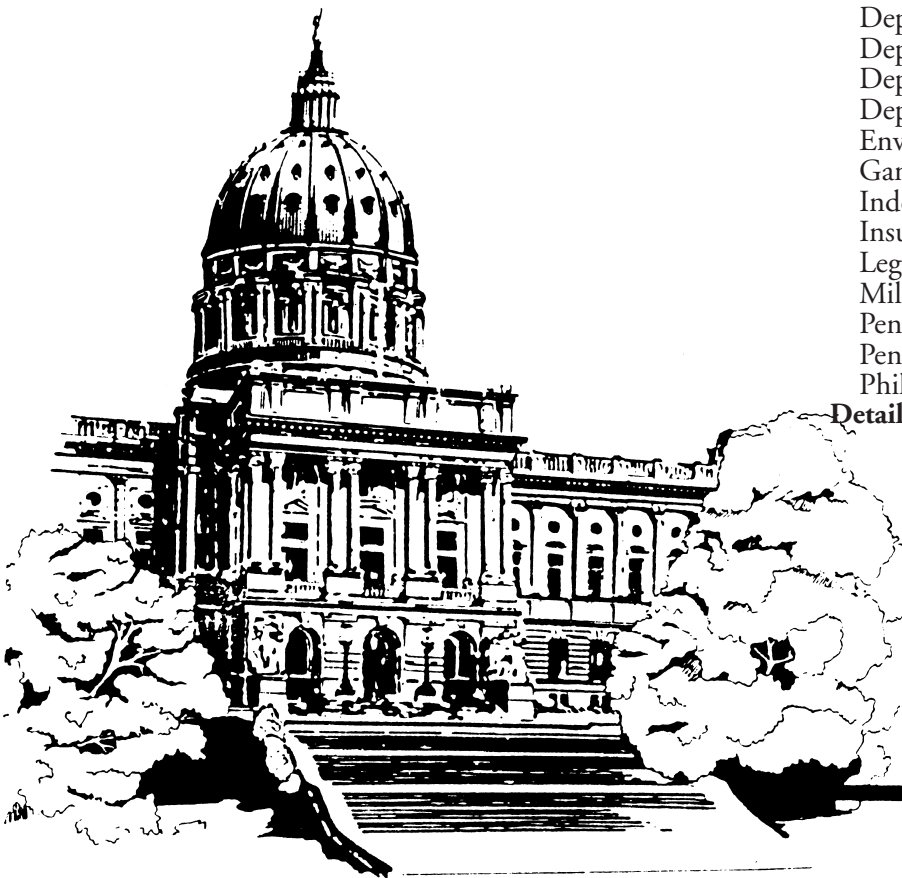


PENNSYLVANIA BULLETIN

Volume 40
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(Master Transmittal Sheets):**

No. 432, November 2010

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Pennsylvania Bulletin

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

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

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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Printing Format

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

Fiscal Notes

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

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

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THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 1]

[EXECUTIVE ORDER NO. 2010-05]

Leasing of State Forest and State Park Land for Oil and Gas Development

October 26, 2010

Whereas, the Commonwealth owns more than 2.4 million acres of state forest and state park land containing some of Pennsylvania's most precious and rare natural resources, including wild and natural areas, old growth forests, pristine streams, scenic vistas, and river gorges; and

Whereas, the Department of Conservation and Natural Resources (DCNR) has a duty pursuant to the Conservation and Natural Resources Act (Act of June 28, 1995, P. L. 89, No. 18) to conserve and maintain state forests and state parks for the use and benefit of all its citizens as guaranteed by Section 27 of Article I of the Constitution of Pennsylvania; and

Whereas, Pennsylvania's state forest system has been certified through an independent scientific review to be compliant with the gold standard for environmentally and socially responsible forestry established by the international Forest Stewardship Council (FSC) and this certification is vital to the economic viability of the forest products industry in Pennsylvania; and

Whereas, more than 700,000 acres of the state forest and state park land are currently subject to oil and gas development, including development in the Marcellus shale formation, either through leases executed with the Commonwealth or through private ownership or leasing where the Commonwealth does not own the subsurface oil and gas; and

Whereas, the approximately 800,000 acres of state forest land that are currently not available for development of gas in the Marcellus shale formation contain significant environmental, eco-tourism, and recreational values, sometimes overlapping, including:

- 180,000 acres of high-value ecosystems designated as wild and natural areas;
- 200,000 acres of old growth forests;
- 128,000 acres with sensitive environmental resources (e.g., wetlands, riparian areas, threatened and endangered species, steep slopes, unique habitats) and valuable recreational resources (e.g., scenic vistas and viewsheds, trails, leased camps);
- 299,000 acres in remote areas generally inaccessible by motorized vehicles and offering wilderness experiences paralleling those in the Western United States;
- 88,000 acres of highly valued recreational and water resources in the Poconos in close proximity to many residents;
- 20,000 acres important to ecotourism in the Laurel Highlands region; and

Whereas, the advances in technology that have made development of gas in the Marcellus shale formation possible and profitable have led to a rapid and significant increase in the level of development activity on state forest and state park land; and

Whereas, in the next 10 to 20 years, full development of the gas in the Marcellus shale formation on state forest and state park land currently subject to drilling will result in the use of more than 30,000 acres for an estimated 1,100 well pads and associated infrastructure, access roads and pipelines; and

Whereas, the impact of the five-fold increase in the acreage of state forest and state park land that will be used for gas development as a result of activity in the Marcellus shale formation cannot be fully understood or predicted at this early stage of development; and

Whereas, additional gas development in the Marcellus shale formation on state forest and state park land will significantly increase openings in large blocks of currently contiguous forest canopies resulting in fragmentation and stress from invasive species and disease—the cumulative effect of which could fundamentally alter these forest ecosystems; and

Whereas, changes to surface and groundwater hydrology resulting from the increased drilling activity and the fracturing process required to develop gas in the Marcellus shale formation will need to be carefully monitored as drilling progresses to evaluate potential impacts; and

Whereas, additional leasing of state forest and state park land for oil and gas development will jeopardize DCNR's ability to fulfill its duty to conserve and maintain this public natural resource and sustain its FSC forest certification.

Now, Therefore, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby direct the following:



Governor

Fiscal Note: 2010-09. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

Subchapter UU. LEASING OF STATE FOREST AND STATE PARK LAND FOR OIL AND GAS DEVELOPMENT

Sec.

1.561. DCNR oil and gas leasing.

1.562. Effective date.

§ 1.561. DCNR oil and gas leasing.

As of October 26, 2010, to protect the lands of this Commonwealth, lands owned and managed by the Department of Conservation and Natural Resources may not be leased for oil and gas development.

§ 1.562. Effective date.

This subchapter shall be effective immediately.

[Pa.B. Doc. No. 10-2184. Filed for public inspection November 19, 2010, 9:00 a.m.]

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>
2010 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 084 through 102					
084	Oct 22	SB0922	PN2261	Immediately	Public Welfare Code—omnibus amendments
085	Oct 27	SB0053	PN2228	Immediately*	Associations Code (15 Pa.C.S.) and Probate, Estates and Fiduciaries Code (20 Pa.C.S.)—omnibus amendments
086	Oct 27	SB0123	PN0884	60 days	Consumer Protection Against Computer Spyware Act—enactment
087	Oct 27	SB0168	PN2179	Immediately	Borough Code—regulation of contracts and additional contracting authority for electric power and energy
088	Oct 27	SB0298	PN2255	60 days	Pennsylvania Farmland and Forest Land Assessment Act—responsibilities of county assessors, split-off, separation or transfer and roll-back taxes and special circumstances
089	Oct 27	SB0384	PN0382	60 days	Military and Veterans Code (51 Pa.C.S.)—violation of Fort Indiantown Gap regulations and powers and duties of police officers employed at State military installations
090	Oct 27	SB0900	PN2259	180 days	Judicial Code (42 Pa.C.S.) and General Local Government Code (53 Pa.C.S.)—courts of common pleas, authorizing housing courts, deteriorated real property education and training program for judges and neighborhood blight reclamation and revitalization
091	Oct 27	SB0910	PN2242	Immediately	Borough Code—civil service for police and firemen, examinations, rejection of applicant and hearing, appointments, probationary period, physical examination and promotions
092	Oct 27	SB0912	PN2243	Immediately	Civil service for police and firemen in boroughs, incorporated towns and townships of first class, examinations, rejection of applicant and hearing, appointments, probationary period, physical examination and promotions
093	Oct 27	SB0918	PN2205	Immediately*	General Local Government Code (53 Pa.C.S.)—omnibus amendments
094	Oct 27	SB1157	PN1909	60 days	Designation—283rd Field Artillery Battalion Highway
095	Oct 27	SB1161	PN2241	Immediately	Judicial Code (42 Pa.C.S.) and Prisons and Parole Code (61 Pa.C.S.)—omnibus amendments
096	Oct 27	SB1169	PN2181	Immediately*	Judicial Code (42 Pa.C.S.)—costs, Commonwealth portion of fines, place of detention, sentencing generally and collection of restitution, reparation, fees, costs, fines and penalties
097	Oct 27	SB1181	PN2187	60 days	Insurance Company Law of 1921—immunity from liability

<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>
098	Oct 27	SB1288	PN2258	Immediately	Designation—Governor John K. Tener Memorial Bridge
099	Oct 27	SB1320	PN2137	60 days	Designation—John E. Fitzgerald Memorial Bridge
100	Oct 27	SB1328	PN2078	60 days	Board of Vehicles Act—unlawful acts by manufacturers or distributors
101	Oct 27	SB1360	PN2188	180 days	Domestic Relations Code (23 Pa.C.S.)—hearing, involuntary termination relinquishment and grounds, continuing contact voluntary agreement, impounding proceedings, access to records, medical history information, records and access, information registry
102	Oct 27	SB1429	PN2262	60 days	General Local Government Code (53 Pa.C.S.)—consolidations and mergers

* 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, 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. 10-2185. Filed for public inspection November 19, 2010, 9:00 a.m.]

THE COURTS

Title 252—ALLEGHENY COUNTY RULES

ALLEGHENY COUNTY

Public Access Policy for Official Case Records of the Magisterial District Courts of the Fifth Judi- cial District; Magisterial District Court Doc. No. 21 of 2010

Administrative Order

And Now, this 12th day of October, 2010, pursuant to the *Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts*, this Administrative Order shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

It is *Ordered* that official paper case records of the Magisterial District Courts are public records and shall be made available to the public for inspection and photocopying under the following conditions:

1. Neither a written request nor fee is required for access to and/or photocopying of a minimal number of official case records; however, actual postage may be assessed.

2. The yearly fee schedule for requests for access to and/or photocopying of voluminous or complex records at all magisterial district courts, except Pittsburgh Municipal Court, shall be:

(a) Individual staff member preparation, copying and/or re-filing, for;

(i) 2010—\$18.34 per hour (prorated by fifteen minute intervals).

(ii) 2011—\$18.89 per hour (prorated by fifteen minute intervals).

(iii) 2012—\$19.46 per hour (prorated by fifteen minute intervals).

(b) After due consideration of staff resource limitations, the impact upon the orderly conduct of court business and the responsibility to maintain the security and control of official case records at a magisterial district court, the court may determine that a constable is needed to facilitate access to official case records at a rate of \$13.00 per hour, rounded off to the nearest whole dollar.

(c) After due consideration of staff resource limitations, the impact upon the orderly conduct of court business and the responsibility to maintain the security and control of official case records at a magisterial district court, where the court has determined that a constable is needed to facilitate access to official case records files, and photocopying is required, an additional constable may be designated by the court to make photocopies, at a rate of \$13.00 per hour, rounded off to the nearest whole dollar.

3. The yearly fee schedule for requests for access to and/or photocopying of voluminous or complex records at Pittsburgh Municipal Court, shall be:

(a) Individual staff preparation, copying and/or re-filing, for;

(i) 2010—\$15.20 per hour (prorated at fifteen minute intervals).

(ii) 2011—\$15.66 per hour (prorated at fifteen minute intervals).

(iii) 2012—\$16.13 per hour (prorated at fifteen minute intervals).

4. Postage at actual cost.

5. Photocopying at \$0.25 per page.

6. Pre-payment of fees may be required at the discretion of the court.

7. Applicable fees may be waived if the court determines the requestor is indigent or for other good cause.

8. Fees paid for services are non-refundable.

By the Court

DONNA JO MCDANIEL,
President Judge

[Pa.B. Doc. No. 10-2186. Filed for public inspection November 19, 2010, 9:00 a.m.]

Title 255—LOCAL COURT RULES

FRANKLIN AND FULTON COUNTIES

In the Matter of the Adoption and Amendment of Local Rules of Civil Procedure; Misc. Doc. 2010- 4823

Order Pursuant to Pa.R.C.P. 239

October 29th, 2010, *It Is Hereby Ordered* that the following Rules of the Court of Common Pleas of the 39th Judicial District of Pennsylvania, Franklin and Fulton County Branches, Civil Division, are amended, rescinded or adopted as indicated this date, to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

Local Rule of Civil Procedure 205.1(a) is adopted and Rule 205.1.2 is rescinded.

Local Rules of Civil Procedure 211 and 212.7 are amended and shall now read as follows.

It Is Further Ordered that The District Court Administrator shall

1. Distribute two (2) certified paper copies and one (1) computer diskette or CD-ROM copy to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

2. File seven (7) certified copies of the local rule changes with the Administrative Office of Pennsylvania Courts.

3. File one (1) certified copy of the local rule changes with the Civil Procedural Rules Committee.

4. Keep such local rule changes, as well as all local civil rules, continuously available for public inspection and copying in the Office of the Prothonotary of Franklin County and the Office of the Prothonotary of Fulton

County. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule.

5. Provide one (1) certified copy of the Local Rule changes to the Franklin County Law Library and one (1) certified copy to the Fulton County Law Library.

6. Arrange to have the local rule changes published on the Franklin County Bar Association web site at www.franklinbar.org.

By the Court

DOUGLAS W. HERMAN,
President Judge

Local Rule 205.1(a). Filing Legal Papers. Presentation to the Court.

A legal paper requiring the signature of, or action by a Judge may be filed, delivered or mailed to the Prothonotary as in Pa.R.C.P. 205.1. When such paper is received by the Prothonotary it shall be marked filed and then delivered to the Court Administrator for distribution to the appropriate Judge's Law Clerk for judicial consideration.

Local Rule 211. Oral Arguments.

39-211.1 Except as otherwise provided by the Court, arguments in the Franklin County Branch shall be held on the first Thursday of each month excluding August, except when that Thursday is a legal holiday, in which case the argument shall be held on as scheduled by the Court; and in the Fulton County Branch, arguments shall be held on days as established by the annual Court calendar or as scheduled by the Court.

39-211.2 In the Franklin County Branch, causes for argument shall be listed in the Prothonotary's office in a docket to be provided for that purpose, on or before the Thursday which is six (6) weeks preceding the day for argument. Any party may list a cause by filing a Praeipie directing the Prothonotary to list the cause for argument. In the Fulton County Branch, causes for argument may be listed in the Prothonotary's office in a docket to be provided for that purpose upon Praeipie of a party filed at least six (6) weeks before the argument is to be scheduled before the assigned judge. The party entering a cause for argument shall forthwith, by ordinary mail, notify all other parties that the cause has been listed for argument; and shall file proof of service of such notice. Failure to give such notice shall be grounds for striking the cause from the list upon Motion.

39-211.3 The parties may agree in writing to add a cause to the argument list at any time so long as service of briefs may be made in accordance with the time requirements of Rule 39-211.7. The Court may order a cause listed for argument at the next scheduled argument court or on such other day as it may direct and, in that event, it may set the time for service of briefs.

39-211.4 When the ascertainment of facts is necessary for the proper disposition of a cause listed for argument, such facts may be determined by deposition or as otherwise provided in the Pennsylvania Rules of Civil Procedure.

39-211.5 The person seeking the order applied for shall argue first, and may also argue in rebuttal, if permitted by the Court, but such rebuttal shall be limited to answering arguments advanced by the opposing party. In causes where there is more than one responding party, the order of argument by the responding parties shall be as directed by the Court.

39-211.6 Each party shall furnish to every other party a typewritten brief in the form set forth in Local Rule 210, Form and content of Briefs.

39-211.7 When a case is listed for argument, the moving party shall file and serve a copy of his brief upon all other parties in the manner set forth in Pa.R.C.P. 440(a) to insure receipt by the responding party not later than the thirty-fifth (35th) day preceding the day scheduled for argument. The responding party shall, in return, serve a copy of his brief upon the moving party in the manner set forth in Pa.R.C.P. 440(a) to insure receipt by the moving party not later than the twenty-eighth (28th) day preceding the day scheduled for argument. At the time each party serves his brief, he shall furnish two copies thereof to the assigned judge.

39-211.8 Unless the time for filing and serving briefs is extended by the Court for cause shown, where briefs have not been timely filed and served as required by Rule 39-211.7, the Court may upon its own motion or upon request of a party:

- (1) Deny the relief requested where the moving party has failed to comply;
- (2) Grant the requested relief where the responding party has failed to comply;
- (3) Permit oral argument, but only by the complying party;
- (4) Grant such other relief or impose such other sanctions as it shall deem proper.

39-211.9 With the approval of the Court, oral argument may be dispensed with by agreement of the parties and the matter shall be submitted to the Court on briefs filed.

39-211.10 Cases shall be continued or stricken from the argument list only pursuant to order of Court. A party may request such an order of Court by petition setting forth the basis for the request. Such petition must include certification regarding concurrence or non-concurrence of all other parties as required by Local Rule 39-206.1.

Local Rule 39-212.7. Scheduling Conference and Case Management.

(a) This Rule shall be applicable to all civil actions other than family law matters governed by Pa.R.C.P. 1901 through 1940.9, credit card collection cases, cases for and appeals from compulsory arbitration, administrative agency appeals, appeals from labor arbitration, landlord-

tenant appeals, appeals from boards of view, mortgage foreclosures and cases in which judgment has been entered.

(b) In all cases to which this rule is applicable, the plaintiff shall, not later than sixty (60) days after service of the complaint upon defendant(s), file and transmit to the assigned judge a proposed order of court in substantially the following form:

Order of Court

(Date), the Complaint filed in this case having been served upon the Defendant(s),

IT IS HEREBY ORDERED that the Plaintiff shall initiate discussion among all parties who shall make a good faith effort to agree upon a proposed Joint Case Management Order which shall be submitted to the assigned judge not later than _____. In the event that the parties cannot agree upon a proposed Joint Case Management Order, they shall submit separate proposed Case Management Orders to the assigned judge in chambers not later than the foregoing date. After the foregoing date, the assigned judge may enter a Case Management Order or may schedule a Case Management Conference.

IT IS FURTHER ORDERED that in considering joint or separate proposed Case Management Orders, counsel and the parties shall be guided by the Court's guidelines set forth in the Note to Local Rule 212.7 and be prepared to support any requested deviation from such guidelines.

IT IS FURTHER ORDERED that the parties shall begin engaging in discovery pending the entry of a Case Management Order if they have not already done so; and that the Plaintiff promptly serve copies of this order upon all other parties.

By the Court,

J.

(c) Not later than 14 days after the deadline for the completion of discovery pursuant to any Case Management Order, Plaintiff's counsel shall arrange with the chambers of the assigned judge for a telephone conference between the Court and counsel for all parties for the express purpose of (1) making a good faith estimate as to the number of trial days—excluding jury selection date—that will be required for trial; (2) securing trial dates; and (3) considering mediation as a settlement tool.

NOTE: The purpose of the Court in adopting this Rule providing for case management is to better assure the progress of cases through the judicial system without unreasonable delay by fixing deadlines for completion of the various stages of cases. Deadlines, for example, for completion of discovery, the filing of expert reports, and the filing of dispositive motions, will be set at the scheduling conference. Thereafter, a party seeking extension of a deadline will have the burden of establishing good cause for such extension.

The following are guidelines for various types of cases:

CASE EVENT	SIMPE CASE (e.g. admitted liability, minimal discovery)	STANDARD (e.g. motor vehicle, contracts, some equity)	COMPLEX (e.g. product liability, some equity, extensive discovery)	MEDICAL MALPRACTICE
Discovery Completion	5 months	9 months	12 months	12 months
Plaintiff Expert Reports	6 months	10 months	13 months	13 months
Defense Expert Reports	7 months	11 months	14 months	14 months
Dispositive Motions	8 months	12 months	15 months	15 months
Pretrial Conference	10 months	14 months	17 months	17 months

[Pa.B. Doc. No. 10-2187. Filed for public inspection November 19, 2010, 9:00 a.m.]

FRANKLIN AND FULTON COUNTIES

In the Matter of the Adoption and Amendment of Local Rules of Civil Procedure; Misc. Doc. 2010-4824

Order Pursuant to Pa.R.C.P. 239.8

October 29th, 2010, *It Is Hereby Ordered* that the following Rules of the Court of Common Pleas of the 39th Judicial District of Pennsylvania, Franklin and Fulton County Branches, Civil Division, are amended, rescinded or adopted as indicated this date, to be effective upon publication on the Pennsylvania Judiciary's Web Application Portal:

Local Rule of Civil Procedure 205.2(a) is adopted.

Local Rules of Civil Procedure 206.1(a), 206.4(c), 208.2(c), 208.2(d), 208.2(e), 208.3(a), and 208.3(b) are amended and shall now read as follows.

It Is Further Ordered that The District Court Administrator shall

1. Transmit a copy of this order and the foregoing rules to the Civil Procedural Rules Committee for transmittal to the Administrative Office of Pennsylvania Courts (AOPC) for publication on the Pennsylvania Judiciary's Web Application Portal.

