliminate the possibility of the same container being selected more than once.

(3) One envelope will be randomly drawn from each of the selected numbered containers. As each entry envelope is selected, its contents will be qualified according to the requirements of section 10. If the entry does not meet the requirements of section 10, another entry will be selected from that container; and so on, until a qualified entry has been chosen. Once a qualified entry has been selected, further validation will take place by verifying the status of the tickets contained in the entry envelope drawn by entering the ticket information into the computerized instant ticket database. The first qualified and validated entry from each of the designated containers will entitle its owner to a prize as described in section 12.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(i) The payment of a prize awarded in any of the Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings 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 prize winner).

**12. Description of Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 Drawings Prizes:**

(a) There will be seventy cash prizes of \$1,000 awarded in each of the five Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 drawings.

(b) All Pennsylvania Lottery Grand-A-Day Holiday Giveaway 2010 prize payments will be made as a one-time, lump-sum cash payment in the amount of the prize won, less required federal withholding if applicable.

13. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Winner Green instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

14. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Winner Green, prize money from winning Pennsylvania Winner Green 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 Winner Green 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.

15. *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.

16. *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 Winner Green or through normal communications methods.

C. DANIEL HASSELL,  
*Secretary*

[Pa.B. Doc. No. 10-2072. Filed for public inspection October 29, 2010, 9:00 a.m.]

## DEPARTMENT OF STATE

### Corporation Bureau Advisory Committee Meeting

The Corporation Bureau Advisory Committee (Committee), under 15 Pa.C.S. § 155(c) (relating to disposition of funds), has scheduled a meeting for Tuesday, November 9, at 11 a.m. for discussion of the Corporation Bureau's budget. The meeting will be held in Room 303/304 the Executive Office Conference Room of the Department of State, North Office Building, 3rd Floor, Harrisburg, PA 17120. The public is invited to attend. Persons who need accommodation due to a disability who wish to attend the meetings should contact Barbara Kennedy at (717) 783-9210 so that arrangements can be made.

BASIL L. MERENDA,  
*Secretary*

[Pa.B. Doc. No. 10-2073. Filed for public inspection October 29, 2010, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding Washington County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Director of the Bureau of Project Delivery makes the following written finding:

The Department of Transportation is planning to replace the bridge carrying SR 4037 (Noblestown Road) over Robinson Run bordering Mount Pleasant and Robinson Townships, Washington County.

Information describing the project, with the associated environmental analysis, is contained in the Environmental Document, Bridge and Roadway Preservation Programmatic Agreement/Section 2002 Evaluation, that was prepared for this project. The Panhandle Trail is maintained by Washington County and is open for use by the public. The "maintained trail" will not be impacted. However, the project will require the acquisition of .042

acre of right-of-way from the Washington County (Panhandle Trail parcel) property, which qualifies as a Section 2002 resource.

Based upon studies, there is no prudent and feasible alternative to the proposed action. The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize the effects.

BRIAN G. THOMPSON, P. E.,  
*Director*  
*Bureau of Project Delivery*

[Pa.B. Doc. No. 10-2074. Filed for public inspection October 29, 2010, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Temporary Changes to Fishing Regulations; Additions to 58 Pa. Code § 65.24 to Impose Catch and Release Regulations on Portions of Susquehanna and Juniata Rivers

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to amend 58 Pa. Code § 65.24 (relating to miscellaneous special regulations) to impose new regulations on smallmouth and largemouth bass in portions of the Susquehanna and Juniata Rivers that are currently regulated under 58 Pa. Code § 65.9 (relating to big bass special regulations). These temporary modifications will apply to the 98-mile section of the Susquehanna River from the inflatable dam near Sunbury downstream to the Holtwood Dam and to the 31.7-mile section of the Juniata River from the SR 0075 Bridge at Port Royal downstream to the mouth.

Specifically, the Executive Director has imposed no harvest, catch and immediate release regulations on smallmouth and largemouth bass that will apply throughout the year. In addition, the Executive Director has restricted bass tournaments in those portions of the rivers during 2011. From April 16 through June 17, 2011, no tournaments will be permitted. Catch-measure-immediate release tournaments only will be allowed during the remainder of the year. The Executive Director will cause these temporary modifications to fishing regulations to be posted in the vicinity of the waters, and the modified regulations will be fully effective and enforceable. The Executive Director has found that this action is necessary and appropriate for the management of fish and to conserve and preserve fishing opportunities.

The temporary modifications will go into effect on January 1, 2011, and will remain in effect until the Commission, by appropriate action, amends 58 Pa. Code § 65.24. At its meeting on October 5, 2010, the Commission approved the publication of a notice of proposed rulemaking containing the proposed amendments to

58 Pa. Code § 65.24 and soliciting public comments for a period of 90 days. The Commission expects to consider final adoption of the proposed amendments at its April 2011 meeting.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 10-2075. Filed for public inspection October 29, 2010, 9:00 a.m.]

### Temporary Changes to Fishing Regulations; Hereford Manor Lakes, Beaver County

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to modify temporarily fishing regulations at Hereford Manor Lakes, Beaver County, in anticipation of a complete drawdown of both lakes. The Executive Director is lifting all seasons, sizes and creel limits for all species, effective November 1, 2010. The Executive Director has found that this action is necessary and appropriate for the management of fish and to conserve and preserve fishing opportunities.

The Executive Director has caused these temporary modifications to fishing regulations to be posted in the vicinity of the lake, and the modified regulations are fully effective and enforceable. These temporary modifications will be in effect until February 28, 2011.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 10-2076. Filed for public inspection October 29, 2010, 9:00 a.m.]

### Triploid Grass Carp Permit Application

Under 58 Pa. Code § 71.7 (relating to triploid grass carp), the Fish and Boat Commission (Commission) may issue permits to stock triploid grass carp in Commonwealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined consistent with 58 Pa. Code § 71.7(e)(3) to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres.

Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 10 days after publication of this notice 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.

The following application to stock triploid grass carp in waters having a surface area of greater than 5 acres is currently undergoing staff review:



<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
The Hideout POA	Deerfield Lake	Lake Township Wayne County	23.5 acre lake which discharges into Ariel Creek, then into Roamingwood Lake and eventually the Delaware River	Elodea Canadensis Ceratophyllum demersum

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 10-2077. Filed for public inspection October 29, 2010, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, October 7, 2010, and announced the following:

#### *Action Taken—Regulations Disapproved:*

Department of Agriculture #2-160: Milk Sanitation (rescinds 7 Pa. Code Chapter 59 and replaces it with a new Chapter 59a)

State Registration Board for Professional Engineers, Land Surveyors and Geologists #16A-4710: Continuing Education (amends 49 Pa. Code Chapter 37)

Department of State, Bureau of Professional and Occupational Affairs #16-43: Schedule of Civil Penalties—Engineers, Land Surveyors and Geologists (amends 49 Pa. Code Chapter 43b)

State Board of Chiropractic #16A-4318: Continuing Education Violations (amends 49 Pa. Code § 5.77)

Department of State, Bureau of Professional and Occupational Affairs #16-44: Schedule of Civil Penalties—Chiropractors (amends 49 Pa. Code § 43b.22)

### Disapproval Order

Public Meeting held  
October 7, 2010

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fineman, Esq., by Phone, Dissenting; Silvan B. Lutkewitte, III, Dissenting; John F. Mizner, Esq., by Phone

*Department of Agriculture—  
Milk Sanitation;  
Regulation No. 2-160 (#2777)*

On July 21, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Agriculture (Department). This rulemaking rescinds 7 Pa. Code Chapter 59 and replaces it with a new Chapter 59a. The proposed regulation was published in the August 1, 2009 *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on September 3, 2010.

This final-form rulemaking reflects developments in the dairy industry, brings Pennsylvania's sanitation stan-

dards into alignment with federal standards and requirements, and consolidates and updates provisions addressing the production of raw milk for human consumption. After review of the rulemaking, we find that Subchapter F of Chapter 59a, pertaining to raw milk for human consumption, is not in the public interest for the following reasons.

First, we believe that Subchapter F will have a negative fiscal impact on raw milk producers. (71 P. S. § 745.5b(b)(1)). In our comments on the proposed rulemaking, we asked the Department to quantify the costs the rulemaking will have on raw milk producers. The Department quantified the costs related to testing requirements for raw milk. However, the regulated community, through written comments and statements made at the October 7, 2010 public meeting of this Commission, believes Subchapter F will impose a much greater cost than what was estimated by the Department. Of particular concern are the provisions related to mechanical capping of bottles and the need for separate rooms to perform certain tasks associated with the production of raw milk.

Second, the Department has failed to explain the need for the provisions contained in § 59a.410, relating to raw milk packaging. In addition, we find that section of the regulation to be unclear. (71 P. S. § 745b(b)(3)(ii) and (iii)). Of particular concern is why separate rooms are needed to perform certain tasks associated with production of raw milk, when separate rooms would be needed and why some customer-owned containers must be mechanically capped and others do not.