2. Distribute two (2) certified paper copies and one (1) computer diskette or CD-ROM copy to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Provide one (1) certified copy of the Local Rule changes to the Franklin County Law Library and one (1) certified copy to the Fulton County Law Library.

4. Keep such local rule changes, as well as all local civil rules, continuously available for public inspection and copying in the Office of the Prothonotary of Franklin County and the Office of the Prothonotary of Fulton County. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule.

5. Arrange to have the local rule changes published on the Franklin County Bar Association web site at www.franklinbar.org.

By the Court

DOUGLAS W. HERMAN,
President Judge

Local Rule 205.2(a). Assignment to Judge upon Filing of Complaint.

Upon the filing of a complaint, the Prothonotary shall assign the case to a specific judge and shall indicate the name of the particular judge assigned in the caption. The name of the judge to whom the case is assigned shall be noted in the caption of each service copy of the complaint.

(i) All pleadings and papers filed subsequent to the complaint shall have the name of the judge to whom the case is assigned noted in the caption.

(ii) Subsequent to the filing of a complaint, motions and petitions shall be directed to the assigned judge for disposition unless such judge is unavailable.

Local Rule 206.1(a). Purpose and Designation.

The procedure after issuance of rules to show cause shall be as set forth in Pa.R.C.P. 206.7. If argument is ordered by the Court, the case shall be listed, briefed and decided as set forth in the Court's order. All applications for which the procedure for the relief sought is not otherwise specifically addressed elsewhere in the rules and which require the assertion of facts not of record are hereby designated as petitions. A petition, generally speaking, is a request for relief ancillary to a given cause of action. Each petition shall be accompanied by a verification or affidavit verifying the facts stated in the petition. Every petition shall contain a certification noting whether it is contested or uncontested or, if the petitioning party is unable to so indicate, a description of the efforts which have been made to determine the position of the responding party. References to phone calls and emails shall include date and time.

Local Rule 206.4(c). Petition with Issuance of Rule to Show Cause.

(1) Rules to show cause shall be issued at the discretion of the Court pursuant to the procedure set forth in Pa.R.C.P. 206.5. The petition for the rule to show cause may be filed, delivered or mailed to the Prothonotary as set forth in Pa.R.C.P. 205.1. Upon receipt, the Prothonotary shall mark it filed and deliver it to the Court Administrator. In the alternative, a petition for a rule to show cause may be presented to the court at any open session, or to the assigned judge's law clerk or to the assigned judge in chambers at such time as the court may set.

(2) The procedure after issuance of the rule to show cause shall be as set forth in Pa.R.C.P. 206.7. If hearing or argument is ordered by the court the case shall be listed, briefed and decided as set forth in Local Rule 211 et seq.

(3) The Rule to Show Cause shall be substantially in the following form:

RULE TO SHOW CAUSE

AND NOW, this ____ day of _____, 20__, upon consideration of the foregoing petition, it is hereby ordered that

1. A rule is issued upon the respondent to show cause why the petitioner is not entitled to the relief requested;

2. The respondent shall file a verified Answer to the Petition within ____ days of service upon the respondent;

3. The Petition shall be decided under Pa.R.C.P. No. 206.7;

4. Depositions shall be completed within _____ days of service upon petitioner of the Answer;

5. Hearing and/or argument, if any, shall be held on _____, _____, 20__, at ____ o'clock ____ .m. in the assigned Courtroom of the Franklin/ Fulton County Courthouse, Chambersburg/ McConnellsburg, PA;

6. If Items 4 and 5 above are left blank, depositions and/or argument or hearing will be considered upon the request of any party; and

7. Notice of entry of this order shall be provided to all parties by the petitioner.

8. In the case of Preliminary Objections [Local Rule 1028(a)], Motions for Judgment on the Pleadings [Local Rule 1034(a)] and Motions for Summary Judgment [Local Rule 1035(a)], parties shall follow the procedures for disposition set forth in those rules.

By the Court,

Committee Comment:

No applications are designated as "petitions" other than applications to open a default judgment or a judgment of non pros as required by Pa.R.C.P. 206.1(a)(1). The issuance of a rule to show cause shall be discretionary with the court as provided in Pa.R.C.P. 206.5. A petitioner seeking the issuance of a rule to show cause shall attach to the petition a Rule in the form designated by this rule and a proposed order granting the relief sought. Under Pa.R.C.P. 206.7, the issue raised in the petition may be decided without the necessity of argument. However, if the court orders argument on the petition, the matter shall be listed for argument, briefed and decided pursuant to Local Rule 211, et seq.

Local Rule 208.2(c). Motions, generally.

A motion shall include a brief statement of the applicable authority, including reference to any applicable local or state rule or statute; or shall be accompanied by a brief at the time of filing.

Local Rule 208.2(d). Motions, certification.

Every motion shall contain a certification noting whether it is contested or uncontested or, if the moving party is unable to so indicate, a description of the efforts which have been made to determine the position of the responding party. References to phone calls shall include date and time.

Local Rule 208.2(e). Motions relating to Discovery.

Every motion relating to discovery shall attach a certificate, signed by counsel for the moving party, certifying that counsel has conferred or attempted to confer with all interested parties in order to resolve the matter without court action. The attached certificate shall detail the efforts made by the moving party, detailing time, place and manner of conversations and shall include copies of any related correspondence.

Local Rule 208.3(a). Motion Procedure.

The following procedures shall govern motions:

(i) A motion or answer may be filed, delivered or mailed to the Prothonotary as set forth in Pa.R.C.P. 205.1. Upon receipt, the Prothonotary shall mark it filed and deliver it to the Court Administrator. Alternatively, a motion may be presented to the court at any open session,

or to the assigned judge's law clerk or to the assigned judge in chambers at such time as the court may set.

(ii) Emergency motions in cases already assigned to a specific judge should be filed and then delivered directly to Court Administration or to the assigned judge's chambers for handling and, in cases not already assigned, should be directed to the Court Administrator for assignment.

(iii) Unless permitted by the court to be made or taken orally, all motions shall be in writing and shall be verified if the facts do not appear on the face of the record.

(iv) The proper order to be made by the court upon a motion shall be prepared by counsel and attached to the motion at the time of filing. Any order signed by the court shall be promptly filed.

(v) All motions other than those made at trial shall be served, along with any order entered or any order proposed to be entered, upon all other parties in accordance with Pa.R.C.P. 440(a). All such service shall be evidenced by either a certificate of service attached at the time of filing or by an affidavit of service filed separately.

(vi) Motions may be decided with out without oral argument. For those Motions for which a party requests argument of for which the Court requires argument, the Court may issue an order scheduling argument or the motion may be argued by following the procedure set forth in Local Rule 211 et seq.

Local Rule 208.3(b). Answers to Motions.

Except for those Motions which are uncontested by their terms, each responding party shall file an Answer which shall contain supporting authority for the relief sought or which shall be accompanied by a brief at the time of filing. Each Answer shall also have attached at the time of filing the order which is sought by the answering party. Answers other than those to Motions for Summary Judgment shall be filed not later than 20 days after the date of service of the Motion as evidenced by a certificate or affidavit of service unless the time for filing is modified by court order; or unless earlier required in the interests of justice; or as soon as possible in the case of emergency motions.

[Pa.B. Doc. No. 10-2188. Filed for public inspection November 19, 2010, 9:00 a.m.]

MONTGOMERY COUNTY

Adoption of Local Rule of Civil Procedure *205.2(a)—Required Redaction of Pleadings and Other Papers Filed with the Court; No. 2010- 00001

Order

And Now, this 3rd day of November, 2010, the Court hereby adopts Montgomery County Local Rule of Civil Procedure *205.2(a)—Required Redaction of Pleadings and Other Papers Filed With The Court. This Rule shall

become effective upon publication on the Pennsylvania Judiciary's Web Application Portal.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In conformity with Pa.R.C.P. 239.8, two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and one (1) certified copy shall be filed with the Civil Procedural Rules Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, and (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

By the Court

RICHARD J. HODGSON,
President Judge

***205.2(a). Required Redaction of Pleadings and Other Papers Filed with the Court.**

Unless required by an applicable law or rule of court, or unless ordered by the court, any party or non-party making a paper or electronic filing of a legal paper as defined in Pa.R.C.P. No. 205.4(a)(2) in the Prothonotary's Office must redact identifying information appearing in the filing, including any attachments thereto, as follows:

(1) An individual's or business entity's social security number or taxpayer identification number must be redacted, provided that the filing may include the last four digits of the social security number or employer identification number;

(2) An individual's date of birth must be redacted, provided that the filing may include the year of an individual's birth;

(3) With respect to any financial account number, including but not limited to any bank account, investment account, or credit card account, the account number must be redacted, as well as any PIN, password or other number used to secure such account, provided that the filing may include the last four digits of the account number;

(4) The court may order, for good cause shown in a specific case, that additional information must be redacted from any filing, including but not limited to the home street address or driver's license number of a specified individual, medical records, treatment, diagnosis, individual financial information and proprietary or trade secret information;

(5) The court may order the person making a redacted filing to file, in addition, an unredacted copy under seal; and

(6) Where the court has permitted a filing to be made under seal, the court may later unseal the filing and may order the filing party to redact the filing at that time.

The responsibility for redacting the identifying information rests with the party or non-party making the filing and his or her counsel. Legal papers will not be reviewed by the Prothonotary for compliance with this Rule.

[Pa.B. Doc. No. 10-2189. Filed for public inspection November 19, 2010, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 121 AND 129]

Paper, Film and Foil Surface Coating Processes

The Environmental Quality Board (Board) amends Chapters 121 and 129 (relating to general provisions; and standards for sources) to read as set forth in Annex A.

The final-form rulemaking amends Chapter 129 to limit emissions of volatile organic compounds (VOCs) from the use and application of coatings and cleaning materials in paper, film and foil surface coating processes. The final-form rulemaking adds § 129.52b (relating to control of VOC emissions from paper, film and foil surface coating processes) and amends §§ 129.51 and 129.52 (relating to general; and surface coating processes). The final-form rulemaking also amends § 121.1 (relating to definitions).

This order was adopted by the Board at its meeting on August 30, 2010.

A. Effective Date

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

B. Contact Persons

For further information, contact Arleen Shulman, Chief, Division of Air Resource Management, P. O. Box 8468, Rachel Carson State Office Building, Harrisburg, PA 17105-8468, (717) 772-3436; or Kristen Furlan, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available electronically through the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (Keyword: Public Participation).

C. Statutory Authority

This final-form rulemaking is authorized under section 5 of the Air Pollution Control Act (35 P. S. § 4005), which in subsection (a)(1) grants the Board the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth, and which in subsection (a)(8) grants the Board the authority to adopt rules and regulations designed to implement the provisions of the Clean Air Act (CAA) (42 U.S.C.A. §§ 7401—7671q).

D. Background and Purpose

The purpose of this final-form rulemaking is to reduce VOC emissions from paper, film and foil surface coating operations. VOCs are a precursor for ozone formation. Ground-level ozone is not emitted directly by surface coatings to the atmosphere, but is formed by a photochemical reaction between VOCs and nitrogen oxides (NOx) in the presence of sunlight. The final-form rulemaking adopts the emission limits and other requirements of the United States Environmental Protection Agency's (EPA's) 2007 Control Techniques Guidelines (CTG) for paper, film and foil coatings to meet Federal CAA requirements.

The EPA is responsible for establishing National Ambient Air Quality Standards (NAAQS) for six criteria pollutants considered harmful to public health and the environment: ozone; particulate matter; NOx; carbon monoxide; sulfur dioxide; and lead. The CAA established two types of NAAQS: primary standards, limits set to protect public health; and secondary standards, limits set to protect public welfare, including protection against visibility impairment and from damage to animals, crops, vegetation and buildings. The EPA established primary and secondary ozone NAAQS to protect public health and welfare.

When ground-level ozone is present in concentrations in excess of the Federal health-based 8-hour NAAQS for ozone, public health and welfare are adversely affected. Ozone exposure correlates to increased respiratory disease and higher mortality rates. Ozone can inflame and damage the lining of the lungs. Within a few days, the damaged cells are shed and replaced. Over a long time period, lung tissue may become permanently scarred, resulting in permanent loss of lung function and a lower quality of life. When ambient ozone levels are high, more people with asthma have attacks that require a doctor's attention or use of medication. Ozone also makes people more sensitive to allergens including pet dander, pollen and dust mites, all of which can trigger asthma attacks.

The EPA concluded that there is an association between high levels of ambient ozone and increased hospital admissions for respiratory ailments including asthma. While children, the elderly and those with respiratory problems are most at risk, even healthy individuals may experience increased respiratory ailments and other symptoms when they are exposed to high levels of ambient ozone while engaged in activities that involve physical exertion. High levels of ozone also affect animals in ways similar to humans.

In addition to causing adverse human and animal health effects, the EPA concluded that ozone affects vegetation and ecosystems, leading to reductions in agricultural crop and commercial forest yields by destroying chlorophyll; reduced growth and survivability of tree seedlings; and increased plant susceptibility to disease, pests and other environmental stresses, including harsh weather. In long-lived species, these effects may become evident only after several years or even decades and have the potential for long-term adverse impacts on forest ecosystems. Ozone damage to the foliage of trees and other plants can decrease the aesthetic value of ornamental species used in residential landscaping, as well as the natural beauty of parks and recreation areas. Through deposition, ground-level ozone also contributes to pollution in the Chesapeake Bay. The economic value of some welfare losses due to ozone can be calculated, such as crop yield loss from both reduced seed production and visible injury to some leaf crops, including lettuce, spinach and tobacco, as well as visible injury to ornamental plants, including grass, flowers and shrubs. Other types of welfare loss may not be quantifiable, such as the reduced aesthetic value of trees growing in heavily visited parks.

High levels of ground-level ozone can also cause damage to buildings and synthetic fibers, including nylon, and reduced visibility on roadways and in natural areas. The implementation of additional measures to address ozone air quality nonattainment in this Commonwealth is nec-

essary to protect the public health and welfare, animal and plant health and welfare and the environment.

In July 1997, the EPA established primary and secondary ozone standards at a level of 0.08 part per million (ppm) averaged over 8 hours. See 62 FR 38856 (July 18, 1997). In 2004, the EPA designated 37 counties in this Commonwealth as 8-hour ozone nonattainment areas for the 1997 8-hour ozone NAAQS. The Commonwealth is meeting the 1997 standard in all areas except the five-county Philadelphia area. The areas in which the 1997 standard has been attained are required to have permanent and enforceable control measures to ensure violations do not occur for the next decade.

Furthermore, in March 2008, the EPA lowered the standard to 0.075 ppm averaged over 8 hours to provide even greater protection for children, other at-risk populations and the environment against the array of ozone-induced adverse health and welfare effects. See 73 FR 16436 (March 27, 2008). The EPA is reconsidering the March 2008 ozone NAAQS and proposed in January 2010 to set a more protective 8-hour ozone primary standard between 0.060 and 0.070 ppm to provide increased protection for children and other at-risk groups. See 75 FR 2938 (January 19, 2010). The EPA also proposed that the secondary ozone standard, which was set identically to the revised primary standard in the 2008 final rule, should instead be a new cumulative, seasonal standard. See 75 FR 2938. This seasonal standard is designed to protect plants and trees from damage occurring from repeated ozone exposure, which can reduce tree growth, damage leaves, and increase susceptibility to disease. The final revised ozone NAAQS is expected in December 2010.

There are no Federal statutory or regulatory limits for VOC emissions from paper, film and foil surface coating operations. State regulations to control VOC emissions from paper, film and foil surface coating operations are required under Federal law, however, and will be reviewed by the EPA for whether they meet the reasonably available control technology (RACT) requirements of the CAA and its implementing regulations. Consumer and Commercial Products; Control Techniques Guidelines in Lieu of Regulations for Paper, Film, and Foil Coatings; Metal Furniture Coatings; and Large Appliance Coatings, 72 FR 57215, 57218 (October 9, 2007).

Section 172(c)(1) of the CAA (42 U.S.C.A. § 7502(c)(1)) provides that State Implementation Plans (SIPs) for nonattainment areas must include reasonably available control measures, including RACT, for sources of emissions. Section 182(b)(2) of the CAA (42 U.S.C.A. § 7511a(b)(2)) provides that for moderate ozone nonattainment areas, states must revise their SIPs to include RACT for sources of VOC emissions covered by a CTG document issued by the EPA prior to the area's date of attainment. More importantly, section 184(b)(1)(B) of the CAA (42 U.S.C.A. § 7511c(b)(1)(B)) requires that states in the Ozone Transport Region (OTR), including the Commonwealth, submit a SIP revision requiring implementation of RACT for all sources of VOC emissions in the state covered by a specific CTG.

Section 183(e) of the CAA (42 U.S.C.A. § 7511b(e)) directs the EPA to list for regulation those categories of products that account for at least 80% of the VOC emissions from consumer and commercial products in ozone nonattainment areas. Section 183(e)(3)(C) of the CAA further provides that the EPA may issue a CTG in place of a National regulation for a product category when the EPA determines that the CTG will be "substan-

tially as effective as regulations" in reducing emissions of VOC in ozone nonattainment areas.

In 1995, the EPA listed paper, film and foil coatings on its list in section 183(e) of the CAA and, in 2007, issued a CTG for this product category. See 60 FR 15264 (March 23, 1995) and 72 FR 57215 (October 9, 2007). In the 2007 notice, the EPA determined that the CTG would be substantially as effective as a National regulation in reducing VOC emissions from these product categories in ozone nonattainment areas. See 72 FR 57215, 57220.

The CTG provides states with the EPA's recommendation of what constitutes RACT for the covered category. States can use the recommendations provided in the CTG to inform their own determination as to what constitutes RACT for VOC emissions from the covered category. State air pollution control agencies are free to implement other technically sound approaches that are consistent with the CAA requirements and the EPA's implementing regulations or guidelines.

The Department reviewed the recommendations included in the 2007 CTG for paper, film and foil coatings for their applicability to the ozone reduction measures necessary for this Commonwealth. The Department determined that the measures provided in the CTG for paper, film and foil coatings are appropriate to be implemented in this Commonwealth as RACT for this category.

This final-form rulemaking will assist in reducing VOC emissions locally as well as reducing the transport of VOC emissions and ground-level ozone to downwind states. Adoption of VOC emission requirements for paper, film and foil surface coating operations is part of the Commonwealth's strategy, in concert with other OTR jurisdictions, to further reduce transport of VOC ozone precursors and ground-level ozone throughout the OTR to attain and maintain the 8-hour ozone NAAQS. The final-form rulemaking is required under the CAA and is reasonably necessary to attain and maintain the health-based 8-hour ozone NAAQS and to satisfy related CAA requirements in this Commonwealth. This final-form rulemaking will be submitted to the EPA as a revision to the SIP.

The final-form rulemaking was discussed with the Air Quality Technical Advisory Committee (AQTAC) on June 17, 2010. The AQTAC concurred with the Department's recommendation to present the final-form amendments to the Board for approval for publication as a final regulation. The Department also consulted with the Small Business Compliance Advisory Committee (SBCAC) on July 28, 2010. The SBCAC had no concerns. The Department consulted with the Citizens Advisory Council on June 30, 2010.

E. Summary of Regulatory Requirements; Changes to the Proposed Rulemaking

The final-form rulemaking adds the definition of "coating line" to § 121.1. The final-form rulemaking amends the definition of "coating" to specify a definition for purposes of § 129.52b that is consistent with the EPA's CTG. The final-form rulemaking also amends the definition of "paper coating" to correspond to the broader terms "paper, film or foil coating" and "paper, film or foil surface coating," which are used in other sections of Chapter 129 and this final-form rulemaking.

The final-form rulemaking amends § 129.51(a) to extend its coverage to paper, film and foil surface coating processes covered by this final-form rulemaking. Section

129.51(a) provides an alternative method for owners and operators of facilities to achieve compliance with air emission limits.

The final-form rulemaking amends § 129.52 by adding subsection (j). Section 129.52 specifies requirements and emission limits for various surface coating processes. The amendment in this final-form rulemaking clarifies that the requirements and limits already specified in § 129.52 for paper coatings are superseded by the requirements and limits adopted in this final-form rulemaking.

The final-form rulemaking adds § 129.52b to regulate VOC emissions from paper, film and foil surface coating processes. The applicability of this new section is described in subsection (a), which establishes that emission limits and other requirements of this section apply to the owner and operator of a paper, film or foil surface coating process if an individual paper, film or foil surface coating line has a potential to emit at least 25 tons per year (tpy) of VOC from coatings, prior to controls. This differs from the current applicability threshold in § 129.52, and is consistent with the recommended applicability threshold in the CTG. The current applicability threshold in § 129.52 is also carried over into subsection (a) for paper surface coating processes only, in subsection (a)(2), to avoid backsliding from current emission limitations. Subsection (a) specifies that the emission limits and other requirements of § 129.52b supersede the emission limits and other requirements of § 129.52.

Subsection (a) also establishes that the work practice requirements in subsection (h) for cleaning materials, and the related compliance monitoring and recordkeeping and reporting requirements specified in subsections (d) and (e), apply to the owner and operator of a paper, film or foil surface coating process if the total actual VOC emissions from all paper, film or foil surface coating operations, including related cleaning activities, at the facility are equal to or greater than 15 pounds (6.8 kilograms) per day or 2.7 tons (2,455 kilograms) per 12-month rolling period, before consideration of controls. Basing the applicability on a 12-month rolling period is generally considered to be more stringent than basing it on a calendar year, as in § 129.52(a), but is consistent with the CTG.

Subsection (b) explains that the requirements of § 129.52b supersede the requirements of a RACT permit for VOC emissions from a paper, film or foil surface coating operation already issued to the owner or operator of a source subject to § 129.52b, except to the extent the RACT permit contains more stringent requirements.

Subsection (c) establishes VOC emission limits. Beginning January 1, 2012, a person may not cause or permit the emission into the outdoor atmosphere of VOCs from a paper, film or foil surface coating process subject to § 129.52b, unless: (1) the VOC content of each as applied coating is equal to or less than the limit specified in Table I or II (relating to emission limits of VOCs for paper, film and foil surface coatings if potential VOC emissions from a single line, prior to control, are 25 tons per year or more; and emission limit of VOCs for paper coating if actual VOC emissions have exceeded 3 pounds per hour, 15 pounds per day or 2.7 tons per year in any year since January 1, 1987); or (2) the overall weight of VOCs emitted to the atmosphere is reduced through the use of vapor recovery, incineration or another method that is acceptable under § 129.51(a). The second option also addresses the overall efficiency of a control system.

Final-form subsection (d) identifies daily records that must be kept to demonstrate compliance with § 129.52b. An owner or operator of an individual paper, film or foil surface coating line that is subject to this section by virtue of having a potential to emit of at least 25 tpy of VOC from coatings, prior to controls, shall keep daily records that include the parameters and VOC content of each coating, thinner, component and cleaning solvent, as supplied, and the VOC content of each as applied coating or cleaning solvent. The daily records required of an owner or operator of a paper, film or foil surface coating process subject to the cleaning material-related requirements of § 129.52b are similar, but relate only to cleaning solvents. The owner or operator of a facility subject to this section by virtue of the existing threshold being carried forward from § 129.52 shall also keep daily records of the volume percent solids for each coating, thinner or component, as supplied.

Final-form subsection (e) contains a change to the recordkeeping and reporting requirements in proposed § 129.52b(e). The proposed rulemaking required that records be maintained for 2 years. The final-form rulemaking requires that records be maintained for 2 years unless a longer period is required under § 127.511(b)(2) (relating to monitoring and related recordkeeping and reporting requirements). Additionally, § 129.52b(e) has been amended to clarify that records shall be submitted to the Department upon receipt of a written request.

Under final-form subsection (f), an owner or operator of an individual paper, film or foil surface coating line that is subject to § 129.52b by virtue of having a potential to emit at least 25 tpy of VOC from coatings, prior to controls, may not cause or permit the emission into the outdoor atmosphere of VOCs from the application of paper, film or foil surface coatings, unless the coatings are applied using rotogravure coating, reverse roll coating, knife coating, dip coating, slot die coating, flexographic coating, extrusion coating or calendaring. An owner or operator may use another coating application method if a request is submitted in writing that demonstrates that the method is capable of achieving a transfer efficiency equivalent to or better than that achieved by the other methods in subsection (f) and is approved in writing by the Department prior to use.

Final-form subsection (g) exempts from the VOC coating content limits in Tables I and II in § 129.52b a coating used exclusively for determining product quality and commercial acceptance and other small quantity coatings, if the quantity of coating used does not exceed 50 gallons per year for a single coating and a total of 200 gallons per year for all coatings combined for the facility and if the owner or operator of the facility requests, in writing, and the Department approves, in writing, the exemption prior to use of the coating.

Final-form subsection (h) establishes work practices that an owner or operator of a paper, film or foil surface coating process subject to § 129.52b shall comply with for cleaning materials. Consistent with the CTG, this subsection has been amended to apply to all processes subject to this section, not just to those subject to the cleaning material-related requirements of this section.

Final-form Table I establishes emission limits of VOCs for paper, film and foil surface coatings from a single line, expressed in units of weight of VOC per weight of coating solids, as applied. The title of Table I is amended in the final-form rulemaking for clarity.

Final-form Table II establishes emission limits of VOCs for paper coatings, only, if actual VOC emissions have exceeded 3 pounds per hour, 15 pounds per day or 2.7 tpy in any year since January 1, 1987. This table, along with the applicability criteria in § 129.52b(a)(2), were added to carry forward the previously regulated paper coating sources (in § 129.52) that would fall between the applicability criteria in § 129.52b(a)(1) and (3) and eliminate the potential for backsliding. Emission limits in Table II are expressed in units of weight of VOC per volume of coating solids, as applied.

F. Comments and Responses

The Board approved publication of the proposed rulemaking at its meeting of September 15, 2009. The proposed rulemaking was published at 39 Pa.B. 6460 (November 7, 2009). Three public hearings were held on December 9, 11 and 14, 2009, in Pittsburgh, Harrisburg and Norristown, PA, respectively. The public comment period closed on January 13, 2010.

No public comments were received by the Board.

The Independent Regulatory Review Commission (IRRC) commented that proposed § 129.52b(d) and (e), which require the owners and operators of the regulated surface coating processes to maintain certain records, are unclear. IRRC requested that the Board clarify the format in which these records must be maintained. The Department respectfully disagrees that subsections (d) and (e) are unclear. Requiring regulated facilities to maintain records is a standard requirement in many Board-approved regulations, including § 129.52(g), for instance. Neither the Department nor the regulated sources have had difficulty understanding or complying with this requirement. The Department did not make changes to the final-form rulemaking in response to this comment.

IRRC commented that proposed § 129.52b(e), which requires that records required under § 129.52b(d) be submitted to the Department "upon request," is unclear as to whether this request will be made orally or in writing. The Department agrees and revised the final-form rulemaking to specify that the records shall be submitted to the Department upon receipt of a written request.

G. Benefits, Costs and Compliance

Benefits

Implementation of the final-form rulemaking will benefit the health and welfare of the approximately 12 million humans, animals, crops, vegetation and natural areas of this Commonwealth by reducing emissions of VOCs, which are precursors to ground-level ozone air pollution. Although the final-form rulemaking is designed primarily to address ozone air quality, the reformulation or substitution of coating products to meet the VOC content limits applicable to users may also result in reduction of hazardous air pollutant (HAP) emissions, which are also a serious health threat.

The final-form rulemaking provides as one compliance option that coatings used on or applied to paper, film or foil products manufactured in this Commonwealth meet specified limits for VOC content, usually through substitution of low VOC-content solvents or water for the high VOC-content solvents. The reduced levels of high VOC-content solvents will also benefit water quality through reduced loading on water treatment plants and in reduced quantities of high VOC-content solvents leaching into the ground. Owners and operators of affected paper, film and foil coating process facilities may also reduce

VOC emissions through the use of add-on controls, or a combination of complying coatings and add-on controls.

In this Commonwealth, approximately 15 paper, film and foil surface coating operations combine to emit an estimated total of 374 tons of VOCs per year.

The EPA estimates that implementation of the recommended control options for paper, film or foil surface coatings processes will result in approximately a 47% reduction in VOC emissions. The maximum anticipated additional annual VOC reductions from the paper, film or foil surface coatings facilities as a result of this final-form rulemaking is approximately 176 tons (374 tons x 47%).

Compliance Costs

The costs of complying with the final-form rulemaking include the cost of using alternative product formulations, such as low-VOC or water-based coatings and the cost of using add-on controls, such as thermal oxidizers. The facility owner or operator is given the flexibility to choose controls. Based on information provided by the EPA in the paper, film and foil coatings CTG, the cost effectiveness of reducing VOC emissions from paper, film and foil surface coating operations is estimated to be \$1,200 per ton of VOC reduced. This estimate is based on the use of thermal oxidizer add-on controls, which are the most costly option to reduce VOC emissions on an annual operating basis. The estimated annual cost for the owners or operators of the affected noncomplying paper, film and foil surface coating facilities in this Commonwealth, combined, is \$211,200 (176 tons VOC reduced x \$1,200 per ton reduced). Based on total VOC emissions reported to the Department for the 2009 calendar year, the annual compliance costs for each affected noncomplying facility will range from an estimated \$2,000 to an estimated \$69,000 depending on actual VOC emissions.

The potential total annual costs to the regulated industry of \$211,200 for paper, film and foil surface coating operations are negligible compared to the improved health and environmental benefits that will be gained from this final-form rulemaking.

The implementation of the work practice requirements for cleaning materials is expected to result in a net cost savings. The recommended work practices should reduce the amount of cleaning materials used by reducing the amount of cleaning materials lost to evaporation, spillage and waste.

Compliance Assistance Plan

The Department plans to educate and assist the public and regulated community in understanding the newly amended requirements and how to comply with them. This will be accomplished through the Department's ongoing compliance assistance program.

Paperwork Requirements

The owners and operators of affected paper, film or foil surface coating operations will be required to keep daily operational records of information for coatings and cleaning solvents sufficient to demonstrate compliance, including identification of materials, VOC content and volumes used. The records must be maintained for at least 2 years and submitted to the Department upon written request. Persons claiming the small quantity exemption or use of exempt coating are required to keep records demonstrating the validity of the exemption. Persons seeking to comply through the use of add-on controls are required to meet the applicable reporting requirements in Chapter 139 (relating to sampling and testing).

H. *Pollution Prevention*

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. This final-form rulemaking incorporated the following pollution prevention incentives.

The final-form rulemaking will assure that the citizens and the environment of this Commonwealth experience the benefits of reduced emissions of VOCs and HAPs from paper, film and foil surface coating processes. Although the final-form rulemaking is designed primarily to address ozone air quality, the reformulation or substitution of coating products to meet the VOC content limits applicable to users may also result in reduction of HAP emissions, which are also a serious health threat. The final-form rulemaking provides as one compliance option that coatings used on or applied to paper, film and foil products manufactured in this Commonwealth meet specified limits for VOC content, usually through substitution of low VOC-content solvents or water for the high VOC-content solvents. The reduced levels of high VOC-content solvents will also benefit water quality through reduced loading on water treatment plants and in reduced quantities of high VOC-content solvents leaching into the ground. Owners and operators of affected paper, film and foil surface coating process facilities may also reduce VOC emissions through the use of add-on controls, or a combination of complying coatings and add-on controls.

I. *Sunset Review*

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

J. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 28, 2009, the Department submitted a copy of the notice of proposed rulemaking, published at 39 Pa.B. 6460, to IRRC and the Chairpersons of the House and Senate Environmental Resources and Energy 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(d) of the Regulatory Review Act (71 P.S. § 745.5a(d)), on October 20, 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 October 21, 2010, and approved the final-form rulemaking.

K. *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) (45 P.S. §§ 1201 and 1202) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) At least a 60-day public comment period was provided as required by law and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 39 Pa.B. 6460.

(4) This final-form rulemaking is necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this preamble.

(5) This final-form rulemaking is necessary to attain and maintain the ozone NAAQS and to satisfy related CAA requirements.

L. *Order*

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

(a) The regulations of the Department, 25 Pa. Code Chapters 121 and 129, are amended by amending §§ 121.1, 129.51 and 129.52 and by adding § 129.52b to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) The Chairperson of the Board shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

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

(e) This final-form rulemaking will be submitted to the EPA as an amendment to the Pennsylvania SIP.

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

JOHN HANGER,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 6487 (November 6, 2010).)

Fiscal Note: Fiscal Note 7-448 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

CHAPTER 121. GENERAL PROVISIONS

§ 121.1. Definitions.

The definitions in section 3 of the act (35 P.S. § 4003) apply to this article. In addition, the following words and

terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Coating—

(i) For purposes of wood furniture manufacturing operations under §§ 129.101—129.107, a protective, decorative or functional material applied in a thin layer to a surface.

(A) The term includes paints, topcoats, clear coats, varnishes, sealers, stains, washcoats, basecoats, inks and temporary protective coatings.

(B) The term does not include adhesives.

(ii) For purposes of paper, film and foil surface coating under § 129.52b (relating to control of VOC emissions from paper, film and foil surface coating processes), a material applied onto or impregnated into a substrate for decorative, protective or functional purposes.

(A) The term includes solvent-borne coatings, waterborne coatings, adhesives, wax coatings, wax laminations, extrusion coatings, extrusion laminations, 100% solid adhesives, UV-cured coatings, electron beam-cured coatings, hot melt coatings and cold seal coatings.

(B) The term does not include materials used to form unsupported substrates, such as calendaring of vinyl, blown film, cast film, extruded film and co-extruded film.

Coating line—The equipment and activities of the manufacturing process used to apply coatings onto or into a substrate.

* * * * *

Paper, film or foil coating or paper, film or foil surface coating—Coatings applied in a continuous, uniform layer to paper, film or foil surfaces, and pressure-sensitive tapes, regardless of substrate. The coatings are applied to provide a covering, finish or functional or protective layer to the substrate, saturate a substrate for lamination or provide adhesion between two substrates for lamination.

(i) The term includes coatings used in web coating processes on the following:

(A) Pressure sensitive tapes and labels, including fabric coated for use in pressure sensitive tapes and labels.

(B) Plastic and photographic films.

(C) Industrial and decorative laminates.

(D) Abrasive products, including fabric coated for use in abrasive products.

(E) Flexible packaging, including coating of non-woven polymer substrates for use in flexible packaging.

(F) Miscellaneous coating operations, including the following:

(I) Corrugated and solid fiber boxes.

(II) Die-cut paper, paperboard and cardboard.

(III) Converted paper and paperboard not elsewhere classified.

(IV) Folding paperboard boxes, including sanitary boxes.

(V) Manifold business forms and related products.

(VI) Plastic aseptic packaging.

(VII) Carbon paper and inked ribbons.

(ii) The term does not include the following:

(A) Coatings applied in whole or in part as nonuniform layers, such as patterns, designs or print.

(B) Inks and other coatings used at printing operations that are applied on or in-line with an offset lithographic, screen, letterpress, flexographic, rotogravure or digital printing press.

(C) Sizing, starch or water-based clays that are applied with size presses and on-machine coaters that are part of an in-line papermaking system.

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CHAPTER 129. STANDARDS FOR SOURCES

SOURCES OF VOCs

§ 129.51. General.

(a) *Equivalency.* Compliance with §§ 129.52, 129.52a, 129.52b and 129.54—129.73 may be achieved by alternative methods if the following exist:

(1) The alternative method is approved by the Department in an applicable plan approval or operating permit, or both.

(2) The resulting emissions are equal to or less than the emissions that would have been discharged by complying with the applicable emission limitation.

(3) Compliance by a method other than the use of a low VOC coating or ink which meets the applicable emission limitation in §§ 129.52, 129.52a, 129.52b, 129.67 and 129.73 shall be determined on the basis of equal volumes of solids.

(4) Capture efficiency testing and emissions testing are conducted in accordance with methods approved by the EPA.

(5) Adequate records are maintained to ensure enforceability.

(6) The alternative compliance method is incorporated into a plan approval or operating permit, or both, reviewed by the EPA, including the use of an air cleaning device to comply with § 129.52, § 129.52a, § 129.52b, § 129.67, § 129.68(b)(2) and (c)(2) or § 129.73.

(b) *New source performance standards.* Sources covered by new source performance standards which are more stringent than those contained in this chapter shall comply with those standards in lieu of the standards found in this chapter.

(c) *Demonstration of compliance.* Test methods and procedures used to monitor compliance with the emission requirements of this section are those specified in Chapter 139 (relating to sampling and testing).

(d) *Records.* The owner or operator of a facility or source subject to the VOC emission limitations and control requirements in this chapter shall keep records to demonstrate compliance with the applicable limitation or control requirement.

(1) The records must provide sufficient data and calculations to clearly demonstrate that the emission limitations or control requirements are met. Data or information required to determine compliance with an applicable limitation shall be recorded and maintained in a time frame consistent with the averaging period of the standard.

(2) The records shall be retained at least 2 years and shall be made available to the Department on request.

(3) An owner or operator claiming that a facility or source is exempt from the VOC control provisions of this

chapter shall maintain records that clearly demonstrate to the Department that the facility or source is not subject to the VOC emission limitations or control requirements.

§ 129.52. Surface coating processes.

* * * * *

(i) Beginning January 1, 2011, the requirements and limits for metal furniture coatings and large appliance coatings in this section are superseded by the requirements and limits in § 129.52a (relating to control of VOC emissions from large appliance and metal furniture surface coating processes).

(j) Beginning January 1, 2012, the requirements and limits for paper coatings in this section are superseded by the requirements and limits in § 129.52b (relating to control of VOC emissions from paper, film and foil surface coating processes).

* * * * *

§ 129.52b. Control of VOC emissions from paper, film and foil surface coating processes.

(a) *Applicability.* This section applies to the owner and operator of a paper, film or foil surface coating process, as follows, if the surface coating process meets one or a combination of the following:

(1) The emission limits in Table I and other requirements of this section apply to the owner and operator of a paper, film or foil surface coating process if an individual paper, film or foil surface coating line has a potential to emit at least 25 tpy of VOC from coatings, prior to controls. For these processes, the emission limits and other requirements of this section supersede the emission limits and other requirements of § 129.52 (relating to surface coating processes).

(2) The emission limit in Table II and other requirements of this section apply to the owner and operator of a paper surface coating process which emits or has emitted VOCs into the outdoor atmosphere in quantities greater than 3 pounds (1.4 kilograms) per hour, 15 pounds (7 kilograms) per day or 2.7 tons (2,455 kilograms) per year during any calendar year since January 1, 1987. For these processes, the emission limit and other requirements of this section supersede the emission limit and other requirements of § 129.52.

(3) The work practice requirements for cleaning materials found in subsection (h), and the related compliance monitoring and recordkeeping and reporting requirements of subsections (d) and (e), apply to the owner and operator of a paper, film or foil surface coating process if the total actual VOC emissions from all paper, film or foil surface coating operations, including related cleaning activities, at the facility are equal to or greater than 15 pounds (6.8 kilograms) per day or 2.7 tons (2,455 kilograms) per 12-month rolling period, before consideration of controls.

(b) *Existing RACT permit.* The requirements of this section supersede the requirements of a RACT permit issued to the owner or operator of a source subject to subsection (a) prior to January 1, 2012, under §§ 129.91—129.95 (relating to stationary sources of NOx and VOCs) to control, reduce or minimize VOCs from a paper, film or foil surface coating process, except to the extent the RACT permit contains more stringent requirements.

(c) *Emission limits.* Beginning January 1, 2012, a person subject to subsection (a)(1) or (2) may not cause or permit the emission into the outdoor atmosphere of VOCs

from a paper, film or foil surface coating process, unless one of the following limitations is met:

(1) The VOC content of each as applied coating is equal to or less than the limit specified in Table I or Table II, as applicable.

(i) The VOC content of the as applied coating, expressed in units of weight of VOC per weight of coating solids, shall be calculated as follows:

$$\text{VOC}_B = (W_o)/(W_n)$$

Where:

VOC_B = VOC content in lb VOC/lb of coating solids

W_o = Weight percent of VOC ($W_v - W_w - W_{ex}$)

W_v = Weight percent of total volatiles (100%-weight percent solids)

W_w = Weight percent of water

W_{ex} = Weight percent of exempt solvents

W_n = Weight percent of solids of the as applied coating

(ii) The VOC content of the as applied coating, expressed in units of weight of voc per volume of coating solids, shall be calculated as follows:

$$\text{VOC} = (W_o)(D_c)/V_n$$

Where:

VOC = VOC Content in lb voc/gal of coating solids

W_o = Weight percent of VOC ($W_v - W_w - W_{ex}$)

W_v = Weight percent of total volatiles (100%-weight percent solids)

W_w = Weight percent of water

W_{ex} = Weight percent of exempt solvent(s)

D_c = Density of coating, lb/gal, at 25° C

V_n = Volume percent of solids of the as applied coating

(iii) The VOC content of a dip coating, expressed in units of weight of VOC per weight of coating solids, shall be calculated on a 30-day rolling average basis using the following equation:

$$\text{VOC}_A = \frac{\sum_i (W_{oi} \times D_{ci} \times Q_i) + \sum_J (W_{oJ} \times D_{dJ} \times Q_J)}{\sum_i (W_{ni} \times D_{ci} \times Q_i)}$$

Where:

VOC_A = VOC content in lb VOC/lb of coating solids for a dip coating, calculated on a 30-day rolling average basis

W_{oi} = Percent VOC by weight of each as supplied coating (i) added to the dip coating process, expressed as a decimal fraction (that is 55% = 0.55)

D_{ci} = Density of each as supplied coating (i) added to the dip coating process, in pounds per gallon

Q_i = Quantity of each as supplied coating (i) added to the dip coating process, in gallons

W_{ni} = Percent solids by weight of each as supplied coating (i) added to the dip coating process, expressed as a decimal fraction

W_{oJ} = Percent VOC by weight of each thinner (J) added to the dip coating process, expressed as a decimal fraction

D_{dJ} = Density of each thinner (J) added to the dip coating process, in pounds per gallon

Q_J = Quantity of each thinner (J) added to the dip coating process, in gallons

(iv) Sampling and testing shall be done in accordance with the procedures and test methods specified in Chapter 139 (relating to sampling and testing).

(2) The overall weight of VOCs emitted to the atmosphere is reduced through the use of vapor recovery or incineration or another method that is acceptable under § 129.51(a) (relating to general). The overall efficiency of a control system, as determined by the test methods and procedures specified in Chapter 139, may be no less than 90% or may be no less than the equivalent overall efficiency as calculated by the following equation, whichever is less stringent:

$$O = (1 - E/V) \times 100$$

Where:

V = The VOC content of the as applied coating, in lb VOC/lb of coating solids or lb voc/gal of coating solids.

E = The Table I limit in lb VOC/lb of coating solids or Table II limit in lb voc/gal of coating solids.

O = The overall required control efficiency.

(d) *Compliance monitoring procedures.* The owner or operator of a facility subject to this section shall maintain records sufficient to demonstrate compliance as follows:

(1) The owner or operator of a facility subject to subsection (a) shall maintain daily records of the following parameters for each coating, thinner, component or cleaning solvent, as supplied:

- (i) Name and identification number of the coating, thinner, component or cleaning solvent.
- (ii) Volume used.
- (iii) Mix ratio.
- (iv) Density or specific gravity.
- (v) Weight percent of total volatiles, water, solids and exempt solvents.
- (vi) VOC content.