We have determined that this regulation is consistent with the statutory authority of the Department (31 P. S. § 660(c) and 31 P. S. § 20.13) and the intention of the General Assembly. However, after considering all of the other criteria of the Regulatory Review Act discussed above, we find promulgation of this regulation is not in the public interest.

#### *By Order of the Commission:*

This regulation #2-160 (IRRC #2777) from the Department of Agriculture: Milk Sanitation was disapproved on October 7, 2010.

### Disapproval Order

Public Meeting held  
October 7, 2010

*Commissioners Voting:* George D. Bedwick, Acting Chairperson; S. David Fineman, Esq., by Phone; Silvan B. Lutkewitte, III; John F. Mizner, Esq., by Phone

*State Registration Board for Professional  
Engineers, Land Surveyors and Geologists—  
Continuing Education;  
Regulation No. 16A-4710 (#2762)*

On April 22, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Registration Board for Professional Engineers, Land Surveyors and Geologists (Board). This rulemaking amends 49 Pa. Code Chapter 37. The proposed regulation was published in the May 2, 2009 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 3, 2010.

This regulation establishes continuing education requirements for licensees of the Board as set forth by Engineer, Land Surveyor and Geologist Registration Law (Law), as amended by Act 25 of 2010. The rulemaking provides licensees of the Board that have not met the continuing education requirements of the law six months to correct that deficiency while continuing to practice. We find that the Board does not have the statutory authority to provide licensees with an additional six months to meet continuing education requirements. As explained below, this regulation does not meet the Regulatory Review Act criteria of statutory authority to promulgate the regulation and protection of the public health safety and welfare. 71 P. S. § 745.5b(a) and (b)(2).

Continuing professional competency requirements are addressed in the Law at 63 P. S. § 151.5. Subsections (a), (b) and (c) of that section, in relevant part, read as follows:

- a) In order to help safeguard life, health and property and to promote the public welfare, the practice of professional engineering, professional land surveying and professional geology in this Commonwealth requires continuing professional competency.
- b) Each licensee shall be required to meet the continuing professional competency requirements of this section as a condition for licensure renewal.
- c) Each licensee shall be required to obtain twenty-four PDH units during the biennial renewal period.

Based on the statutory language above, it is clear that the General Assembly found that professional competency of professional engineers, land surveyors and geologists, is needed to help safeguard life, health and property and to promote the public welfare. It is equally clear that the General Assembly's intended method for ensuring competency is by requiring licensees to obtain twenty-four Professional Development Hours (PDH) units during the biennial period.

Sections 37.111(c) and (d) of the regulation contain provisions that allow licensees to continue to practice if they did not obtain the required PDH units during the biennial period by providing an additional six months to obtain the units. These provisions are not consistent with the intent of § 151.5(a) and the statutory requirements of § 151.5(b) and (c). Therefore, they violate the Regulatory Review Act criteria cited above.

In addition, other sections of the rulemaking violate the Regulatory Review Act criteria of clarity. See 71 P. S. 745.5b(b)(3). First, § 37.18(1) includes a reference to 63 P. S. § 151.5(c) of the Law. Act 25 of 2010 amended the Law and the correct reference is 63 P. S. § 151.5(g).

Second, § 37.111(a) includes the new term "continuing education activity." This term is unclear and should be defined.

Third, § 37.111(g) is a new subsection that requires licensees to maintain "records" verifying completion of continuing education for five years. Act 25 of 2010 amendments to the Law allow PDH units to be earned for activities such as "completion of correspondence, televised, videotaped and other short courses or tutorials relevant to professional practice." See 63 P. S. § 151.5(c)(3). Given the various methods for earning PDH units, we believe the regulated community would benefit if a definition of "records" was added to the rulemaking.

We have determined this regulation is not consistent with the statutory authority of the Board (63 P. S. §§ 151.5 (a), (b) and (c)) and the intention of the General Assembly. Additionally after considering all of the other criteria of the Regulatory Review Act discussed above, we find promulgation of this regulation is not in the public interest.

*By Order of the Commission:*

This regulation is disapproved.

**Disapproval Order**

Public Meeting held  
October 7, 2010

*Commissioners Voting:* George D. Bedwick, Acting Chairperson; S. David Fineman, Esq., by Phone; Silvan B. Lutkewitte, III

*Department of State—  
Bureau of Professional and Occupational Affairs—  
Schedule of Civil Penalties—Engineers,  
Land Surveyors and Geologists;  
Regulation No. 16-43 (#2764)*

On April 22, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of State (Department). This rulemaking amends 49 Pa. Code Chapter 43b. The proposed regulation was published in the May 2, 2009 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 3, 2010.