(2) In addition to the records required under paragraph (1), the owner or operator of a facility subject to subsection (a)(2) shall maintain daily records of the volume percent solids for each coating, thinner or component, as supplied.

(3) The owner or operator of a facility subject to subsection (a) shall maintain daily records of the VOC content of each as applied coating or cleaning solvent.

(e) *Recordkeeping and reporting requirements.* The records required under subsection (d) shall be:

- (1) Maintained for 2 years, unless a longer period is required under § 127.511(b)(2) (relating to monitoring and related recordkeeping and reporting requirements).
- (2) Submitted to the Department upon receipt of a written request.

(f) *Coating application methods.* A person subject to subsection (a)(1) may not cause or permit the emission into the outdoor atmosphere of VOCs from the application of paper, film or foil surface coatings, unless the coatings are applied using one or more of the following coating application methods:

- (1) Rotogravure coating.
- (2) Reverse roll coating.
- (3) Knife coating.
- (4) Dip coating.
- (5) Slot die coating.
- (6) Flexographic coating.
- (7) Extrusion coating.

(8) Calendaring.

(9) Other coating application method, if approved in writing by the Department prior to the use of the application method.

(i) The coating application method must be capable of achieving a transfer efficiency equivalent to or better than that achieved by a method listed in paragraphs (1)–(8).

(ii) The request for approval must be submitted in writing by the owner or operator of the paper, film or foil surface coating facility.

(g) *Exempt coatings.* The VOC coating content limits in Tables I and II do not apply to a coating used exclusively for determining product quality and commercial acceptance and other small quantity coatings, if the coating meets the following criteria:

(1) The quantity of coating used does not exceed 50 gallons per year for a single coating and a total of 200 gallons per year for all coatings combined for the facility.

(2) The owner or operator of the facility requests, in writing, and the Department approves, in writing, the exemption prior to use of the coating.

(h) *Work practice requirements for cleaning materials.* The owner or operator of a paper, film or foil surface coating process subject to subsection (a) shall comply with the following work practices for cleaning materials:

- (1) Store all VOC-containing cleaning materials and used shop towels in closed containers.
- (2) Ensure that mixing and storage containers used for VOC-containing cleaning materials are kept closed at all times, except when depositing or removing these materials.
- (3) Minimize spills of VOC-containing cleaning materials and clean up spills immediately.
- (4) Convey VOC-containing cleaning materials from one location to another in closed containers or pipes.
- (5) Minimize VOC emissions from cleaning of storage, mixing and conveying equipment.

Table I

Emission Limits of VOCs for Paper, Film and Foil Surface Coatings if Potential VOC Emissions from a Single Line, Prior to Control, are 25 Tons per Year or More

Units	Weight of VOC per Weight of Coating Solids, as Applied	
	Pressure Sensitive Tape and Label Surface Coating	RACT Limits Paper, Film, and Foil Surface Coating (Not including Pressure Sensitive Tape and Label Surface Coating)
kg VOC/kg solids (lb VOC/lb solids)	0.20	0.40
kg VOC/kg coating (lb VOC/lb coating)	0.067	0.08

Table II

Emission Limit of VOCs for Paper Coating if Actual VOC Emissions have Exceeded 3 Pounds per Hour, 15 Pounds per Day or 2.7 Tons per Year in Any Year Since January 1, 1987

Weight of VOC per Volume of Coating Solids, as Applied

<i>Units</i>	<i>RACT Limit Paper Coating</i>
lb voc/gal coating solids	4.84
kg voc/l coating solids	0.58

[Pa.B. Doc. No. 10-2190. Filed for public inspection November 19, 2010, 9:00 a.m.]

**ENVIRONMENTAL QUALITY BOARD
[25 PA. CODE CH. 253]**

Administration of the Uniform Environmental Covenants Act

The Environmental Quality Board (Board) adopts Chapter 253 (relating to administration of the Uniform Environmental Covenants Act) to read as set forth in Annex A. The final-form rulemaking addresses ambiguities in 27 Pa.C.S. §§ 6501—6517 (relating to Uniform Environmental Covenants Act) (UECA) and establishes procedural interfaces with other statutes.

This order was adopted by the Board at its meeting of August 30, 2010.

A. Effective Date

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

B. Contact Persons

For further information, contact Troy Conrad, Director, Land Recycling Program, P. O. Box 8471, Rachel Carson State Office Building, Harrisburg, PA 17105-8471, (717) 783-7816; or Kurt Klapkowski, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available electronically through the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us.

C. Statutory Authority

The final-form rulemaking is being made under section 6515 of UECA (relating to Environmental Quality Board), which grants the Board the power and the duty to promulgate regulations for the proper performance of the work of the Department under UECA; and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which authorizes the Board to formulate, adopt and promulgate rules and regulations that are necessary for the proper work of the Department. Section 6515 of UECA also explicitly grants the Board the power to develop fees by regulation for environmental covenants.

D. Background and Purpose

UECA was signed into law on December 18, 2007. The statute was based on a National model act developed by the National Conference of Commissioners on Uniform State Laws. UECA provides for the creation of environ-

mental covenants to ensure the long-term stewardship of activity and use limitations on property remediated under the Land Recycling and Environmental Remediation Standards Act (Act 2) (35 P. S. §§ 6026.101—6026.907) or the Storage Tank and Spill Prevention Act (Tank Act) (35 P. S. §§ 6021.101—6021.2103). These limitations are restrictions on the use of the remediated property (institutional controls) or the maintenance of a "structure" needed to control the movement of regulated substances through the environment (engineering controls). The environmental covenant is a property interest with a holder and is capable of being transferred and may be enforced by multiple parties, including the Department. Finally, the environmental covenant is recorded with the county recorder of deeds where the property is located, giving future landowners and developers notice of the activity and use limitations. Once the Department develops a formal registry containing all covenants, as required by section 6512 of UECA (relating to registry; substitute notice), only a simple notice will need to be recorded with the county recorder of deeds where the property is located.

Although UECA does contain relatively detailed procedural requirements, the Department determined that regulations under UECA would be necessary to address ambiguities and to establish procedural interfaces with the Tank Act and Act 2. Collection of the fee will support the Department's review of environmental covenants and the development and maintenance of the electronic registry of environmental covenants that section 6512 of UECA requires the Department to develop and maintain.

UECA does not require review of proposed regulations by a particular advisory committee. However, the Department had discussions with several outside groups concerning the proposed rulemaking. The Department presented the proposed rulemaking to the Cleanup Standards Scientific Advisory Board (CSSAB). The proposed rulemaking was discussed and supported at the CSSAB board meeting held on September 1, 2009; a formal motion supporting the proposed rulemaking was not considered due to a lack of a quorum at the meeting. The proposed rulemaking was also discussed with the Storage Tank Advisory Committee (STAC) on September 8, 2009. The STAC did not take formal action on the proposed rulemaking at that meeting.

The proposed rulemaking was published at 40 Pa.B. 1379 (March 6, 2010) with a 30-day public comment period. The Board received 66 comments from 11 commentators, including the Independent Regulatory Review Commission (IRRC). The Department presented the draft final-form rulemaking to the STAC on June 8, 2010, in substantially the same form as published. The STAC approved a motion to recommend approval of the final-form rulemaking by the Board. The Department also presented the draft final-form rulemaking to the CSSAB on June 15, 2010. The CSSAB was supportive of the draft final-form rulemaking but did not take formal action on the rulemaking, pending resolution of several issues. The Department had further discussions with the CSSAB on June 28, 2010, resulting in this final-form rulemaking.

E. Summary of Comments and Responses on the Proposed Rulemaking and Changes to the Proposed Rulemaking

As previously noted, the final-form rulemaking is intended to supplement UECA and tie it together with the Commonwealth's existing risk-based corrective action programs. The Department developed the final-form rulemaking to provide the regulated community and program staff a straightforward step-by-step outline of when envi-

ronmental covenants are required to be used, how they are created, what they must contain and when they must be submitted to the Department. While there is some overlap with UECA when necessary, the Department did not include those portions of UECA that were clear in UECA and did not pertain to the process for creating and implementing an environmental covenant. These items include enforcement of the environmental covenant and the various parts of UECA outlining the legal effect of creating an environmental covenant.

The contents of the final-form rulemaking are discussed as follows, with special attention to provisions that were amended between the proposed rulemaking and final-form rulemaking.

§ 253.1. *Definitions.*

For ease of understanding, the definitions from UECA are included in this section. Several definitions not in UECA are included in this section, including “final report,” “instrument,” “political subdivision,” “Remedial Action Completion Report,” “Storage Tank Act” and “UECA.” Several of these definitions were amended in minor ways in response to comments.

Several definitions were added to the final-form rulemaking at the suggestion of commentators. These definitions include “eminent domain proceeding” and “regulated substance.”

§ 253.2. *Contents and form of environmental covenant.*

This section describes what must be included in an environmental covenant and what may be included as appropriate; it follows section 6504 of UECA (relating to contents of environmental covenant). Subsection (c) affirms that the Department may require the permitted information from subsection (b) or other conditions appropriate to the remediation. Subsection (e) makes it clear that the Department’s model covenant may be used, although the Department will accept alternative language in the appropriate case. The model covenant is an evolving document drafted with a significant amount of input from the regulated community. Finally, subsection (f) allows for the special situation when an environmental covenant covers commonly owned property in a common interest community.

Most of the revisions to this section of the final-form rulemaking were minor points of clarification or consolidation. For example, subsection (d) of the proposed rulemaking addressed limitations on the Department’s ability to require conditions for approval; that subsection was deleted and the substance of the subsection added to subsection (c)(1) of the final-form rulemaking. In addition, the final-form rulemaking contains language in subsection (c)(6) tracking the language in UECA making the Department’s decision to approve or disapprove an environmental covenant appealable to the Environmental Hearing Board.

The final-form rulemaking adds subsection (a)(8). Paragraph (8) will be a mandatory component of all environmental covenants. Paragraph (8) addresses concerns expressed by the Department of Transportation concerning termination of environmental covenants when property is taken for use as a highway right-of-way in an eminent domain proceeding.

§ 253.3. *Notice of environmental covenant.*

This section describes who is to receive notice of the environmental covenant and when. It tracks section 6507 of UECA (relating to notice). Subsection (c) allows for

waivers of required notice and establishes a procedure for persons interested in receiving a waiver.

Several changes were made to this section in the final-form rulemaking to address comments. First, the time for provision of file-stamped copies of the covenant to parties is extended to 90 days from filing (an increase from 60 days) and language allowing the Department to extend that time frame was added. Second, subsection (a)(4) was added to allow the board of a common interest community to receive the required copy on behalf of the community. Sites cleaned up to the nonresidential State-wide health standard and requiring an activity and use limitation to demonstrate attainment or maintenance of the standard will be required to comply with UECA.

§ 253.4. *Requirements for and waiver of environmental covenants.*

This section outlines when environmental covenants are required as well as the procedures for the Department’s waiver of the requirement for an environmental covenant. The basic requirement for use of an environmental covenant is in section 6517(a) of UECA (relating to relationship to other laws).

Several changes were made to this section in response to comments. As discussed in more detail regarding § 253.5 (relating to submission of environmental covenants and related information), the final-form rulemaking does not require submission of draft environmental covenants and only requires submission of requests for waivers at the time the remediator submits the Final Report or Remedial Action Completion Report to the Department. As a result, all references to submission of draft environmental covenants or submission of environmental covenants at earlier stages in the process have been eliminated from this section. This includes deletion of references to the various Act 2 standards and deletion of proposed subsection (d). Subsection (c) of the final-form rulemaking establishes requirements relating to the process for and timing of submission of requests for Department waiver of the requirement to use environmental covenants in cleanups under Chapters 245 and 250 (relating to administration of the storage tank and spill prevention program; and administration of land recycling program).

Subsection (b) clarifies that when activity and use limitations are to be used in special industrial area cleanups under section 305 of Act 2 (35 P. S. § 6026.305), they are to be in the form of an environmental covenant.

Subsection (d) relates to section 6517(a)(3) of UECA. Section 6517(a)(3) of UECA establishes special provisions regarding the use of environmental covenants at Federally-owned property. Subsection (e) makes it clear that the requirement to use environmental covenants at these properties is not waived by UECA but delayed until the property is transferred out of Federal government control. Until the time of transfer, the activity and use limitations must be memorialized in an installation’s master plan or similar remedial documentation. It also requires notification of the Department in the event of transfer.

§ 253.5. *Submission of environmental covenants and related information.*

This is an important section because it addresses ambiguities in UECA in terms of establishing procedural interfaces between UECA and existing remedial action programs in this Commonwealth. This section establishes the time frames for submission of draft and final signed environmental covenants to the Department. This section

was also one of the most commented upon in the proposed rulemaking and several major changes have been made to this section.

Several commentators raised concerns regarding the deadlines for submission of draft and final signed environmental covenants. As a result, the submission process has been overhauled in the final-form rulemaking. The first major change to this section relates to submission of draft environmental covenants prior to the Final Report/ Remedial Action Completion Report stage of the remediation process. The final-form rulemaking completely eliminates the requirement to submit draft environmental covenants to the Department for review. Instead, the final-form rulemaking requires the remediator to provide the environmental covenant no later than 30 days after receipt from the Department of written approval for the Final Report or Remedial Action Completion Report. The Department believes that most if not all issues regarding the activity and use limitations required to attain or maintain an Act 2 standard will be worked out as part of the review and approval of the reports. The environmental covenant will reflect the requirements in those reports and should be relatively straightforward to prepare and submit.

As a result of this change, references to various Act 2 standards in proposed subsections (a) and (b) have been deleted, along with language requiring submission of draft reports. Proposed subsection (b) was deleted and proposed subsection (c) was amended and renumbered as subsection (b). That subsection addresses submission to the Department of information regarding persons who shall be given notice of the environmental covenant (§ 253.3 (relating to notice of environmental covenant)). It is also necessary so the Department can determine if subordination should be required (§ 253.8 (relating to subordination)) as holders of prior interests are not subject to the environmental covenant under UECA unless they agree to subordinate their interest to the covenant (see section 6503(d) of UECA (relating to nature of rights; subordination of interests)). Given the changes to the submission process, proposed subsection (d) was no longer necessary and was deleted. Finally, proposed subsection (e) addressed recording the signed covenant and the time frame for providing the Department with proof of recordation. This subsection is retained in the final-form rulemaking and renumbered as subsection (c). In response to concerns raised by commentators, the final-form rulemaking increases the time available to provide the Department with proof of recordation from 60 to 90 days after approval of the covenant by the Department and allows for the Department to agree to extensions if needed.

§ 253.6. Requirements for county recorder of deeds.

The proposed section contained two provisions regarding the recordation of environmental covenants with a county recorder of deeds. Subsection (a) required the recorder of deeds to provide proof of recordation in a timely manner and subsection (b) made it clear that environmental covenants, as negative restrictions, generally have no or negative value and so should not be routinely subject to the Pennsylvania Realty Transfer Tax. In response to comments, the final-form rulemaking deletes subsection (b) as issues regarding the Pennsylvania Realty Transfer Tax are better addressed elsewhere.

§ 253.7. Fees.

This section of the final-form rulemaking establishes fees for the review of environmental covenants by the

Department. This section also contains an exemption to pay a fee for environmental covenants submitted to convert a prior instrument where the person submitting the environmental covenant did not cause or contribute to the contamination described in the environmental covenant. Finally, subsection (c) requires the Department to review the fee at least every 3 years and report to the Board as to whether the fee continues to meet the Department's cost of administering the program.

Only one significant change was made to this section. The amount of the fee was increased from \$350 per environmental covenant submitted to \$500 per covenant. Upon review of the program and associated costs, the Department realized that the higher fee would be necessary to cover the costs of administering the program established by UECA.

§ 253.8. Subordination.

This section tracks UECA language regarding subordination and is included for reference. Several commentators raised issues concerning the Department's exercise of discretion to require subordination. As a result, subsection (b) of the final-form rulemaking requires the Department to provide a basis for requiring subordination should the Department reach that conclusion. The Department does not anticipate frequent requests for subordination and if the need should arise, will work together with the parties involved to try to ensure an amicable resolution to the issue.

Subsection (c) of the final-form rulemaking was amended to delete the requirement that proof of recordation of a subordination agreement be provided to the Department, to allow for extension of time to provide the subordination agreement and to address situations involving common interest communities.

§ 253.9. Duration.

In two situations, an environmental covenant can be terminated through action outside of the specific terms of the covenant: eminent domain; and judicial termination. In both instances, a Department determination is required for the termination to occur. This section establishes a process for requesting Department action in an appropriate proceeding. Minor editorial changes were made to this section of the final-form rulemaking.

§ 253.10. Conversion and waiver of conversion.

For persons researching activity and use limitations at properties in this Commonwealth to have a clear understanding of the complete universe of properties with activity and use limitations, section 6517(b) of UECA requires an instrument that establishes activity and use limitations under Act 2 or the Tank Act created prior to February 2008 to be converted to an environmental covenant by February 2013. By converting these prior instruments to covenants and including them in the Department's registry, the limitations will have the legal protection afforded by UECA and be readily available and transparent to property developers with a minimum of effort on their part. The term "instrument" is defined in § 253.1 (relating to definitions) as a "deed restriction, restrictive covenant or other similar document that imposes activity or use limitations filed with a recorder of deeds."

The Department is conducting an internal review to identify all sites and anticipates targeted outreach to owners of property identified as being subject to a prior "instrument."

The final-form rulemaking establishes requirements regarding this conversion requirement and provides a temporal waiver for a certain class of prior instruments. Subsection (b) requires the current property owner to convert the prior instrument and states that the Department will not require, but may allow, the new environmental covenant to contain activity and use limitations not contained in either the existing instrument or a "Department-approved postremediation care plan."

Subsection (c) of the final-form rulemaking contains the conditional temporal waiver previously noted. This subsection waives the requirement to convert the prior "instrument" until the current property owner transfers the property, so long as the owner requests the waiver and provides the Department with proof that the prior instrument was recorded with the recorder of deeds in the county where the property is located. Based on comments, subsection (d) of the proposed rulemaking was judged to be duplicative of subsection (c) and therefore subsection (d) is deleted in the final-form rulemaking.

Finally, subsection (d) notes that the Department may waive the requirement to convert a prior instrument outright, and that such a waiver will be issued in writing.

§ 253.11. *Assignment of interest.*

Section 6510 of UECA (relating to amendment or termination by consent) requires the Department to consent to several categories of changes regarding the holder, or grantor, of the environmental covenant. This section outlines the requirements applicable to a request for consent.

F. *Benefits, Costs and Compliance Benefits*

The final-form rulemaking will assist the Department and the regulated community in implementing UECA and serve the dual purpose of enhancing the protection of human health and the environment, while promoting the safe reuse of contaminated brownfields sites. Brownfield redevelopment in this Commonwealth has been successful largely because regulators, property owners and communities have accepted that contamination can be left in place with the proper activity and use limitations to allow redevelopment—without presenting significant risk to human health or the environment.

The final-form rulemaking provides better legal tools to ensure that future generations understand the reasons why activity and use limitations have been imposed and why certain long-term maintenance/monitoring might be needed. Regulators and the community can have confidence that environmental activity and use limitations will be enforced in perpetuity. The final-form rulemaking allows all parties to have a clear understanding of how UECA will be implemented going forward.

Compliance Costs

The Department does not anticipate any increased costs to the regulated community as a result of the final-form rulemaking, except for the fee in § 253.7 (relating to fees). The activity and use limitations are necessary to demonstrate attainment or maintenance of an Act 2 standard; the final-form rulemaking does not expand the use of these limitations. The obligation to use environmental covenants to implement those activity and use limitations is established by UECA and not these regulations.

Based on historical data developed in administering the UECA program since February 2008 (the effective date of UECA), the Department projects that approximately 165 environmental covenants will be submitted for review and

approval annually. Therefore, the fees collected under the regulation are projected to be around \$82,500 per year.

Compliance Assistance Plan

It is not anticipated that the Commonwealth will provide sources of financial assistance to aid in compliance with this final-form rulemaking. As noted in section E, the Department will target outreach to property owners whose properties are identified as being subject to the conversion requirement in section 6517(b) of UECA. Finally, the Department developed a model environmental covenant and will develop policies, guidance and factsheets as needed to explain particular aspects of how implementation of UECA fits in with other parts of the remediation process.

Paperwork Requirements

The final-form rulemaking does not establish new paperwork requirements. Submission of the various documents is required by UECA. The final-form rulemaking merely formalizes the manner and timing of those submissions along with the Department's responses.

G. *Pollution Prevention*

This final-form rulemaking relates to pollution that has already been released into the environment. The use of environmental covenants should ensure long-term stewardship of activity and use limitations, however, helping to ensure that existing problems do not get worse through inattention or further spread of pollution through the environment. The final-form rulemaking does not directly promote a multimedia pollution prevention approach.

H. *Sunset Review*

This final-form rulemaking will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended. Section 253.7(c) obligates the Department to evaluate whether or not the current fee covers the expenses associated with the program and report to the Board the results of that evaluation at least every 3 years.

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 24, 2010, the Department submitted a copy of the notice of proposed rulemaking, published at 40 Pa.B. 1379, to IRRC and the Chairpersons of the House and Senate Environmental Resources and Energy 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 October 20, 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 October 21, 2010, and approved the final-form rulemaking.

J. *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) (45 P. S. §§ 1201 and 1202) 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) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 40 Pa.B. 1379.

(4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this preamble.

K. Order

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

(a) The regulations of the Department, 25 Pa. Code, are amended by adding §§ 253.1—253.11 to read as set forth in Annex A.