This final regulation would establish a civil penalty schedule for violations of the continuing education requirements of the State Registration Board for Professional Engineers, Land Surveyors and Geologists (Board). This regulation is the companion piece to Regulation #16A-4710 (IRRC #2762) from the Board entitled: "Continuing Education."

Thomas A. Blackburn, Regulatory Unit Counsel for the Department of State, appeared at the public meeting on October 7, 2010. Attorney Blackburn represented that he was authorized to request, on behalf of the Department, that the Commission disapprove this final-form regulation, given that the companion Regulation #16A-4710 (IRRC #2762) had been disapproved at the same public meeting. Without support from the promulgating Department, this regulation does not meet the reasonableness criterion set forth in the Regulatory Review Act and is not in the public interest. 71 P. S. § 745.5b(b)(3).

*By Order of the Commission:*

This regulation is disapproved.

**Disapproval Order**

Public Meeting held  
October 7, 2010

*Commissioners Voting:* George D. Bedwick, Acting Chairperson; S. David Fineman, Esq., by Phone; Silvan B. Lutkewitte, III

*State Board of Chiropractic—  
Continuing Education Violations;  
Regulation No. 16A-4318 (#2792)*

On September 11, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Chiropractic (Board). This rulemaking amends 49 Pa. Code § 5.77. The proposed regulation was published in the September 26, 2009 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 3, 2010.

This rulemaking is intended to clarify the consequences of failing to comply with the continuing education provisions in the Chiropractic Practice Act (63 P.S. § 625.507(a)) and the Board's regulation (49 Pa. Code § 5.77). Both require a licensee to complete 24 hours of continuing education credits each biennium in order to qualify for license renewal. Under the amendments in this rulemaking, a licensee who has not completed the required amount of continuing education credits may renew, subject to being issued a citation, paying a fine and making up the continuing education credits within six months.

We find no statutory authority allowing the Board to renew a license for an applicant who has not completed the statutorily mandated 24 hours of continuing education during the prior two-year license period. Accordingly, this regulation does not meet the Regulatory Review Act criterion of statutory authority to promulgate the regulation. 71 P.S. § 745.5b.

In our comments issued November 25, 2009, on the proposed regulation, we stated we would review the Board's responses to the issues raised by the House Professional Licensure Committee in our consideration of whether the final-form regulation is in the public interest. The Board responded with an explanation that it would amend its renewal form to provide for the alternative that the licensee did not complete the continuing education, but will make it up in six months. The Board also amended the regulation to provide an exception to the continuing education requirement (not found in the statute) which permits a license to be renewed subject to making up a continuing education deficiency within six months.

The Board's responses indicate that the intent of the amended regulatory language at 49 Pa. Code §§ 5.77(a) and (d), is to allow a renewal of a license when a licensee failed to attend the required 24 hours of mandatory continuing education during the license period. This intent is also expressed in the Board's response to Question 8 of the Regulatory Analysis Form.

Continuing education relating to license renewal is addressed in the Chiropractic Practice Act (Act), which states at 63 P.S. § 625.507(a):

*Requirement for license renewal.—As a condition for the biennial renewal of a license to practice chiropractic, a licensee shall submit to the Board*

evidence that he has completed at least 24 hours of continuing chiropractic education within the immediately preceding two-year period . . . (Emphasis added.)

The only exception to the continuing education mandate in the statute is "in emergency or hardship cases." See 63 P.S. § 625.507(h). When a licensee does not meet this condition, the applicant, "as a condition for the biennial renewal of a license to practice chiropractic," is required to have attended "at least 24 hours of continuing chiropractic education in the immediately preceding two-year period . . ." 63 P.S. § 625.507(a).

The Commission concludes that this regulation is not consistent with the statutory authority of the Board (63 P.S. § 625.507(a)) and the intention of the General Assembly. Therefore, we find promulgation of this regulation is not in the public interest.

*By Order of the Commission:*

This regulation is disapproved.

**Disapproval Order**

Public Meeting held  
October 7, 2010

*Commissioners Voting:* George D. Bedwick, Acting Chairperson; S. David Fineman, Esq., by Phone; Silvan B. Lutkewitte, III

*Department of State—  
Bureau of Professional and Occupational Affairs—  
Schedule of Civil Penalties—Chiropractors;  
Regulation No. 16-44 (#2791)*

On September 11, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of State (Department). This rulemaking amends 49 Pa. Code § 43b.22. The proposed regulation was published in the September 26, 2009 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 3, 2010.

This final regulation would establish a civil penalty schedule for violations of the continuing education requirements of the State Board of Chiropractic (Board). This regulation is the companion piece to Regulation #16A-4318 (IRRC #2792) from the Board entitled: "Continuing Education Violations."

Thomas A. Blackburn, Regulatory Unit Counsel for the Department, appeared at the public meeting on October 7, 2010. Attorney Blackburn represented that he was authorized to request, on behalf of the Department, that the Commission disapprove this final-form regulation, given that the companion Regulation #16A-4318 (IRRC #2792) had been disapproved at the same public meeting. Without support from the promulgating Department, this regulation does not meet the reasonableness criterion set forth in the Regulatory Review Act and is not in the public interest. 71 P.S. § 745.5b(b)(3).

*By Order of the Commission:*

This regulation is disapproved.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 10-2078. Filed for public inspection October 29, 2010, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained on the web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

### Final-Form

Reg. No.	Agency/Title	Received	Public Meeting
16A-721	State Board of Massage Therapy Massage Therapy	10/18/10	11/18/10

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 10-2079. Filed for public inspection October 29, 2010, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Capital Blue Cross and Capital Advantage Insurance Company; Individual Direct Pay Basic Hospitalization/Medical-Surgical/Major Medical Preferred Provider—Traditional Indemnity Benefit Program; Rate Filing

By filing 10-NNN Capital Blue Cross and by filing 10-5A Capital Advantage Insurance Company request approval of rates for their Hospital/Medical-Surgical/Major Medical Preferred Provider Program. The overall requested rate increase is 9.9% (an increase of 26.0% for the hospital component and a rate decrease of 9.9% for the medical-surgical/supplemental major medical portion). The proposed rate increase would affect approximately 405 contracts and would produce additional income of about \$554,500 annually. The requested effective date of the change is January 1, 2011.

Unless formal administrative action is taken prior to December 28, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under "How to Find..." click on "View Current Rate Filings."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [rmathur@state.pa.us](mailto:rmathur@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

ROBERT L. PRATTER,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 10-2080. Filed for public inspection October 29, 2010, 9:00 a.m.]

### Certification as an Independent Review Organization; Long-Term Care Benefit Trigger Determinations; Notice No. 2010-12

The act of July 9, 2010 (P.L. 362, No. 51) (Act 51) added to the Commonwealth's long-term care insurance laws a provision granting a right to appeal an insurer's determination that a benefit trigger is not met (fee section 1111a of the Insurance Company Act 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 act 51, 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: (1) 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 (2) 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 organization has been approved by the Department to perform independent reviews of long-term care benefit trigger determinations: Clinix Healthcare, 3492 Snouffer Road, Suite 200, Columbus, OH 43235, (800) 854-8206, fax (614) 889-2148, contact: Olga Magyar.

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](mailto:camorris@state.pa.us)

ROBERT L. PRATTER,  
*Acting Commissioner*

[Pa.B. Doc. No. 10-2081. Filed for public inspection October 29, 2010, 9:00 a.m.]

### GEICO General Insurance Company; GEICO Indemnity Insurance Company; Private Passenger Automobile; Rate Revisions; Rate Filing

On October 8, 2010, the Insurance Department (Department) received from GEICO General Insurance Com-

pany and GEICO Indemnity Insurance Company a filing for rate level changes for private passenger automobile insurance.

GEICO General Insurance Company requests an overall 2.1% increase amounting to \$4.29 million annually, to be effective November 25, 2010, for new business and January 10, 2011, for renewal business.

GEICO Indemnity Insurance Company requests an overall 2.0% increase amounting to \$1.61 million annually, to be effective November 25, 2010, for new business and January 10, 2011, for renewal business.

Unless formal administrative action is taken prior to December 7, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [xlu@state.pa.us](mailto:xlu@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

ROBERT L. PRATTER,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 10-2082. Filed for public inspection October 29, 2010, 9:00 a.m.]

### Medical Care Availability and Reduction of Error Fund; Notice of and Amount of Assessment Action; Notice No. 2010-11

The Insurance Department (Department), Medical Care Availability and Reduction of Error Fund, by Peter J. Adams, Deputy Insurance Commissioner, under section 712 of the Medical Care Availability and Reduction of Error (MCARE) Act (act) (40 P.S. § 1303.712), has determined that the annual assessment to be levied for calendar year 2011 shall be 19% applied to the prevailing primary premium for each participating health care provider.