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

(c) The Chairperson of the Board shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

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

(e) This order shall take effect immediately.

JOHN HANGER,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 6487 (November 6, 2010).)

Fiscal Note: Fiscal Note 7-454 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE VI. GENERAL HEALTH AND SAFETY

CHAPTER 253. ADMINISTRATION OF THE UNIFORM ENVIRONMENTAL COVENANTS ACT

Sec.	
253.1.	Definitions.
253.2.	Contents and form of environmental covenant.
253.3.	Notice of environmental covenant.
253.4.	Requirements for and waiver of environmental covenants.
253.5.	Submission of environmental covenants and related information.
253.6.	Requirements for county recorder of deeds.
253.7.	Fees.
253.8.	Subordination.
253.9.	Duration.
253.10.	Conversion and waiver of conversion.
253.11.	Assignment of Interest.

§ 253.1. Definitions.

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

Activity and use limitations—

(i) Restrictions or obligations with respect to real property created under this chapter.

(ii) The term includes engineering controls and institutional controls.

*Agency—*Any of the following:

(i) The Department.

(ii) A Federal agency which determines or approves an environmental response project pursuant to which the environmental covenant is created.

*Common interest community—*A condominium, cooperative or other real property, with respect to which a person, by virtue of ownership of a parcel of real property or of ownership of an interest in real property, is obligated to pay for property taxes, insurance premiums, maintenance or improvement of other real property described in a recorded covenant which creates the common interest community.

*Eminent domain proceeding—*An acquisition of property by an entity acting with the power of eminent domain, whether by condemnation or in lieu of condemnation.

Engineering controls—

(i) Remedial actions directed exclusively toward containing or controlling the migration of regulated substances through the environment.

(ii) The term includes slurry walls, liner systems, caps, leachate collection systems and groundwater recovery trenches.

*Environmental covenant—*A servitude arising under an environmental response project which imposes activity and use limitations under UECA.

*Environmental response project—*A plan or work performed for environmental remediation of real property conducted under one of the following:

(i) A Federal program governing environmental remediation of real property.

(ii) A Commonwealth program governing environmental remediation of real property.

(iii) Incident to closure of a solid or hazardous waste management unit if the closure is conducted with approval of an agency.

(iv) A Commonwealth voluntary cleanup program authorized by statute.

*Final report—*A report filed with the Department by a remediator documenting attainment of one or a combination of cleanup standards under the Land Recycling Act under § 250.204, § 250.312 or § 250.411 (relating to final report).

*Holder—*A person that is the grantee of an environmental covenant as specified in section 6503(a) of UECA (relating to nature of rights; subordination of interests).

Institutional controls—

(i) Measures undertaken to limit or prohibit certain activities which may interfere with the integrity of a remedial action or result in exposure to regulated substances at a site.

(ii) The term includes fencing and restrictions on the future use of the site.

*Instrument—*A deed restriction, restrictive covenant or other similar document that imposes activity or use limitations filed with a recorder of deeds.

Land Recycling Act—The Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Person—

(i) Any individual, corporation, partnership, association or other entity recognized by law as the subject of rights, duties or obligations.

(ii) The term includes the United States of America, a Federal agency, the Commonwealth, an agency or instrumentality of this Commonwealth and a political subdivision.

Political subdivision—Any county, city, borough, township, or incorporated town.

Record—Information which is:

(i) Inscribed on a tangible medium or stored in an electronic or other medium.

(ii) Retrievable in perceivable form.

Regulated substance—The term has the same meaning given to it in section 103 of the Land Recycling Act (35 P. S. § 6026.103).

Remedial Action Completion Report—A corrective action report filed with the Department by a remediator documenting attainment of one or a combination of cleanup standards under the Land Recycling Act pursuant to the Storage Tank Act under either § 245.310(b) or § 245.313 (relating to site characterization report; and remedial action completion report).

Storage Tank Act—The Storage Tank and Spill Prevention Act (35 P. S. §§ 6021.101—6021.2104).

UECA—The Uniform Environmental Covenants Act (27 Pa.C.S. §§ 6501—6517).

§ 253.2. Contents and form of environmental covenant.

(a) An environmental covenant must contain the following:

(1) A statement that the instrument is an environmental covenant executed under UECA.

(2) A legally sufficient description of the real property subject to the environmental covenant.

(3) A brief narrative description of the contamination and the remedy.

(4) A description of the activity and use limitations on the real property.

(5) An identification of every holder.

(6) The signatures, with the formalities required for a deed, by the following:

(i) The agency, unless the environmental covenant has been deemed approved under subsection (c)(4).

(ii) Every holder.

(iii) Every owner in fee simple of the real property subject to the environmental covenant, unless waived by the agency.

(7) The name and location of any administrative record for the environmental response project reflected in the environmental covenant.

(8) A clause that the covenant may be amended or terminated as to any portion of the real property subject to the covenant that is acquired for use as highway right of way by the Commonwealth, providing that:

(i) The Department waives the requirements for an environmental covenant and for conversion under section 6517 of UECA (relating to relationship to other laws) to the same extent that the environmental covenant is amended or terminated.

(ii) The Department determines that termination or modification of the environmental covenant will not adversely affect human health or the environment.

(iii) The Department will provide 30-days advance written notice to the current property owner, each holder, and, as practicable, each person that originally signed the environmental covenant or successors in interest to those persons.

(b) An environmental covenant may contain other information, restrictions and requirements agreed to by the persons who signed it, including the following:

(1) The requirements for notice following transfer of a specified interest in, or concerning proposed changes in use of, applications for building permits for or proposals for any site work affecting the contamination on the property subject to the environmental covenant.

(2) The requirements for periodic reporting describing compliance with the environmental covenant.

(3) The rights of access to the property granted in connection with implementation or enforcement of the environmental covenant.

(4) The restrictions or limitations on amendment or termination of the environmental covenant in addition to those contained in sections 6509 and 6510 of UECA (relating to duration; and amendment or termination by consent).

(5) The rights of the holder in addition to its right to enforce the environmental covenant under section 6511 of UECA (relating to enforcement of environmental covenant).

(6) A detailed narrative description of the contamination and remedy, including the contaminants of concern, the pathways of exposure, limits on exposure and the location and extent of the contamination.

(7) Limitations on the duration of the environmental covenant.

(c) Agency review will be as follows:

(1) Prior to signing an environmental covenant, an agency may review the covenant and provide its conditions for approval, including subordination under § 253.8 (relating to subordination), if the conditions are applicable to the implementation of a remedy (including any postremediation care plan that is part of the remediation).

(2) In addition to other conditions for its approval of an environmental covenant, an agency may require those persons specified by the agency that have interests in the real property to sign the covenant.

(3) Except as set forth in paragraph (4), signature by an agency on an environmental covenant constitutes its approval of the environmental covenant. Disapprovals of an environmental covenant by the Department will be made in writing to the person submitting the environmental covenant and will describe the basis for the disapproval.

(4) Failure of the Department to approve or disapprove an environmental covenant within 90 days of receipt of all information reasonably required by the Department to make a determination shall be deemed an approval of the environmental covenant, unless the Department and the remediator agree to an extension of time.

(5) The date the Department receives an environmental covenant for review and the information reasonably required by the Department to make a determination concerning the approval or disapproval of the environmental covenant, shall be the date of receipt under section 6504(c)(4) of UECA (relating to contents of environmental covenant) and for purposes of this chapter.

(6) The Department's decision to approve or not approve an environmental covenant is appealable to the EHB.

(d) An environmental covenant may be in the form of the Model Covenant posted on the Department's web site or may be in any other form acceptable to the agency.

(e) If the environmental covenant covers commonly owned property in a common interest community, the covenant may be signed by any person authorized by the governing board of the owners association.

§ 253.3. Notice of environmental covenant.

(a) The environmental covenant must indicate to whom copies are to be provided, when those copies are to be provided and by whom the copies are to be provided. A grantor, a holder or any person who signed the environmental covenant may be designated as the individual responsible for distributing copies of the environmental covenant. File-stamped copies shall be provided no later than 90 days after the recording of the environmental covenant by the county recorder of deeds, unless the Department agrees to an extension of time.

(b) Unless waived by the Department in writing, copies of the environmental covenant shall be provided to the following persons:

(1) Each person who signed the environmental covenant.

(2) Each person holding a recorded interest in that portion of the real property subject to the environmental covenant.

(3) Each person in possession of that property.

(4) If the environmental covenant covers commonly owned property in a common interest community, the copies of the environmental covenant may be provided to any person authorized by the governing board of the owners association.

(5) Each political subdivision in which that property is located.

(6) Other persons designated by the agency, based upon the rights or interests that the other persons have in receiving a copy of the environmental covenant.

(c) A person submitting an environmental covenant to an agency may request waiver of the requirement that copies of the environmental covenant be provided. The request must be in writing and include the reasons for the requested waiver.

§ 253.4. Requirements for and waiver of environmental covenants.

(a) Unless waived by the Department, activity and use limitations used to demonstrate or maintain attainment of a remediation standard under the Land Recycling Act

or the Storage Tank Act must be in the form of an environmental covenant. An environmental covenant may be used with other types of environmental response projects.

(b) Remediation measures undertaken pursuant to the special industrial area provisions of the Land Recycling Act which include land use restrictions limiting use of the property to the intended purpose shall implement those land use restrictions in the form of an environmental covenant.

(c) For remediations that require an environmental covenant under subsection (a), requests and justifications for waivers from the requirement to develop and record an environmental covenant shall be submitted to the Department in writing no later than at the time of submission of the Remedial Action Completion Report or the Final Report. Any waivers that are granted by the Department will be issued in writing.

(d) An environmental covenant will not be required, but may be used, for property owned by the Federal government before transfer of the property to a non-Federal entity or individual. At least 120 days before the transfer of a property owned by the Federal government, at which engineering or institutional controls are used to demonstrate or maintain attainment of a remediation standard under the Land Recycling Act or the Storage Tank Act, the Department shall be notified of the proposed transfer of the property and be provided with a draft environmental covenant. The requirement for providing notice and a draft environmental covenant to the Department shall be incorporated into an installation's master plan or other similar and appropriate remedial documentation.

§ 253.5. Submission of environmental covenants and related information.

(a) For remediations that require an environmental covenant under § 253.4 (relating to requirements for and waiver of environmental covenants), the remediator shall provide the environmental covenant to the Department no later than 30 days after receipt of written approval from the Department of the Remedial Action Completion Report or the Final Report.

(b) For remediations that require an environmental covenant under § 253.4, the person who submits the environmental covenant to the agency shall provide the agency with the name and current address of each person occupying or otherwise in possession of the real property subject to the environmental covenant and each person owning a recorded interest in that property. If the environmental covenant covers commonly owned property in a common interest community, only the person as is authorized by the governing board of the owners association to receive the covenant needs to be included under this subsection. The information shall be provided no later than when the Remedial Action Completion Report or the Final Report is submitted to the agency.

(c) Within 90 days after the environmental covenant has been approved and signed by the Department, the person who submitted the environmental covenant shall provide the Department with proof of recordation of either the approved environmental covenant or the substitute notice allowed under section 6512(b) of UECA (relating to registry; substitute notice), unless the Department agrees to an extension of time.

§ 253.6. Requirements for county recorder of deeds.

Within 45 days after the filing of an environmental covenant, or the substitute notice allowed under section

6512 of UECA (relating to registry; substitute notice), with a county recorder of deeds, the recorder of deeds shall provide the person who filed the document with a copy of the recorded document which indicates where the recorder has indexed the document.

§ 253.7. Fees.

(a) A nonrefundable fee of \$500 shall be submitted to the Department with each environmental covenant appropriately signed by all parties other than the Department.

(b) A fee is not required for environmental covenants submitted under § 253.10 (relating to conversion and waiver of conversion) where the person submitting the environmental covenant did not cause or contribute to the contamination described in the environmental covenant.

(c) At least every 3 years, the Department will provide the EQB with an evaluation of the fees in this chapter and recommend regulatory changes to the EQB to address any disparity between the program income generated by the fees and the Department's cost of administering the program with the objective of ensuring fees meet all program costs and programs are self-sustaining.

§ 253.8. Subordination.

(a) As a condition of approving an environmental covenant, the Department may require that an owner of a prior interest subordinate its interest to the environmental covenant.

(b) If the Department requires subordination of a prior interest to the environmental covenant, it will notify the person submitting the environmental covenant and the owner of the prior interest of this condition in writing and describe the basis for requiring subordination.

(c) A subordination agreement may be contained in the environmental covenant or in a separate record. If contained in a separate record, a copy of the subordination document shall be provided to the Department prior to approval of the environmental covenant, unless the Department agrees to an extension of time. If the environmental covenant covers commonly owned property in a common interest community, the agreement or record may be signed by any person authorized by the governing board of the owners association.

(d) An agreement by a person to subordinate a prior interest to an environmental covenant affects the priority of the person's interest but does not itself impose an affirmative obligation on the person with respect to the environmental covenant nor does it affect the person's existing environmental liabilities.

§ 253.9. Duration.

(a) *Duration of covenant.* An environmental covenant is perpetual except as provided under section 6509 of UECA (relating to duration).

(b) *Eminent domain.* When the Department is the agency referenced in section 6509(a)(5) of UECA, notice and request for consent must be made in writing and submitted to the Department at least 30 days prior to commencement of the eminent domain proceeding.

(c) *Judicial termination or amendment.* Where the Department is the agency referenced in section 6509(b) of UECA, the notice and request for determination must be made in writing and submitted to the Department at least 90 days prior to commencement of the judicial proceeding.

§ 253.10. Conversion and waiver of conversion.

(a) An instrument created before February 18, 2008, which establishes activity and use limitations to demon-

strate attainment or maintenance of one or a combination of cleanup standards under the Land Recycling Act or to demonstrate satisfaction of a corrective action requirement under the Storage Tank Act shall be converted to an environmental covenant by February 18, 2013, unless waived by the Department or as otherwise provided in this section.

(b) The current owner of a property subject to an instrument covered in subsection (a) shall have the responsibility to convert the existing instrument to an environmental covenant in accordance with the requirements of UECA and this chapter. The Department will not require, but may allow, such an environmental covenant to contain information, restrictions or requirements, including activity and use limitations, not contained in the existing instrument or a Department-approved postremediation care plan.

(c) The obligation to convert an instrument covered in subsection (a) shall be waived until the property is transferred to a new owner if the current owner of the property requests the waiver in writing and provides the Department with proof of recordation of the instrument covered by subsection (a).

(d) The Department may waive the requirement to convert an instrument. Waivers that are granted by the Department will be issued in writing.

§ 253.11. Assignment of interest.

When the Department's consent is required for a holder to assign its interest, or for the removal and replacement of a holder, request for the consent must be made in writing and submitted to the Department at least 30 days prior to the assignment, unless waived by the Department.

[Pa.B. Doc. No. 10-2191. Filed for public inspection November 19, 2010, 9:00 a.m.]

Title 31—INSURANCE

INSURANCE DEPARTMENT

[31 PA. CODE CH. 160]

Standards to Define Insurers Deemed to be in Hazardous Financial Condition

The Insurance Department (Department) amends Chapter 160 (relating to standards to define insurers deemed to be in hazardous financial condition).

Statutory Authority

The final-form rulemaking is adopted under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P.S. §§ 66, 186, 411 and 412) regarding the general rulemaking authority of the Department; Article V of The Insurance Department Act of 1921 (40 P.S. §§ 221.1—221.63) regarding the suspension of business; sections 5.1 and 10 of the Health Maintenance Organization Act (40 P.S. §§ 1555.1 and 1560) regarding authority and supervision; and sections 2456 and 2457 of The Insurance Company Law of 1921 (40 P.S. §§ 991.2456 and 991.2457) regarding notice of deficiencies and sanctions of fraternal benefit societies.

Purpose

The purpose of this final-form rulemaking is to amend Chapter 160, adopted in 1993, to update and clarify

standards used to identify insurers in hazardous financial condition and specify corrective actions to be taken to minimize the number and impact of insurer insolvencies. It is based on a model regulation developed by the National Association of Insurance Commissioners (NAIC) entitled "Model Regulation to Define Standards and Commissioner's Authority for Companies Deemed to be in Hazardous Financial Condition" (Model Regulation 385) and included in the NAIC's Financial Regulation Standards and Accreditation Program.

This final-form rulemaking is based upon updates made in 2009 to the NAIC model, which was updated to provide timely and effective guidance for financial regulation. Because of the regulation's significance in efforts to prevent insolvencies, the Department expects that the amendments to the NAIC model will be incorporated into the financial regulation standards the Department will meet to maintain its accreditation by the NAIC.

Comments and Response

Notice of proposed rulemaking was published at 40 Pa.B. 2976 (June 5, 2010) with a 30-day comment period. Comments supporting the rulemaking and recommending prompt promulgation were received from The Insurance Federation of Pennsylvania, Inc. during the 30-day comment period. The Independent Regulatory Review Commission (IRRC) reviewed the proposed rulemaking and did not have objections, comments or recommendations.

Affected Parties

Chapter 160 applies to all types of insurers doing or purporting to do business in this Commonwealth, as provided under the scope and definitions of the authorizing statutes.

Fiscal Impact

State government

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

General public

The public will benefit to the extent the final-form rulemaking strengthens financial solvency regulatory requirements for insurers, thereby promoting the ability of the insurance industry to meet obligations under insurance policies and the Department's ability to minimize the number and impact of insurer insolvencies.

Political subdivisions

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

Private sector

The strengthened requirements in the final-form rulemaking should not impose additional costs on insurers currently subject to State financial reporting and solvency requirements.

Paperwork

The final-form rulemaking updates and strengthens existing standards and authority used by the Department in financial regulation of insurers and would not impose additional paperwork requirements.

Effectiveness/Sunset Date

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

continues to monitor the effectiveness of regulations on a triennial basis; therefore, no sunset date has been assigned.

Contact Person

Questions regarding the final-form rulemaking should be directed to Peter J. Salvatore, Regulatory Coordinator, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429, fax (717) 705-3873, psalvatore@state.pa.us.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 25, 2010, the Department submitted a copy of the notice of proposed rulemaking, published at 40 Pa.B. 2976, to IRRC and the Chairpersons of the Senate Banking and Insurance Committee and the House Insurance Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on October 20, 2010, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, this final-form rulemaking was deemed approved by IRRC, effective October 21, 2010.

Findings

The Insurance Commissioner finds that:

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

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

Order

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

(a) The regulations of the Department, 31 Pa. Code Chapter 160, are amended by amending §§ 160.1—160.5 to read as set forth at 40 Pa.B. 2976.

(b) The Department shall submit this order and 40 Pa.B. 2976 to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

(c) The Department shall certify this order and 40 Pa.B. 2976 and deposit them with the Legislative Reference Bureau as required by law.

(d) This final-form rulemaking takes effect immediately upon publication in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 6487 (November 6, 2010).)

Fiscal Note: 11-243. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 10-2192. Filed for public inspection November 19, 2010, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

[49 PA. CODE CH. 43b]

Schedule of Civil Penalties—Audiologists, Speech- Language Pathologists and Teachers of the Hearing Impaired

The Commissioner of Professional and Occupational Affairs (Commissioner) rescinds § 43b.16 and replaces it with § 43b.16a (relating to schedule of civil penalties—audiologists, speech-language pathologists and teachers of the hearing impaired).

Effective Date

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

Statutory Authority

Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (Act 48) (63 P. S. § 2205(a)) authorizes the Commissioner, after consultation with licensing boards and commissions in the Bureau of Professional and Occupational Affairs (Bureau), to promulgate regulations setting forth a schedule of civil penalties, guidelines for their imposition and procedures for appeal for: (1) operating without a current and valid license, registration, certificate or permit; and (2) violating an act or regulation of a licensing board or commission relating to the conduct or operation of a business or facility licensed by the board or commission.

Summary of Comments and Responses on Proposed Rulemaking

Notice of proposed rulemaking published at 40 Pa.B. 2263 (May 1, 2010) was followed by a 30-day public comment period during which the Bureau did not receive public comments. The Independent Regulatory Review Commission (IRRC) did not have objections, comments or recommendations to offer on this final-form rulemaking. The Senate Consumer Protection and Professional Licensing Committee (SCP/PLC) did not comment. The House Professional Licensure Committee (HPLC) commented that it would not take formal action “until final regulations are promulgated.” The State Board of Examiners in Speech-Language and Hearing (Board) subsequently voted to approve the final-form rulemaking at its July 9, 2010, meeting.

Fiscal Impact and Paperwork Requirements

The final-form rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions and reduces the paperwork requirements of both the Commonwealth and the regulated community by eliminating the need for orders to show cause, answers, consent agreements and adjudications/orders for those violations subject to the Act 48 citation process.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 21, 2010, the Commissioner submitted a copy of the notice of proposed rulemaking, published at 40 Pa.B. 2263, 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 Commissioner 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 28, 2010, the final-form rulemaking was approved by HPLC. On October 20, 2010, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5(g) of the Regulatory Review Act, this final-form rulemaking was deemed approved by IRRC, effective October 21, 2010.

Sunset Date

The Board continually monitors the effectiveness of its regulations. As a result, a sunset date has not been assigned.

Contact Person

Individuals who need information about the final-form rulemaking should contact Sandra Matter, Board Administrator, State Board of Examiners in Speech-Language and Hearing, P. O. Box 2649, Harrisburg, PA 17105-2649, samatter@state.pa.us.

Findings

The Commissioner 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) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and no comments were received.

(3) The final-form rulemaking does not enlarge the purpose of proposed rulemaking published at 40 Pa.B. 2263.

(4) The final-form rulemaking adopted by this order is necessary and appropriate for administering and enforcing the authorizing act identified in Part B of this preamble.