The act defines "prevailing primary premium" as the schedule of occurrence rates approved by the Insurance Commissioner for the Joint Underwriting Association (JUA). For purposes of the 2011 annual assessment, the rates shall be those currently approved for use by the JUA.

Participating health care providers having approved self-insurance plans shall be assessed an amount equal to the assessment imposed on a participating health care provider of like class, size, risk and kind as determined by the Department.

This action is subject to 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

PETER J. ADAMS,  
*Deputy Insurance Commissioner*

[Pa.B. Doc. No. 10-2083. Filed for public inspection October 29, 2010, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile insurance policies. The hearings will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Angela Barth; file no. 10-188-93492; Erie Insurance Exchange; Doc. No. P10-10-006; November 18, 2010, 10 a.m.

Appeal of Karen L. Golden; file no. 10-183-93275; State Farm Mutual Insurance Company; Doc. No. P10-10-005; November 17, 2010, 9:30 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

ROBERT L. PRATTER,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 10-2084. Filed for public inspection October 29, 2010, 9:00 a.m.]

## Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with the company's termination of the insured's homeowners policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Barron Wheeler; file no. 10-183-93400; Property & Casualty Insurance Company Hartford; Doc. No. P10-10-007; November 16, 2010, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

ROBERT L. PRATTER,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 10-2085. Filed for public inspection October 29, 2010, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commis-

sion, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by November 15, 2010. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

### Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

**A-2010-2204112. Shelva J. Charles** (230 Mt. Hope School Road, Willow Street, Lancaster County, PA 17584)—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in Pennsylvania.

**A-2010-2204830. Armar, Inc., t/d/b/a White Rose Ambulance** (54 North Harrison Street, York, PA 17403-1224), a corporation of the Commonwealth—persons, in paratransit service, from points in the Counties of York and Adams, to points in Pennsylvania, and return. *Attorney:* Christina M. Mellott, Page, Wolfberg & Wirth, LLC, 5010 East Trindle Road, Suite 202, Mechanicsburg, PA 17050.

**A-2010-2204924. (Star Express Transport, LLC, t/a Star Express Shuttle Service)** (110 Hunters Ridge Drive, Harrisburg, Dauphin County, PA 17110), a limited liability company of the Commonwealth, for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Cumberland, Dauphin and York to points in Pennsylvania, and return.

### Applications of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.*

**A-2010-2204270. MSG Enterprises, LLC** (1101 West Hamilton Street, Suite 350, Allentown, Lehigh County, PA 18101)—a limited liability corporation of the Commonwealth—in limousine service, between points in Pennsylvania, which is to be a transfer of all rights authorized under the certificate issued at A-00115934 to John Schumacher, t/a At Your Service Transportation, subject to the same limitations and conditions. *Attorney:* Jan P. Paden, P. O. Box 1146, Harrisburg, PA 17108-1146.

**A-2010-2205258. (Francis Agbo, t/a Ampa Coach Ambulette of PA)** (19 Shale Road, P. O. Box 908, Warwick, Orange County, NY 10990), for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service from points in the Counties of Pike and Wayne, to points in Pennsylvania, and return, which is to be a transfer of all the rights authorized under the Certificate of Public Convenience issued at A-00122644 on March 19, 2007, to Ampa Coach, Inc.

### Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.*

**A-2010-2204528. (Vladimir Kolesnichenko, t/a Kalanchak Construction and Moving Services)** (1006 South Hill Road, Erie, Erie County, PA 16509), for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in the Counties of Crawford and Erie.

**Application of the following for the approval of the right and privilege to *discontinue/abandon* operating as *common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under the application.**

**A-2010-2205122. (Robert F. Book)** (11 South Hershey Avenue, Leola, Lancaster County, PA 17540), for the discontinuance of service and cancellation of his Certificate of Public Convenience, as a common carrier, by motor vehicle at A-00122577, authorizing the transportation of persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 10-2086. Filed for public inspection October 29, 2010, 9:00 a.m.]

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**Tentative Order**

Public Meeting held  
October 14, 2010

*Commissioners Present:* James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; John F. Coleman, Jr.; Wayne E. Gardner; Robert F. Powelson

*Andiamo Telecom, LLC  
(2009 Assessment Report);  
Doc. No. A-311377*

**Tentative Order**

*By the Commission:*

Andiamo Telecom, LLC (Andiamo) has failed to file its 2009 Assessment Report pursuant to section 510(b) of the Public Utility Code. 66 Pa.C.S. § 510(b). Specifically, 66 Pa.C.S. § 510(b) provides that:

On or before March 31 of each year, every public utility shall file with the commission a statement under oath showing its gross intrastate operating revenues for the preceding calendar year.

Adiamo is a telecommunications interexchange reseller certificated at A-311377. Commission staff's several attempts to reach Adiamo by mail and phone to file the missing report have been unsuccessful. However, staff was able to reach the company's former attorney, and he advised that Adiamo is out of business, effective March 31, 2010.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on the above facts, we tentatively conclude that it is appropriate to revoke Adiamo's certificate of public convenience without the necessity of a formal complaint as being in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Adiamo seeks relief from this Tentative Order; *Therefore,*

*It Is Ordered That:*

1. Revocation of Andiamo Telecom, LLC's certificate of public convenience is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. The absence the filing of adverse public comment within 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.

4. Upon this order becoming final, and without further action by the Commission, the certificate of public convenience held by Andiamo Telecom, LLC at A-311377 shall be canceled, and Andiamo Telecom, LLC's name stricken from all active utility lists maintained by the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 10-2087. Filed for public inspection October 29, 2010, 9:00 a.m.]

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**Tentative Order**

Public Meeting held  
October 14, 2010

*Commissioners Present:* James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; John F. Coleman, Jr.; Wayne E. Gardner; Robert F. Powelson

*GTC Telecom Inc.  
(2009 Assessment Report);  
Doc. No. A-310810*

**Tentative Order**

*By the Commission:*

GTC Telecom Inc. (GTC) has failed to file its 2009 Assessment Report pursuant to section 510(b) of the Public Utility Code. 66 Pa.C.S. § 510(b). Specifically, 66 Pa.C.S. § 510(b) provides that:

On or before March 31 of each year, every public utility shall file with the commission a statement under oath showing its gross intrastate operating revenues for the preceding calendar year.

GTC is a telecommunications interexchange reseller certificated at A-310810. Commission staff's several attempts to reach GTC by mail and phone to file the missing report have been unsuccessful. Telephone calls to the last known business address of GTC confirmed that the number is disconnected and no information is available for any new phone numbers.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on the above facts, we tentatively conclude that it is appropriate to revoke GTC's certificate of public convenience without the necessity of a formal complaint as being in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if GTC seeks relief from this Tentative Order; *Therefore,*

*It Is Ordered That:*

1. Revocation of GTC Telecom Inc.'s certificate of public convenience is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. The absence the filing of adverse public comment within 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.

4. Upon this order becoming final, and without further action by the Commission, the certificate of public convenience held by GTC Telecom Inc. at A-310810 shall be canceled, and GTC Telecom Inc.'s name stricken from all active utility lists maintained by the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 10-2088. Filed for public inspection October 29, 2010, 9:00 a.m.]

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**Tentative Order**

Public Meeting held  
October 14, 2010

*Commissioners Present:* James H. Cawley, Chairperson;  
Tyrone J. Christy, Vice Chairperson; John F. Coleman,  
Jr.; Wayne E. Gardner; Robert F. Powelson

*Harriscom, Inc., d/b/a Capital City  
Economic Development  
(2009 TRS Access Line Report);  
Doc. No. A-311276, A-311276F0002*

**Tentative Order**

*By the Commission:*

Harriscom, Inc., d/b/a Capital City Economic Development (Capital City) has failed to file its 2009 Telecommunications Relay Service Annual Access Line Summary Report pursuant to section 504 of the Public Utility Code. 66 Pa.C.S. § 504.

Capital City is a telecommunications interexchange reseller and a competitive local exchange carrier certificated at A-311276 and A-311276F0002, respectively. Commission staff's several attempts to reach Capital City by mail and phone to file the missing report have been unsuccessful. However, staff was able to reach the company's former attorney, and he advised that Capital City is out of business and that their certificates can be revoked. Also, Capital City currently has no NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on the above facts, we tentatively conclude that it is appropriate to revoke Capital City's certificate of public convenience without the necessity of a formal complaint as being in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of

penalties under section 3301, in lieu of cancellation, if Capital City seeks relief from this Tentative Order; *Therefore,*

*It Is Ordered That:*

1. Revocation of Harriscom, Inc., d/b/a Capital City Economic Development's certificate of public convenience is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. The absence the filing of adverse public comment within 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.

4. Upon this order becoming final, and without further action by the Commission, the certificates of public convenience held by Harriscom, Inc., d/b/a Capital City Economic Development at A-311276 and A-311276F0002 shall be canceled, and Harriscom, Inc., d/b/a Capital City Economic Development's name stricken from all active utility lists maintained by the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 10-2089. Filed for public inspection October 29, 2010, 9:00 a.m.]