Order

The Commissioner, acting under the authority of Act 48, orders that:

(a) The regulations of the Commissioner, 49 Pa. Code Chapter 43b, are amended by deleting § 43b.16 and by adding § 43b.16a to read as set forth at 40 Pa.B. 2263.

(b) The Commissioner shall submit this order and 40 Pa.B. 2263 to the Office of General Counsel and to the Office of Attorney General for approval as required by law.

(c) The Commissioner shall certify this order and 40 Pa.B. 2263 and deposit them with the Legislative Reference Bureau as required by law.

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

BASIL L. MERENDA,
Commissioner

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 6487 (November 6, 2010).)

Fiscal Note: Fiscal Note 16A-6804 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 10-2193. Filed for public inspection November 19, 2010, 9:00 a.m.]

BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS
[49 PA. CODE CH. 43b]

Schedule of Civil Penalties—Veterinarians and Veterinary Technicians

The Commissioner of Professional and Occupational Affairs (Commissioner) rescinds § 43b.21 and replaces it with § 43b.21a (relating to schedule of civil penalties—veterinarians and certified veterinary technicians).

Effective Date

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

Statutory Authority

Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (Act 48) (63 P. S. § 2205(a)) authorizes the Commissioner, after consultation with licensing boards and commissions in the Bureau of Professional and Occupational Affairs (Bureau), to promulgate regulations setting forth a schedule of civil penalties, guidelines for their imposition and procedures for appeal for: (1) operating without a current and valid license, registration, certificate or permit; and (2) violating an act or regulation of a licensing board or commission relating to the conduct or operation of a business or facility licensed by the board or commission.

Summary of Comments and Bureau's Response

The Commissioner did not receive comments from the public following publication of proposed rulemaking. The House Professional Licensure Committee (HPLC) submitted comments on June 9, 2010. The HPLC recommended that the sections of the proposed rulemaking be reorganized so that each section remains consistent with the previously stated profession. The State Board of Veterinary Medicine (Board) prefers to organize the regulation according to violation rather than licensee class.

The HPLC requested information on how the Commissioner monitors the civil penalty time periods to ensure compliance with the proposed regulation. Also related to time periods, the HPLC questioned the need for adding a new civil penalty time period of 25 to 30 months and requested an explanation on how the Commissioner determined the amount of a civil penalty for practicing in a lapsed license. Based on the records kept by the Board, the Commissioner is able to monitor the date when a license to practice veterinary medicine has expired. When the licensee applies to renew the license, the Commissioner is able to determine the number of months that have lapsed by counting back from the date of attempted renewal to the date of expiration, as shown by the Board's records. A new civil penalty was added for the time period

of 25 to 30 months because licensees who have forgotten to renew generally only realize their licenses are expired at the end of a biennial renewal period. This new 25- to 30-month period will provide a simplified disciplinary process for licensees who have failed to renew for two biennial periods. The additional civil penalty during this 25- to 30-month time period is appropriately the highest civil penalty, in that the biennial renewal period has lapsed, yet it provides the licensees with the opportunity to renew licenses without formal action, saving the Commonwealth's money by reducing unnecessary formal actions.

Finally, the HPLC requested an explanation on why a category of failing to display a current certificate for certified veterinary technicians (CVTs) with civil penalty is not included. Neither the Veterinary Medicine Practice Act (63 P. S. §§ 485.1—485.33) nor the Board's regulations require CVTs to display their certificates; therefore, civil penalty cannot be imposed for failing to display a current certificate. The Board is considering a rulemaking to require CVTs to display their current certificates and will adopt a civil penalty for violating the regulatory provision when it is promulgated.

The Independent Regulatory Review Commission (IRRC) submitted comments on July 7, 2010. IRRC noted the comments made by the HPLC and stated that it would review the responses to the issues raised by the HPLC in its determination of whether the final-form rulemaking is in the public interest.

Fiscal Impact and Paperwork Requirements

The final-form rulemaking would have a positive fiscal impact on the Commonwealth and its political subdivisions and reduce the paperwork requirements of both the Commonwealth and the regulated community by eliminating the need for orders to show cause, answers, consent agreements and adjudications/orders for those violations subject to the Act 48 citation process.

Sunset Date

Professional licensure statutes require each board and commission to be self-supporting; therefore, boards and commissions continually monitor the cost effectiveness of regulations affecting their operations. As a result, a sunset date has not been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 27, 2010, the Commissioner submitted a copy of the notice of proposed rulemaking, published at 40 Pa.B. 2423 (May 8, 2010), to IRRC and the Chairpersons of the HPLC and the Senate Consumer Protection and Professional Licensure Committee (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 Commissioner 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 28, 2010, the final-form rulemaking was approved by HPLC. On October 20, 2010, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 21, 2010, and approved the final-form rulemaking.

Findings

The Commissioner 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) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

(3) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in this preamble.

Order

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

(a) The regulations of the Commissioner, 49 Pa. Code Chapter 43b, are amended by deleting § 43b.21 and by adding § 43b.21a to read as set forth at 40 Pa.B. 2423.

(b) The Board shall submit this order and 40 Pa.B. 2423 to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Board shall certify this order and 40 Pa.B. 2423 and deposit them with the Legislative Reference Bureau as required by law.

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

BASIL L. MERENDA,
Commissioner

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 6487 (November 6, 2010).)

Fiscal Note: Fiscal Note 16A-51 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 10-2194. Filed for public inspection November 19, 2010, 9:00 a.m.]

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 165]

Revisions to the Special Allowance for Supportive Services Requirements; Road to Economic Self-Sufficiency Through Employment and Training (RESET) Program

The Department of Public Welfare (Department) amends Chapter 165 (relating to Road to Economic Self-Sufficiency Through Employment and Training (RESET) Program) under the authority of sections 201(2), 403(b) and 408(c) of the Public Welfare Code (code) (62 P. S. §§ 201(2), 403(b) and 408(c)) and the Federal food stamp regulation in 7 CFR 273.7(d)(4) (relating to work provisions). Notice of proposed rulemaking was published at 40 Pa.B. 2111 (April 24, 2010).

Purpose of Final-Form Rulemaking

The purpose of this final-form rulemaking is to enhance program integrity and effectiveness and to help ensure that funds for special allowances are available to the greatest number of participants with a verified need for

supportive services. This final-form rulemaking amends regulations pertaining to special allowances for supportive services, which the Department provides to individuals who apply for and receive cash assistance or Supplemental Nutrition Assistance Program (SNAP) benefits (formerly known as food stamps), or both. These special allowances are limited to those who agree to participate in or who are participating in approved work or work-related activities. In this final-form rulemaking, the Department is amending Chapter 165 and Appendix A (relating to work and work-related special allowances). Appendix A enumerates the types of special allowances for supportive services for which the Department authorizes payment, as well as the rates, frequency and limitations of the allowances.

This final-form rulemaking enables the Department to provide special allowances in a fiscally responsible and cost-effective manner. To maximize scarce resources, this final-form rulemaking amends the maximum amount and frequency for special allowances. By maximizing the Commonwealth's scarce resources, this final-form rulemaking complies with State law and ensures that supportive services are available to the greatest number of participants who verify the need for services.

In Appendix A, special allowances are listed under six general categories: public transportation; private transportation; motor vehicle purchase; motor vehicle insurance; clothing; and work education and training. Each category includes subcategories of special allowances, respective payments and maximum annual and lifetime parameters.

Finally, this final-form rulemaking authorizes restitution for overpayments of supportive services. The Department will not use recoupment to recover a special allowance issued from SNAP funds. The Department may process an overpayment to recover a special allowance to the extent of the misuse of the special allowance in accordance with Department regulations. The overpayment will be pro rata, to the extent the recipient did not use, or did not properly use, the special allowance.

Background

With the enactment of the Deficit Reduction Act of 2005 (Pub. L. No. 109-171), the Temporary Assistance for Needy Families (TANF) program was reauthorized. Under the reauthorized TANF program, the Commonwealth is required to increase the work participation rate (WPR) for families or face financial penalty of up to \$36 million on an annual basis. To avoid that financial penalty, the Department intensified its efforts to meet the Federal WPR and instituted new initiatives to ensure that all work-eligible individuals participate in approved work or work-related activities. As these participants enroll in employment and training activities or search for or obtain employment, the demand for special allowances for supportive services increases, as does the strain on the Commonwealth's fiscal resources. In fact, the number of recipients increased from 11,877 recipients in Fiscal Year (FY) 2002-2003 to 75,723 recipients in FY 2009-2010.

Further, under the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-234), also known as the 2008 U.S. Farm Bill, section 4108 allows SNAP employment and training funds to support SNAP only participants who participate in other SNAP work-related activities and obtain employment. These funds allow the Department to provide additional support to these recipients.

Affected Individuals and Organizations

This final-form rulemaking affects individuals who receive TANF and General Assistance (GA) cash assistance and who are participating in approved work or work-related activities, as specified on an approved Agreement of Mutual Responsibility (AMR). This final-form rulemaking also affects SNAP only participants who participate in approved work or work-related activities according to the provisions of their approved Employment Development Plan (EDP).

Accomplishments and Benefits

The purpose of this final-form rulemaking is to enhance program integrity and effectiveness and to help ensure that funds for special allowances are available to the greatest number of participants with a verified need for supportive services. This final-form rulemaking benefits individuals who receive TANF and GA cash assistance and who are participating in approved work or work-related activities. This final-form rulemaking also benefits SNAP only recipients who shall participate in approved work or work-related activities according to their approved EDPs. This final-form rulemaking is designed to meet the needs of participants while maintaining fiscal responsibility and accountability. The final-form rulemaking effectively supports individuals receiving cash assistance and SNAP benefits as they move successfully toward achieving economic self-sufficiency.

Fiscal Impact

The Department estimates the net result of the amendments to Chapter 165 will yield a savings of \$2.107 million in the first year, with the first full-year savings estimated at \$6.322 million.

Changes in the maximum amount for special allowances yield savings estimated at \$5.818 million in the first fiscal year. The Department anticipates that savings for the first full fiscal year after implementation at \$17.455 million.

Changes that increase the maximum allowances for the purchase of a motor vehicle and mileage reimbursement will cost the Commonwealth \$3.711 million in the first fiscal year. Full-year implementation costs the following year are estimated at \$11.133 million.

Paperwork Requirements

Verification of the need for special allowances is required prior to authorization. A participant is also required to verify actual expenses. Both a participant and a provider of supportive services may be required to verify the receipt of supportive services and the amount of the actual payment.

Public Comment

Written comments and suggestions were solicited during a 30-day comment period after the publication of the proposed rulemaking. Following publication of the proposed rulemaking, 36 separate commentators submitted comments to the Department. The Department also received comments from the Independent Regulatory Review Commission (IRRC) and Representative Matthew E. Baker.

The Department carefully reviewed and considered each comment and thanks the individuals and organizations that commented on the proposed rulemaking. The Department appreciates the many thoughtful comments that were received. Many of these comments were incorporated into the final-form rulemaking. In addition, the Department met with advocates and consumers in the

development of the proposed rulemaking and continued to meet with interested parties following publication of the proposed rulemaking.

Discussion of Comments and Major Changes

Following is a summary of the comments received following publication of the proposed rulemaking and the Department's response to those comments.

General

The Department received 13 comments supporting the proposed rulemaking because it strengthened accountability of the program while utilizing scarce resources to serve the greatest number of people. Several commentators, however, objected to the proposed rulemaking, suggesting that it imposes significant, short-sighted limits on supportive services. They raised concerns that the regulations will deprive TANF and SNAP only recipients of getting the supports they need to work or participate in work-related activities. They expressed concern that recipients may be penalized by losing cash assistance or SNAP benefits and become deprived of the opportunity to achieve self-sufficiency.

Response

The Department appreciates the commentators' support for the amendments to the regulations. Following the 30-day comment period, the Department carefully considered the comments and participated in meetings with stakeholders and legislators.

The Department identified the major concerns in the rulemaking, as follows. The Department attempted to take into account all voices heard in the regulatory debate and continued consulting and meeting with stakeholders, consumers and legislators to help ensure that this final-form rulemaking will strike a fair balance between the competing interests of all parties.

General—Support for the KEYS program

Commentators praised Keystone Education Yields Success (KEYS) as a program that significantly helps individuals continue their postsecondary education. They noted that KEYS is a collaborative program between the Department and the Pennsylvania Commission for Community Colleges, designed to help TANF and SNAP only recipients pursue postsecondary education at one of the 14 community colleges in this Commonwealth.

Response

The Department concurs that KEYS an important program and thanks the commentators for their support.

General—Comments about the PA WORKWEAR initiative

One commentator noted that the clothing allowance adequately reflects the cost of the special allowance. This commentator suggested that the final-form rulemaking provide for administrative funding for the PA WORKWEAR Initiative because of the cost of collecting, distributing and purchasing special allowance items.

Another commentator also highlighted the positive aspects of this initiative, including how it has improved fiscal responsibility. The commentator suggested that PA WORKWEAR can be used as a model for similar initiatives regarding special allowances.

Response

Although the Department is unable to expand funding for the PA WORKWEAR program at this time due to fiscal constraints, the Department concurs that the initia-

tive improves fiscal responsibility. The Department may consider using the PA WORKWEAR program as a model for future initiatives.

Appendix A

IRRC, Representative Baker and several commentators expressed concern about the proposed annual and lifetime limits. The Department carefully considered these concerns and accordingly revised several provisions in the final-form rulemaking. These changes are described more fully as follows.

A. Comment

IRRC questioned how the Department took into account availability, costs and the number of recipients needing services within the geographic area in determining the new limits for special allowances. IRRC also asked the Department to provide more detail about how it examined the availability, costs or number of recipients needing services in developing the amendments to Appendix A.

Response

First, the Department formulated the annual and lifetime parameters by reviewing the costs of the program and how those costs were distributed among the types of special allowances. In doing so, the Department considered several factors, such as the average cost of each type of special allowance, the distribution of the total allowance amounts issued annually to individuals in the past, how many recipients received allowances totaling under and over \$2,000, the average length of enrollment in employment and training programs, the number of individuals supported by the programs, community and stakeholder support for increases in mileage and motor vehicle purchase amounts and the respective demand for each special allowance. The Department also studied the nature and extent of special allowances in other states.

Second, Federal law limits the activities that count toward meeting state work participation requirements. For example, certain education and training activities are limited to 12 months in a lifetime. This limitation provided the context within which the Department analyzed expenditure patterns for the allowances associated with education and training activities. In analyzing the program, the Department reviewed historical special allowance data, which showed that in a 1-year period, over 97% of participants would not be impacted by the proposal; and that over a 2-year period, a maximum of 92% of individuals who receive special allowances would not be impacted. Departmental data also confirms the short-term nature of most employment and training programs—18 weeks or less. The parameters set for work, education and training special allowances are more than adequate to support not only the benchmark amount of 18 weeks of participation in employment and training programming, but also those individuals who participate for a longer period of time, such as many of those in the KEYS program. With regard to the transportation allowances, the Department's analysis shows that over 99% of participants historically would be supported within the \$1,500 annual transportation-related allowance. Based on historical data, the Department concluded that 99.9% of individuals requiring a special allowance for motor vehicle insurance would not be adversely affected by the lifetime limit and 98.5% of individuals requesting an allowance to purchase a motor vehicle would not be adversely affected. Based on the historical data and the impact of the PA WORKWEAR initiative, over 99% of individuals would not be adversely affected by the clothing allowance.

Third, the Department anticipates that the low percentage of adversely affected individuals will be even lower as a result of the Department's additional revisions in the final-form rulemaking.

Finally, a reduction in the overall costs of the special allowance program is likely as the Department continues to strengthen its implementation and to offer appropriate, targeted case-managed supports for individuals on the road to economic self-sufficiency. For example, one of the Department's initiatives, PA WORKWEAR, has substantially reduced the Department's costs for clothing allowances. The Department anticipates additional savings as the Department considers future initiatives.

B. Comment

IRRC noted that the Department claimed the proposed rulemaking would assist in providing services to the greatest number of recipients given the current budget crisis. Commentators claimed that spending, however, has actually decreased in these programs over the years. In addition, commentators contended that the program utilizes a very small percentage of the available block grant funding. IRRC, therefore, requested more detail about why the changes are necessary to provide services to the greatest number of individuals.

Response

Although the cost of providing certain special allowances has decreased, the Department is offering special allowances to more recipients than ever and doing so in the face of a deeply troubled National and Statewide economic crisis. In FY 2002-2003, the Department served 11,877 recipients. In contrast, in FY 2009-2010, the Department served 75,723 recipients. To continue to provide special allowances to the greatest number of recipients, the Department accordingly revised Appendix A.

For example, the Department developed and implemented fiscally responsible initiatives, such as PA WORKWEAR, to reduce overall special allowance costs. Costs decreased from \$56,047,690 in FY 2006-2007 to \$31,516,534 in FY 2009-2010. In FY 2006-2007, the Department served 35,830 people. Two years later, in FY 2009-2010, the Department served approximately 75,723 recipients, more than double the number of recipients. This final-form rulemaking will enable the Department to further strengthen and improve the special allowance program. With these new initiatives and prudent budgetary and programmatic strategizing, the Department managed to serve 53% more people with 44% less cost.

C. Comment

IRRC noted that commentators contended that the limits will undercut participants' efforts to obtain better employment and that ultimately the proposed amendments would defeat the purpose of the allowances. For example, they questioned the \$1,500 annual private transportation limit. Commentators contended that between gas, repair costs and other expenses, it would be virtually impossible for a recipient not to exceed that limit. Commentators expressed concern about the limits on education expenses. Without these supports, commentators indicated that many will be unable to pursue educational programs that exceed more than 1 or 2 years, or to return to receive additional training or education in the future. They surmised that employment will be limited to low-paying jobs. Commentators argued that in the long run, these limits will be more costly to taxpayers because fewer people will be able to permanently become self-sufficient.

Response

The Department agrees with IRRC and other commentators who suggested that in some circumstances individuals might exhaust their annual or lifetime parameters before completing their Department-approved education, training or work program and that denying recipients who are successfully participating in a work-related activity with the support they need to complete the activity is counter to the intended purpose of the program. The Department revised the final-form rule-making by adding § 165.1(e), which clarifies that this regulation does not affect the Department's existing ability to provide supportive services to individuals through contracted employment and training programs.

This provision clarifies that the Department may provide additional supportive services to the extent required by an approved work or work-related program under a written agreement with the Department. In the context of a written agreement with the Department, such as through the EARN or KEYS program, cash and SNAP only recipients may receive the supportive services they need to complete their approved activity even if they have reached the limits in Appendix A.

The reason for creating this exception in the context of a written agreement with the Department (such as within the Department's contracted work activity programs) is simple: these programs utilize case management. Case management is a highly effective tool in the delivery of services to recipients participating in work or work-related activities. Case management facilitates the coordination and tracking of recipient services, including supportive services, especially for those with multiple employment barriers. Case managers are skilled at assessing, tailoring, managing and monitoring a recipient's supportive services to best fit each recipient's particular needs in a sensible and cost-effective way. In short, case management helps to ensure that recipients are well served and the Department's funds are wisely spent.

Even an individual completing self-initiated education or training (for example, an individual who completed the KEYS program and is continuing on to complete a 4-year degree) may receive additional supportive services if offered through an employment and training provider under a written agreement with the Department. The new provision should allay the commentators' concerns without sacrificing the Department's authority—indeed, its duty—to keep expenditures within reasonable, predictable bounds.

D. Comment

IRRC commented that the Department should explain its methods for determining each of the annual and lifetime limits. In addition, IRRC requested that the Department should address concerns of the affected communities regarding the impact of each limit on those seeking to improve their training and education, and to obtain and maintain long-term employment and self-sufficiency. IRRC requested a thorough fiscal analysis and explanation of the impact of and need for the proposed rulemaking.

Response

For ease of administration and to maximize recipient choice, the Department divided special allowances into six categories. These categories enable individuals to select the allowances that will best meet their needs.

In researching the types and limits of special allowances in other states, the Department found that other

states have similar categories and parameters for special allowances for supportive services. Washington and Mississippi limit special allowances by category and dollar amount. For example, Washington limits special allowances to a total of \$3,000 per participant per program year. Within that annual limit, special allowances are limited by category: \$300 for educational expenses per request; \$250 for vehicle repairs per program year; mileage reimbursement at the state employee rate; and up to \$300 for each professional fee.

Mississippi offers several categories of assistance and specifies totals that are available for these items. For example, transportation-related items are limited up to \$300 per month and clothing or books are limited up to \$500 per year.

Comparing Pennsylvania to its near neighbors shows that many individual levels of special allowances are substantially lower than Pennsylvania. For example, New Jersey permits a total of \$500 for all work-related expenses and a per diem rate for transportation. West Virginia allows \$1,000 in total for motor vehicle insurance and \$2,000 for vehicle repair. West Virginia recipients do not receive special allowance for a motor vehicle purchase.

As previously described, in determining the parameters for special allowances for supportive services, the Department considered the Federal limits on activities counting towards the WPR, data on the length of participation in employment and training programs, historical data on special allowance usage and the impact of the regulations on future usage. Historical special allowance data showed that for work, education and training related allowances, in a 1-year period, over 97% of participants would not be impacted by the proposed parameters; and over a 2-year period, a maximum of 92% of individuals who receive special allowances would not be impacted. The parameters set for work, education and training special allowances are more than adequate to support not only the benchmark amount of 18 weeks of participation in employment and training programming, but also those individuals who participate for a longer period of time, such as many of those in the KEYS program.

With regard to the transportation allowances, the Department's analysis shows that over 99% of participants historically would be supported within the \$1,500 annual transportation-related allowances for public and private transportation. Based on historical data, the Department concluded that 99.9% of individuals requiring a special allowance for motor vehicle insurance would not be adversely affected by the lifetime limit and 99% of individuals requesting an allowance to purchase a motor vehicle would not be adversely affected. Based on the historical data and the impact of the PA WORKWEAR initiative, over 99% of individuals would not be adversely affected by the clothing allowance parameter.

E. Comment

One commentator contended that according to the Regulatory Analysis Form, the Department anticipates saving \$2.199 million (\$1.753 million in State funds) in the first year, with the first full-year savings estimated at \$6.599 million (\$5.259 million in State funds). The commentator contended that the Department has not provided data to support this assertion and that the Department arrived at this number by simply totaling the special allowances paid in the past that would not be paid in the future due to the imposition of the new and annual lifetime limits.

According to the commentator, this rulemaking will not save as much as the Department anticipates because the Department has not accounted for the number of recipients that may be unable to move off the assistance rolls and achieve self-sufficiency through quality education and training. The commentator asserted the Department will be called upon to continue to pay for public benefits received by these families because their ability to obtain self-sufficient employment will be impaired.

Response

The Department provided data to support the regulations. Both preceding and following the publication of the proposed rulemaking, the Department provided program data to stakeholders, including the commentator. As described in the response to the previous comment, the Department explained how it developed the amendments in Appendix A. Contrary to the opinion of the commentator, the Department derived its numbers in a factual and objective manner, drawing upon current and historic program data including cost, usage, current initiatives like PA WORKWEAR, other state's data and savings. The Department also does not agree with the commentator's statement that the amendments to Appendix A will hinder individuals from moving off assistance. To the contrary, the Department has a robust employment and training program designed to move individuals off assistance and into employment and has achieved a high success rate, even with the current economic downturn, in successfully assisting individuals participating in the TANF program in acquiring the skills and knowledge that they need to successfully move from the cash assistance program to the workplace. As of May 2010, well over 1,500 individuals per month are successfully moving into employment. The regulations are intended to protect the special allowance program from waste, abuse and fraud and assure its integrity while meaningfully supporting individuals with appropriate, targeted work supports.

F. Comment

Representative Baker expressed concern with the annual and lifetime limits in the proposed rulemaking. He stated that although the existing regulation limits the value of certain allowances, it does not limit how often allowances needed for education or training may be issued, nor does it limit needed transportation payments. Representative Baker expressed concern that the newly proposed limits may harm individuals seeking to better their lives through education or training, especially as the training required for a family-sustaining job may take more semesters than the proposed supports for education and training expenses would permit.

Representative Baker and another commentator are concerned about the harm these limits may cause recipients in rural areas because of travel needs. Representative Baker noted that the lifetime limits may also harm individuals who have worked their way off welfare but suffered a setback, such as domestic violence, a child's disability or a job loss, requiring them to start again.

Response

As previously discussed, annual and lifetime totals are rationally based on a number of factors, meaningfully provide for the needs of those seeking to successfully move into the workplace and are in line with or more generous than policies in many other states.

Regarding transportation, Departmental data reveals that 97% of the cases that utilized transportation would not be adversely affected. The Department analyzed transportation costs for students traveling from signifi-

cant distances in rural counties to attend quality training programs and found that the \$1,500 annual allowance is adequate. For example, a student enrolled in a two semester computer support specialist course at the Community College of Beaver County would require a maximum of \$1,016 in transportation support for mileage between Beaver and Monaca. A participant attending an 8-week nurse aid training course at the Central Pennsylvania Institute of Science and Technology would require a maximum of \$470.20 in transportation support for mileage from Moshannon.

With respect to the impact on participants who may be more reliant on automobile travel, the analysis showed that 90% of participants received only one allowance to assist with the purchase of an automobile to support participation in an approved work activity.

The Department also revised the final-form rulemaking to clarify that the Department may provide additional supportive services under a written agreement with the Department, as previously discussed. This revision addresses the concern raised about how to support an individual who is actively engaged in a program to help achieve self-sufficiency through improved quality education or training.

The Department disagrees with the assertion that this rulemaking will hamper individuals from achieving self-sufficiency. The Department's final-form rulemaking will support those individuals in their quest for independence from the public welfare system. The supports available through the special allowance programs are targeted to match the needs that people have as they move from welfare to work.

Finally, in response to Representative Baker's statement that current Departmental regulations do not place effective control on how many times a category of special allowances may be received, except for the transportation allowance of \$250, the Department does not agree. The existing regulation contains many provisions limiting how often an individual may receive certain special allowances. For example, motor vehicle purchase and repair is once per job; motor vehicle-related expenses (such as a driver's license and inspection fees) is once per job; moving expenses related to accepting employment is once per 12-month period; and clothing, tools, books and fees is once per job. In addition to the foregoing limitations, the existing regulation restricts the special allowance for public and private transportation to the period up to the date of the first pay after employment.

G. Comment

Twenty commentators expressed concern that the limits appear to be arbitrary and unrealistically low. Some commentators stated that annual and lifetime limits are not necessary for program integrity because the Department has existing policies to prevent unnecessary spending. One commentator suggested that if limits are imposed, the limitations should be minimal and that the program should be implemented in a manner that rewards people complying with the regulation. One commentator expressed concern that this regulation would be detrimental to KEYS participant's ability to complete their degree programs.

Response

This rulemaking is intended to achieve fiscal responsibility and accountability while providing appropriate and effective targeted supports for individuals on the road to economic self-sufficiency. Departmental data indicates the average amount per issuance for several of these special

allowances was notably less than the current maximum allowance. For example, the average payment is \$384.88 for tools and equipment, \$308.93 for books and supplies and \$106.18 for fees. Current regulation provides up to \$2,000 for tools and equipment per job, \$500 for books and supplies as required for education and training and \$250 for fees per job.

Departmental data for the KEYS program during FY 2009-2010 demonstrates that of the 11.8% of the participants who graduated from KEYS in that time period, 56% of them did so in less than 6 semesters. The average issuance of \$308.93 for books and supplies multiplied by 6 semesters is below the \$2,000 permissible for work, education and training-related allowances. For the remaining individuals who exceed 6 semesters, the Department reiterates that it added a provision to the final-form rulemaking clarifying the availability of additional supportive services to the extent required by an approved work, work-related or education program under written agreement with the Department, which would include individuals participating in the KEYS program. These individuals who are in the KEYS program will be able to access appropriately targeted supports to complete their participation and move into the workforce on solid ground.

Finally, this final-form rulemaking provides binding norms to increase enforceability of the current policy that laid the foundation for this final-form rulemaking. The annual and lifetime parameters are just one aspect of this final-form rulemaking; a final-form rulemaking that as a whole, enhances program efficiency and integrity and supports an effective program for individuals seeking to improve their knowledge, skills and opportunities to successfully participate in the workforce. This final-form rulemaking also appropriately provides for the Department's comprehensive effort to strengthen verification requirements and to collect overpaid special allowances.

H. *Comment*

IRRC commented that § 165.46(c) does not comply with the requirements of the Regulatory Review Act (71 P. S. §§ 745.1—745.12). IRRC suggested that this subsection be removed from the final-form rulemaking.

Response

Although the Department has the authority to adjust payment frequency, types and amounts in appendices by means of a notice, the Department deleted subsection (c) in the final-form rulemaking to maximize the public comment process in future adjustments of the codified amounts.

Key sections of the code reveal the General Assembly's intent to bestow upon the Department the authority to create and modify some aspects of eligibility without resorting to rulemaking. The plain language of section 408(c) of the code directs the Department to base the nature and extent of work supports on four factors: (1) availability; (2) costs; (3) number of recipients needing services; and (4) distribution to the greatest number of recipients. To fulfill this statutory mandate, the General Assembly instructed the Department "to take such measures not inconsistent with the purposes of [the statute]." Consistent with section 408(c) of the code are "such measures" as publishing a notice in the *Pennsylvania Bulletin* to modify special allowances as these four factors require.

Section 403(b) of the code and section 432 of the code (62 P. S. § 432) specify the Department has the power and duty to "establish rules, regulations and standards"

regarding the nature and extent of eligibility for public assistance. Also, section 201(2) of the code requires the Department to promulgate regulations as well as to "establish and enforce standards and to take such other measures as may be necessary. . . ." Applying general rules of statutory construction, "rules" and "standards" are necessarily distinct from "regulations"—to interpret otherwise would render those words superfluous. See 1 Pa.C.S. § 1922(2) (relating to presumptions in ascertaining legislative intent).

In fact, the *Pennsylvania Code* is replete with examples of the Department's authority to adjust appendices and provisions involving payment frequency and amounts via publication of a notice in the *Pennsylvania Bulletin*. A few of these examples are §§ 181.1, 299.37, 1150.61 and 1187.2.

§ 165.1(a)—Eligibility for special allowances for supportive services

Comment

IRRC noted that commentators claimed this subsection would require exempt volunteers to adhere to an hourly service requirement. IRRC pointed out that section 405.1(b) of the code (62 P. S. § 405.1) does not impose this requirement, but states that an applicant or recipient exempted from RESET may participate in employment and work-related activities. IRRC questioned the Department's statutory authority for subsection (a).

IRRC noted that commentators argued this subsection is not in the public interest and that exempt RESET individuals include those with disabilities and domestic violence victims. IRRC questioned how the Department intends to protect these exempt individuals while maintaining the hourly requirement.

Response

The Department agrees with the concerns expressed by IRRC and the commentators and amended the language in § 165.1(a) in the final-form rulemaking.

§ 165.44—Verification for special allowances for supportive services

A. *Comment*

IRRC noted that commentators expressed concern with the deletion of the phrase "only when it is not readily apparent" in subsection (a)(2). IRRC challenged the Department to explain the need for verification for authorization of every expense. IRRC questioned whether the need for transportation expenses would be readily apparent based on the address of the recipient and the job site or school. IRRC suggested that the Department provide examples of acceptable and readily accessible means of verification.

Response

Because what is readily apparent may be a matter of subjective opinion, the Department declined to restore the deleted text. For a fair, even-handed approach, individuals in varying scenarios shall verify the need for a special allowance. With this uniform approach, caseworkers need not risk making an erroneous call on what facts do or do not require supportive documentation. That said, the Department is confident that for arguably readily apparent facts, verification will not be difficult to obtain. With the availability of fast, reliable resources like the internet and caseworker assistance when necessary, verification of arguably readily apparent facts is often a few questions or keystrokes away. Verification of the need for a transportation allowance might occur in the context of an

interview between caseworker and recipient. The caseworker would document the facts gathered during the interview. Verification of the distance from home to work may consist of a print off from a simple Mapquest search or the local transit provider's web site, which the caseworker would place in the recipient's file. Caseworkers may assist those without access to such fast, reliable resources as the Internet.

Finally, the Department agrees that individuals should not be required to provide verification from employers, school officials, training and social services providers for facts unknown to them. For example, a new employer is likely ignorant of an individual's personal transportation circumstances, so the Department would not look to the employer as the source of that verification. The list of sources for verification is not exhaustive in this section. Verification may involve caseworker inquiry and assistance.

B. Comment

IRRC raised a concern with respect to verification of service in subsection (b)(1)(i). IRRC questioned the need for subsection (b)(1)(i). Additionally, IRRC asked under what circumstances the Department would require verification from both the participant and the provider.

Response

If unreliable or inadequate verification is provided, the Department may require additional verification from the recipient or provider. The need to provide verification from both the participant and provider arises in the unusual circumstance where there is a reason to question the validity of verification provided by only one of these sources. The purpose of subsection (b)(1)(i) is to prevent fraud involving the special allowances through the provider or recipient, or both. Verification from both the provider and participant is not expected to be routinely requested. It might be requested when, for example, the County Assistance Office (CAO) has reason to believe verification provided by one source may be forged. For example, if the caseworker suspects or receives a tip that a car dealer or repair shop engaged in deceptive business practices, the caseworker might seek verification that the recipient actually received exactly the specific car or repair the special allowance paid for. If the caseworker suspects that a car purchase might be a sham transaction for the dealer and recipient's mutual benefit, the caseworker might seek documentation from both to prevent the apparent collusion. Finally, for incomplete, ambiguous or otherwise inadequate documentation, the caseworker might ask the supportive service provider to supplement the recipient's information.

C. Comment

IRRC commented that subsection (b)(2) sets forth when the Department will process supportive services overpayment referrals. IRRC noted that commentators expressed concern that this language would always result in overpayment referrals for the full amount, even though participants may have completed the majority of their required hours. IRRC questioned whether the amount that a participant will be required to repay will be pro-rated based on the hours.

Response

The Department agrees with IRRC and other commentators that an overpayment referral for the entire special allowance is not appropriate in all circumstances. For example, for individuals who have completed most or a portion of a work or work-related activity, the Department

agrees that a partial, prorated overpayment referral—to the extent of the misuse of the special allowance—is the fairest approach. To clarify this sensible approach to special allowance overpayments, the Department added the phrase “the extent of the misuse” to subsection (b)(2).

One example is when an individual receives books to attend vocational education then stops attending half-way through the semester because the individual lost interest in the program. In this circumstance, the Department may process an overpayment for half the cost of the books. In another example, an individual might receive a monthly bus pass to attend a training program, but drops out after 1 week, thereby not fulfilling the requirement of the AMR or EDP. The Department may process an overpayment for the cost of the unused portion of the bus pass. On the other hand, if the individual stopped attending due to illness, hospitalization, homelessness or similar circumstance, the Department would not process an overpayment.

D. Comment

IRRC and a commentator noted that there is not a subparagraph (vii) and subparagraph (viii), therefore, should be renumbered.

Response

The Department agrees with IRRC and the commentator and renumbered this subparagraph.

§ 165.46—Types of special allowances for supportive services

Comment

IRRC and one commentator stated that the proposed regulation eliminates special allowances for moving costs. They also noted that section 432.20 of the code (62 P. S. § 432.20) specifically allows for assistance for moving costs “to ensure gainful employment.” IRRC asked the Department to examine the economic impact of this deletion and explain the need for this change.

Response

The Department revised the final-form rulemaking by adding moving and relocation expenses as a special allowance. Under section 432.20 of the code, the special allowance may be authorized as required to accept gainful, permanent employment, not more than once in a 12-month period, and for the actual cost up to \$200.

Regulatory Review Act

Under section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)), on August 25, 2010, the Department submitted a copy of the final-form rulemaking, to IRRC and the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare 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.1) and (j.2) of the Regulatory Review Act, on October 6, 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 October 7, 2010, and approved the final-form rulemaking.

Findings

The Department finds that:

(a) The public notice of proposed rulemaking has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(b) The adoption of this final-form rulemaking in the manner provided by this preamble is necessary and appropriate for the administration and enforcement of the code.

Order

The Department, acting under sections 201(2), 403(b) and 408(c) of the code and 7 CFR 273.7(d)(4), orders that:

(a) The regulations of the Department, 55 Pa. Code Chapter 165, are amended by amending §§ 165.2, 165.41—165.43, 165.45 and 165.91 to read as set forth at 40 Pa.B. 2111 and by amending §§ 165.1, 165.44, 165.46 and Appendix A to read as set forth in Annex A.

(b) The Secretary of the Department shall submit this order, 40 Pa.B. 2111 and Annex A to the Offices of General Counsel and Attorney General for approval as to legality and form as required by law.

(c) The Secretary of the Department shall certify and deposit this order, 40 Pa.B. 2111 and Annex A with the Legislative Reference Bureau as required by law.

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

HARRIET DICHTER,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 6226 (October 23, 2010).)

Fiscal Note: 14-518. No fiscal impact; (8) recommends adoption.

Enactment of this regulation is expected to save \$1.679 million in state funds.

Annex A**TITLE 55. PUBLIC WELFARE****PART II. PUBLIC ASSISTANCE MANUAL****Subpart C. ELIGIBILITY REQUIREMENTS****CHAPTER 165. ROAD TO ECONOMIC SELF-SUFFICIENCY THROUGH EMPLOYMENT AND TRAINING (RESET) PROGRAM****GENERAL RESET PROVISIONS****§ 165.1. General.**

(a) A recipient who is not exempt shall participate in and comply with RESET, including meeting hourly and other work and work-related requirements as specified on the AMR or EDP, unless the recipient establishes good cause. An exempt individual may volunteer to participate in an approved work or work-related activity. The Department will inform an applicant and recipient of the rights, responsibilities and services and benefits available to RESET participants. The Department or its agent will assess the recipient's ability to meet RESET participation requirements after consultation with the recipient.

(b) The Department will provide RESET participants with case management and special allowances for supportive services as required to help them become self-sufficient. The Department will authorize special allowances for supportive services for the least costly item or

service which is available and practical considering the location and hours of scheduled employment or training, and the location of the participant's residence in relation to the provider of the item or service. In addition, the Department will provide participants with or refer them to work or work-related activities designed to break the cycle of welfare dependency. To the extent it deems possible, the Department will identify and promote resources in the public and private sectors that may assist participants to prepare for and obtain employment they may realistically be expected to obtain.

(c) Nothing in this chapter shall be interpreted as requiring the Department to develop or to offer or to continue to offer employment, education, training, work-related activities or work experience programs.

(d) This chapter applies to recipients of TANF and GA cash assistance. Sections 165.41—165.46 (relating to special allowances for supportive services) also apply to SNAP only participants defined in § 165.2 (relating to definitions). For SNAP only participants, a special allowance for supportive services may be authorized as determined by the Department only up to the employment start date, with the following exception. SNAP only participants who obtain employment after participating in a SNAP work-related activity may receive special allowances for supportive services not to exceed the types and time frames permitted by Federal law.

(e) The Department may provide for additional supportive services to the extent required by an approved work, work-related or educational program under a written agreement with the Department.

SPECIAL ALLOWANCES FOR SUPPORTIVE SERVICES**§ 165.44. Verification for special allowances for supportive services.**

(a) *Verification needed to authorize special allowances for supportive services.*

(1) Before authorizing the special allowance for supportive services, the Department will determine the following:

(i) Whether the supportive service requested is required to enable the participant to engage in an approved work or work-related activity.

(ii) The expected charge for the service or item requested.

(iii) The date the service or item is needed by the participant.

(iv) The date that payment for the service or item is required under the provider's usual payment policy or practice.

(2) Verification, including collateral contact, that the special allowances for supportive services is required will be provided prior to authorization.

(3) Acceptable verification consists of collateral contacts, written statements or completed Departmental forms, obtained from sources such as employers, prospective employers, school officials, employment and training providers or providers of supportive services. If collateral contacts are used, the information will be documented in the participant's file.

(4) The Department will use collateral contacts whenever necessary to ensure that payment is made in advance of the date that payment is required.

(b) *Verification needed for reoccurring and nonrecurring special allowances for supportive services.*

(1) The participant's eligibility for a special allowance for a supportive service is reviewed monthly, or more often if expenses are likely to change, at each redetermination or recertification, whenever a change in employment or training is reported by the participant or the employment and training provider, and whenever the AMR or EDP is revised.

(i) A participant shall verify the actual costs incurred by the participant for the supportive service and the participant's attendance at the approved work or work-related activity. The Department may require that the participant or provider of the supportive service, or both, verify that the participant received the approved special allowance for supportive services and that the provider received payment for the amount the participant was eligible to receive.

(ii) When verification provided indicates a change in eligibility, payment of the special allowance to the participant shall be reduced, terminated or increased, as appropriate, upon issuance of a confirming notice to the participant, in accordance with § 133.4(c) (relating to procedures).

(2) The Department will process an overpayment referral to recover a special allowance for supportive services to the extent of the misuse in accordance with § 165.91 (relating to restitution) and Chapter 255 (relating to restitution). Circumstances for which a referral may be appropriate include the following:

(i) The participant was ineligible for cash assistance or SNAP only benefits in the month the Department issued a special allowance for supportive services.

(ii) The participant did not use the special allowance for supportive services for its intended purpose.

(iii) The actual cost of the supportive service was less than the estimated cost of the service.

(iv) The participant provided falsified or erroneous documentation to obtain a special allowance for supportive services.

(v) The participant received a reoccurring special allowance for supportive services when the need no longer existed.

(vi) The participant or provider of supportive services, or both, did not provide verification, such as a receipt, that the supportive services requested were obtained using the special allowance payment.

(vii) The participant did not participate in or comply with RESET, including meeting hourly and other work and work-related requirements as specified on the AMR or EDP.

§ 165.46. Types of special allowances for supportive services.

(a) *Transportation and related expenses.* The Department will pay for transportation and related expenses required for an individual to engage in approved work or work-related activities up to the maximum allowance established in Appendix A (relating to work or work-related special allowances). Transportation-related allowances are provided for the least costly type of transportation which is available and practical considering the location and hours of scheduled approved work or work-related activity, the participant's physical condition and the need to transport children to a child care provider. Transportation-related allowances are not provided if the activity is secondary education or an equivalent level of

vocational or technical training unless the individual is pregnant or a custodial parent.

(1) *Public transportation.* Public transportation-related allowances are provided for costs incurred for transportation provided by bus, subway, commuter rail, taxi, paratransit or other recognized modes of transportation.

(i) An allowance for public transportation is the actual cost to the participant up to the maximum amount established by the Department in Appendix A (relating to work and work-related special allowances).

(ii) Verification of the need and the cost of transportation is required.

(2) *Private transportation.* Private transportation-related allowances are provided for costs incurred for transportation provided by privately owned vehicles, ride sharing and car or van pools.

(i) An allowance for private transportation provided by a vehicle owned by the participant is the mileage rate established by the Department in Appendix A and the actual cost of parking and highway or bridge tolls up to the maximum amount established by the Department in Appendix A.

(ii) An allowance for transportation provided by a volunteer driver or if the participant is permitted to use another person's vehicle is the mileage rate established by the Department in Appendix A and the actual cost of parking and highway or bridge tolls up to the maximum amount established by the Department in Appendix A.