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**Tentative Order**

Public Meeting held  
October 14, 2010

*Commissioners Present:* James H. Cawley, Chairperson;  
Tyrone J. Christy, Vice Chairperson; John F. Coleman,  
Jr.; Wayne E. Gardner; Robert F. Powelson

*Optimum Global Communications  
(2009 Assessment Report);  
Doc. No. A-311060F0002*

**Tentative Order**

*By the Commission:*

Optimum Global Communications (Optimum) has failed to file its 2009 Assessment Report pursuant to section 510(b) of the Public Utility Code. 66 Pa.C.S. § 510(b). Specifically, 66 Pa.C.S. § 510(b) provides that:

On or before March 31 of each year, every public utility shall file with the commission a statement under oath showing its gross intrastate operating revenues for the preceding calendar year.

Optimum is a telecommunications interexchange reseller certificated at A-311060F0002. Commission staff's several attempts to reach GTC by e-mail and phone to file the missing report have been unsuccessful. Telephone calls to the last known business address of GTC confirmed that the number is disconnected and the e-mail address we have on file is no longer valid as well.

Additionally, in July 2005 by order entered at C-20044031, Optimum's certificate as a competitive local exchange carrier at A-311060 was revoked for failure to file its 2003 Annual Report. Subsequently, on June 4,



2007, Optimum filed an application to abandon or discontinue "all telecommunications services in Pennsylvania" at Docket No. A-311060F2000. However, by Secretarial Letter dated November 27, 2007, the application was returned to Optimum as well as its \$350 filing fee, because it was "determined that the Applicant's Certificate of Public Convenience was cancelled back in 2005 as a result of a Default Order for failure to file its Annual Report."

Upon further review, it appears that a mistake was made in returning the abandonment application back to Optimum as the company still was certificated as an interexchange carrier and that it was seeking to abandon this certification.

Based on the above facts, we tentatively conclude that it is appropriate to revoke Optimum's certificate of public convenience without the necessity of a formal complaint as being in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Optimum seeks relief from this Tentative Order; *Therefore,*

*It Is Ordered That:*

1. Revocation of Optimum Global Communication's certificate of public convenience is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. The absence the filing of adverse public comment within 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.

4. Upon this order becoming final, and without further action by the Commission, the certificate of public convenience held by Optimum Global Communication at A-311060F0002 shall be canceled, and Optimum Global Communication's name stricken from all active utility

lists maintained by the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 10-2090. Filed for public inspection October 29, 2010, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 10-131.9 Maintenance Dredging Various PRPA Facilities, until 2 p.m. on Thursday, November 18, 2010. The bid documents can be obtained from PRPA's web site [www.philaport.com](http://www.philaport.com) and will be available Tuesday, November 2, 2010. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 10-2091. Filed for public inspection October 29, 2010, 9:00 a.m.]

### Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 10-126.1, Waterside Pier Replacement and Repairs, Tioga Marine Terminal II (TMT-II), until 2 p.m. on Monday, November 29, 2010. All information concerning this project can be obtained from their web site [www.philaport.com](http://www.philaport.com) under Procurement, or call the Procurement Department at (215) 426-2600.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 10-2092. Filed for public inspection October 29, 2010, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

### Action on Odor Management Plans for Concentrated Animal Operations, and Concentrated Animal Feeding Operations and Volunteers Complying with Pennsylvania's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

**Odor Management Plan—Public Notice Spreadsheet—Actions**

<i>Ag Operation Name, Address</i>	<i>County/ Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Kulp Family Dairy, LLC 1691 Millerstown Road Martinsburg, PA	North Woodbury Township Blair County	0	Cattle	New	Approved
Walmoore Holsteins, Inc. 2196 Gap-Newport Pike West Grove, PA 19390	Londonderry Township Chester County	260.0	Cattle	New	Approved
David Fisher 829-A Strasburg Road Paradise, PA 17562	Paradise Township Lancaster County	0	Cattle	New	Approved
Dale Weiler and Edna Mays Estate 333 Union Road Lebanon, PA 17046	Bethel Township Lebanon County	276.29	Broilers	New	Approved
Robert L. Brubaker 1187 Fairview Road Manheim, PA 17545	Ralpho Township Lancaster County	0	Broilers	Amended	Approved

JOHN HANGER,  
*Chairperson*

[Pa.B. Doc. No. 10-2093. Filed for public inspection October 29, 2010, 9:00 a.m.]