(iii) An allowance provided for transportation by a car or van pool is the participant's proportionate share of the cost up to the maximum amount established by the Department in Appendix A. If the participant's share is a flat fee, the payment is the actual fee up to the maximum amount established by the Department in Appendix A.

(3) *Motor vehicle purchase or repair.* When there is no other type of practical transportation available or other available transportation is more expensive, a special allowance may be authorized toward the purchase, down payment or repair of a motor vehicle for an individual to participate in an approved work or work-related activity.

(i) The maximum total allowance toward a motor vehicle purchase, down payment and repair is limited to the rate and frequency established by the Department in Appendix A.

(ii) Preexpenditure approval is required.

(4) *Motor vehicle-related expenses.* The cost of a driver's license, State inspection fee, emission control inspection fee, license plates and vehicle registration fee may be authorized for a participant if they are required for participation in an approved work or work-related activity.

(i) Payment is made for actual cost up to the maximum allowance and frequency established by the Department in Appendix A.

(ii) Preexpenditure approval is required.

(5) *Motor vehicle insurance.* The cost of motor vehicle insurance may be authorized if the allowance is required for participation in an approved work or work-related activity.

(i) The allowance is provided only to participants who use their own vehicles.

(ii) Payment is made for actual cost up to the maximum allowance established by the Department in Appendix A.

(iii) Preexpenditure approval is required.

(b) *Other expenses related to approved work and work-related activities.* Special allowances may be authorized for other items related to participation in approved work or work-related activities. Preexpenditure approval is required. The maximum allowances for these items are subject to the rates and frequencies established by the Department in Appendix A.

(1) *Clothing.* The Department may refer a participant to other public or nonprofit sources that provide clothing and grooming items at no cost. If these sources are not available or do not have appropriate clothing or other required items, the Department may authorize a special allowance for supportive services for clothing and grooming items required to participate in an approved work or work-related activity.

(2) *Tools and other equipment.* A special allowance may be authorized for tools and other equipment which an employer, education, employment or training provider requires for participation in an approved work or work-related activity but which are not provided by the em-

ployer, education, employment or training provider and are not available under Federal, State or other educational grants.

(3) *Books and supplies.* A special allowance may be authorized for books and supplies that an employer or employment and training provider requires for a participant to participate in an approved work or work-related activity if these items are not provided by the employer or training provider and are not available under Federal, State or other educational grants.

(4) *Fees.* A special allowance for supportive services may be authorized for a fee to take a test such as a high school equivalency test, a test that is a prerequisite for employment or for registration or enrollment fees required for an individual to enter an approved work or work-related activity. Tuition is not construed to be a fee.

(5) *Union dues and professional fees.* If payment of union dues or professional fees is a condition of employment, a special allowance for supportive services may be authorized to participants who receive TANF or GA cash assistance for the initial fee only and for the period up to the date of the participant's first pay. A special allowance for supportive services may not be issued to pay for reoccurring fees, such as license fees, even if they are necessary for the individual to maintain employment.

Appendix A

WORK AND WORK-RELATED SPECIAL ALLOWANCES

<i>Type of Allowance</i>	<i>Frequency TANF or GA</i>	<i>SNAP Only</i>	<i>Maximum Allowance</i>
PUBLIC TRANSPORTATION RELATED ALLOWANCES			—actual cost up to \$1,500 annually
<i>Transportation Public</i>	—as required for job interviews, work or work-related activities	—as required for job interviews, work or work-related activities	
—bus			
—subway			
—commuter rail			
—taxi			
—paratransit			
	—for employment, may be authorized for the period up to the date of the first pay	—for employment, may be authorized for the period up to the start date	
PRIVATE TRANSPORTATION RELATED ALLOWANCES			—actual cost up to \$1,500 annually, except for moving/relocation costs to accept employment
<i>Transportation Private</i>	—as required for job interviews, work or work-related activities	—as required for job interviews, work or work-related activities	—mileage reimbursement rate will be set by the Department by notice not to exceed Commonwealth reimbursement rate for actual cost of gasoline, plus the actual cost of parking and highway and bridge tolls
—privately-owned vehicle			
—volunteer car and driver			
	—for employment, may be authorized for the period up to the date of the first pay	—for employment, may be authorized for the period up to the start date	

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<i>Type of Allowance</i>	<i>Frequency TANF or GA</i>	<i>SNAP Only</i>	<i>Maximum Allowance</i>
Transportation Car or van pool	—as required for job interviews, work or work-related activities —for employment, may be authorized for the period up to the date of the first pay	—as required for job interviews, work or work-related activities —for employment, may be authorized for the period up to the start date	
Moving/relocation costs to accept employment	—to accept a verified offer of gainful, permanent employment —no more than once in a 12-month period	—to accept a verified offer of gainful, permanent employment —no more than once in a 12-month period	—actual cost up to \$200
Motor Vehicle Repair	—as required for work or work-related activities	—as required for work or work-related activities or if required to accept employment	
Motor Vehicle-Related Expenses —driver’s license —State inspection fee —emission control inspection fee —license plates —vehicle registration fee	—as required for work or work-related activities	—as required for work or work-related activities or if required to accept employment	
MOTOR VEHICLE PURCHASE	—as required for work or work-related activities	—as required for work or work-related activities or if required to accept employment	—actual cost for one vehicle up to \$1,500 in a lifetime.
MOTOR VEHICLE INSURANCE	—as required for work or work-related activities	—as required for work-or work-related activities or if required to accept employment	—actual cost up to \$1,500 in a lifetime.
CLOTHING	—as required for work or work-related activities	—as required for work or work-related activities or if required to accept employment	—required clothing or actual cost of clothing up to \$150 annually
WORK, EDUCATION AND TRAINING RELATED ALLOWANCES			—actual cost up to \$2,000 in a lifetime
Tools and Equipment	—as required for work or work-related activities	—as required for work or work-related activities or if required to accept employment	
Books and Supplies	—as required for work or work-related activities	—as required for work or work-related activities	
Fees	—as required for work or work-related activities	—as required for work-or work-related activities or if required to accept employment	
Union Dues/Professional Fees	—may be authorized for the period up to date of first pay	—may be authorized for the period up to the start date	

[Pa.B. Doc. No. 10-2195. Filed for public inspection November 19, 2010, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CH. 433a]

Principal Licensing Amendments

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 1202(b)(9) and (23) and 4 Pa.C.S. §§ 1311.1 and 1326 (relating to licensing of principals; and license renewals), amends Chapter 433a (relating to principal licenses) to read as set forth in Annex A.

Purpose of the Final-Form Rulemaking

This final-form rulemaking amends and updates Chapter 433a to improve its clarity, codify Board policy, eliminate or reduce some of the requirements to obtain a principal license and to reflect amendments to 4 Pa.C.S. Part II (relating to gaming).

Explanation of Amendments to Chapter 433a

Throughout this final-form rulemaking, references to “an intermediary or holding company of an applicant or licensee” were used in place of “principal affiliate.” “Principal affiliate” is a defined term that had not been incorporated into the body of the regulations.

In § 433a.1 (relating to definitions), the definition of “officer” has been amended to include individuals who may have an ability to influence or direct matters related to the operations of a licensee.

In § 433a.2 (relating to officers and directors of licensees), a number of amendments have been made to improve the clarity of the existing licensing requirements. References to applicants for licenses have been deleted. While principals of slot machine, manufacturer, manufacturer designee, supplier and management company applicants (entity applicant) will be required to file principal applications as part of the entity application process, the principals of the entity applicant do not have to hold a license as a precondition for an entity applicant to apply for a license. Similar amendments have been made in other sections of Chapter 433a for the same reason.

Subsection (b) has been amended to apply to all licensees, not just slot machine licensees, eliminating the need for the requirements in subsection (c) regarding licensees other than slot machine licensees. As a result of the amendments to subsection (b), subsection (c) has been amended to address the licensing requirements for officers and directors of a subsidiary of a slot machine licensee.

Subsection (d) has been deleted. It is no longer needed because of the amendments to the definition of “officer” in § 433a.1. The waiver provisions in subsections (e) and (g) are also deleted and have been replaced with new subsection (d), formerly subsection (f), which provides an exemption from licensure for outside directors of a public traded corporation. This will eliminate the paperwork required under the waiver request process for these directors who typically do not have significant involvement with the operations of a licensee.

New subsections (e) and (f) have been added to address the filing requirements of new officers and directors. Under subsection (e), most new directors or officers will be allowed to begin their duties upon appointment and will be required to file a completed Multi Jurisdictional

Personal History Disclosure Form and the Pennsylvania Supplement to the Multi Jurisdictional Personal History Disclosure Form within 30 days of performing duties or exercising powers as an officer or director. However, an officer or director of a privately held slot machine licensee, privately held licensed management company or privately held principal affiliate of a slot machine licensee or licensed management company may not perform any duties or exercise powers of an officer or director prior to being granted temporary authorization from the Bureau of Licensing. The Bureau of Licensing may grant temporary authorization to a new officer or director of a privately held entity if the individual has submitted a completed Multi Jurisdictional Personal History Disclosure Form, a completed Pennsylvania Supplement to the Multi Jurisdictional Personal History Disclosure Form and fingerprints in a manner prescribed by the Bureau of Investigation and Enforcement. The more restrictive provisions for directors or officers of these privately held entities have been imposed because of the potential threat to the integrity of gaming and the lack of any other regulatory oversight of these entities.

New § 433a.3 (relating to interests in licensees held by individuals) has been reorganized. Subsection (a) now requires individuals who meet the criteria in this subsection to both apply for and obtain a principal license before acquiring an interest in a slot machine or management company licensee. In subsection (b), individuals acquiring an interest in other licensees will only be required to file a principal application before acquiring the interest; however, under subsection (c), if the individual does not obtain a principal license, the individual shall divest the interest. The more rigorous requirements regarding interests in slot machine or management company licensees are in recognition of the greater potential threat to the integrity of gaming from the acquisition of an interest in a slot machine or management company licensee as opposed to other licensees.

New subsections (d) and (e) establish new principal licensing requirements for individuals seeking to acquire a direct or indirect ownership interest of 20% or more in licensees other than slot machine or management company licensees. Under subsection (d), these individuals will be required to file a completed principal application and a Notification of a Change in Control of a Licensee Form at least 30 days prior to the acquisition. This will allow the Bureau of Licensing to review the acquisition before it actually takes place. Additionally, under subsection (e), the Board may require that the individual successfully complete the licensing process prior to completing the acquisition. This is being done to ensure the suitability of these individuals prior to their acquisition of a controlling interest in these licensees.

New subsections (f), (g) and (h) provide higher thresholds for principal licensing for interests acquired in publicly traded corporations and exempted private investment funds. This is because of the more limited ability of these acquisitions to affect the operations of a licensee. Finally, the existing subsection (g), which is now subsection (i), still retains the Board’s ability to require any individual to obtain a principal license if the Board determines licensure to be appropriate.

New § 433a.4 (relating to interests in licensees held by entities) has been reorganized in the same manner as § 433a.3. Subsection (a) addresses entities acquiring an interest in a slot machine or management company licensee and subsection (b) addresses entities acquiring an interest in other licensees. Subsections (c)—(g) also

mirror § 433a.3(c)—(g). Subsection (h), formerly subsection (f), has been amended to improve its clarity and existing subsection (g) has been deleted because it no longer applies. Existing subsection (h), which is now subsection (j), has been revised to make it consistent with the amendments to § 433a.3(i).

Section 433a.5 (relating to institutional investors) has been revised to reduce the filing requirements imposed on institutional investors. Under subsection (a), institutional investors that meet the criteria in paragraphs (1) and (2) will be allowed to file an Institutional Investor Notice of Ownership Form instead of being required to file an application for a principal licensee. Additionally, the Board deleted the existing provisions regarding waivers because they are not needed.

In § 433a.6 (relating to lenders and underwriters), references to applicants for a license have been deleted for the reasons previously discussed. Existing subsection (c) has been deleted and replaced with new text that includes specific criteria pertaining to when a lender will not be required to be licensed as a principal. Additionally, subsection (e) has been added to set forth the circumstances under which the purchaser of debt issued by a licensee will not be required to be licensed as a principal. Subsection (f), formerly subsection (d), has been revised to make it consistent with the requirements in new subsection (e). These revisions codify Board policy and will make it easier for lenders that are not banks or lending institutions to determine whether or not they will be required to be licensed as principals.

In § 433a.7 (relating to trusts), existing subsections (a)—(c) have been revised and rearranged to mirror §§ 433a.3(a) and (b) and 433a.4(a) and (b) so that trusts will be treated in the same manner as an individual or other entity. New subsection (c) is a reformatted version of the current subsection (d). Subsections (d) and (e) mirror the language in §§ 433a.3(g)—(i) and 433a.4(g)—(i).

Comment and Response Summary

Notice of proposed rulemaking was published at 40 Pa.B. 434 (January 16, 2010).

During the public comment period, the Board received a letter from International Game Technology thanking the Board for the opportunity to comment and supported the proposed rulemaking. Comments were also received from Washington Trotting Association, Inc. (WTA) and Shuffle Master, Inc. By letter dated March 18, 2010, the Independent Regulatory Review Commission (IRRC) also submitted comments on the proposed rulemaking.

In § 433a.2(e), Shuffle Master suggested that a 30-day requirement for officers and directors of a publicly traded company to file an application is a burdensome time constraint and requests that the subsection be amended to allow officers and directors to perform their duties prior to filing an application. Additionally, Shuffle Master request that the subsection allow for the Board to grant extensions of time to file. IRRC asked the Board to explain why 30 days is reasonable and consider allowing extensions on a case-by-case basis.

In response to Shuffle Master's and IRRC's suggestions, language was added allowing for an extension of time to file the application provided that the officer or director file a written request with the Bureau of Licensing and the extension is granted prior to the expiration of the 30-day filing requirement. Shuffle Master's other concern, allowing officers and directors to perform their duties prior to filing, was addressed in the proposed rulemaking.

As proposed, an officer or director of a publicly traded company may begin performing his job duties prior to filing for licensure provided that the application is submitted within 30 days. A change is therefore not needed.

IRRC also asked the Board to explain why 30 days is a reasonable time period for an officer or director to file an application. The Board believes that because the proposed rulemaking allows officers and directors of a publicly traded company to begin their duties upon appointment but prior to applying for licensure, that the time period is reasonable. Therefore, the Board has not expanded the filing requirement beyond 30 days unless a written request is filed and the Bureau of Licensing allows for more time.

In § 433a.4, IRRC asked the Board to provide clarity on how to accomplish divestiture and include a time frame for completion. The Board did not include language on how to accomplish divestiture or the time period for completion as it will depend entirely on the nature of the interest held and the person holding the interest and therefore will be determined on a case-by-case basis. Instead, language was added that allows the Office of Enforcement Counsel to establish the time period for divestiture.

In § 433a.5, IRRC and Shuffle Master requested that this section include a time frame that the institutional investor will be required to file the Institutional Investor Notice of Ownership Form. In response, the Board established a filing deadline of 30 days from the date the institutional investor files its Schedule 13G with the United States Securities Exchange Commission. An extension for more time was not added to this section because the form is one page and contains a check box on whether the institutional investor is still eligible to file a Schedule 13(G) with the United States Securities Exchange Commission and requests disclosure on the percentage of ownership the institutional investor has in a licensee.

In § 433a.6, WTA stated that the amendment is contrary to the Board's stated intention to eliminate or reduce the requirements to obtain a principal license and is too rigid and inflexible. WTA requests that the proposed section be revised to include a more general provision allowing the Board discretion. IRRC requested that the Board explain how the proposed amendments will eliminate or reduce the requirement to obtain a principal license.

The overall purpose of the amendments to Chapter § 433a is to eliminate or reduce the requirements to obtain a principal license and to provide clarity as to whether a person is required to be licensed. With respect to § 433.6, these amendments were added to codify current policy of the Board and to provide greater clarity regarding when a lender must be licensed as a principal. The lenders referenced in subsection (c), which would be required to be licensed, are not banks or lending institutions but are companies that are not in the business of providing debt or equity loans or financing. The Board determined that requiring those lenders that do not provide debt or equity capital in the ordinary course of the lender's business to submit to a background investigation is necessary to protect the integrity of gaming. Subsection (d) was added allowing the lender to provide financing prior to licensure provided that an application had been filed and the lender received authorization from the Bureau of Licensing. The lender may receive authori-

zation once the agency has had an opportunity to review the application and loan documents and to verify revenue sources.

In this section, lenders to management companies that obtain financing for the construction or operation of a slot machine licensee were added to the lender requirements in subsection (c). With the passage of the act of January 7, 2010 (P. L. 1, No. 1) (Act 1), the application period for Category 3 slot machine licensees was reopened. Several of the new applicants have opted to use management companies to oversee aspects of the slot operations including obtaining the financing for the project. With this additional language, lenders to management companies that are obtaining financing for the construction or operation of a slot machine licensee would be treated the same as lenders to principal affiliates of a slot machine licensee. Since a management company oversees all aspects of slot operations, the Board has determined that requiring lenders that are providing the financing to the management company to be licensed as principals is necessary to protect the integrity of gaming.

Additional Revisions

Throughout the final-form rulemaking, minor editorial changes have been made to enhance the clarity of the regulations. Several sections were also amended to the final-form rulemaking to reflect the policy decisions of the Board.

Throughout Chapter 433a, references to “junket enterprise license” have been deleted from the final-form rulemaking. With the passage of Act 1, gaming junket enterprises are now required to obtain a gaming junket enterprise license. The Board, however, has discretion to develop a classification system for the regulation of gaming junket enterprises and the individuals and entities associated with the gaming junket enterprise. The Board determined that the licensing of officers, directors and owners of the gaming junket enterprise, which provides a service to the slot machine licensee, as principals is overly burdensome and is not necessary to protect the integrity of gaming. Instead, officers, directors and owners will now complete applications that more closely parallel the gaming service provider requirements in Chapter 437a (relating to vendor certification and registration).

Throughout this final-form rulemaking, references to “an intermediary or holding company of an applicant or licensee” were used in place of “principal affiliate.” “Principal affiliate” is a defined term but had not been incorporated into the body of the regulations. Additionally, in § 433a.1, the language added to the definition of “principal affiliate” in the proposed rulemaking has been deleted. Instead this language was incorporated into the body of the regulations.

In § 433a.3(a)(3), language was added requiring those who receive payment from a slot machine licensee based directly or indirectly on earnings, profits or receipts from table games to apply for a principal license. This language was added in response to the amendments to 4 Pa.C.S. Part II. A management company licensee was added in subsection (a)(4) for consistency with § 433a.4(a)(4).

Additionally, language was added to § 433a.3(a)(5) and (6) and (b)(4) and (5) requiring an individual who is a general partner (GP) of a limited partnership (LP) of licensees and those who have the power or right to control or vote, directly or indirectly, 20% or more of the outstanding voting securities of a licensee to apply for a

principal license. GPs of LPs that are intermediaries or holding companies (principal affiliates) of licensees have not previously been required to be licensed as principals because the GPs’ interests in LPs is typically less than 1%. Despite the actual ownership interest, GPs characteristically have management control of LPs, carry the liability for the debts and have the right to bind the LPs in contracts. The Board determined that the licensure of an individual who has an interest in or is a GP who controls 20% or more of the outstanding voting securities of a licensee is necessary to protect the integrity of gaming. The “general partner of a limited partnership” language was added to the definition of “principal affiliate” but had not been incorporated in the proposed rulemaking into the licensing requirements in § 433a.3. The incorporation of the language in subsections (a)(5) and (6) and (b)(4) and (5) makes clear that individuals who are the GPs of LPs that are intermediaries or holding companies of a licensee, defined as principal affiliates, are required to be licensed as principals. The numbering in subsection (b) was therefore updated to reflect the addition of paragraphs (4) and (5).

Proposed subsection (b) was amended to mirror the format of subsection (a). Language was added in subsection (c) for consistency with the divestiture language in § 433a.4(c), which was added based on comments received from IRRC.

Subsection (h) was amended to correspond with the section on exemption from licensure for private investment funds, which is found in § 433a.4(h), not subsection (e).

Section 433a.4(a)(3) was amended to add language requiring those entities that receive payment from a slot machine licensee based directly or indirectly on earnings, profits or receipts from table games to apply for a principal license. This language was added in response to the amendments to 4 Pa.C.S. Part II. Language was also added in subsections (a)(5) and (6) and (b)(4) and (5) requiring entities that are the GP of a limited partner to be licensed as principals for the same reasons previously discussed. The numbering in subsection (b) was updated to reflect the addition of paragraphs (4) and (5). The term “individual” was amended to “entity” in subsection (b)(2) as § 433a.4 relates to interests held by entities, not individuals.

Proposed subsection (b) was amended to mirror the format of subsection (a). Language in subsection (c) was added based on comments received from IRRC and is consistent with the language added to § 433a.3(c).

The current regulations require that intermediaries, holding companies and subsidiaries be licensed as principals. Subsidiaries were inadvertently deleted from the proposed rulemaking as subsidiaries do not have an interest or right in a licensee, but are, instead, possessed by a licensee. The language in subsection (i) was added which no longer mandates the licensure of subsidiaries of a licensee but allows the Board discretion as to when a subsidiary would be required to be licensed. The remainder of § 433.4 was therefore renumbered.

A minor editorial change from “license” to “licensee” was made in § 433a.5(a)(1).

In § 433a.7, language was added in subsections (a)(5) and (6) and (b)(4) and (5) requiring trusts that are the GP of an LP to be licensed for the reasons previously discussed. Additionally, “management company” was moved from subsection (b) to subsection (a) for consistency between this section and §§ 433a.3(a) and

433a.4(a). Interests in management companies held by trusts will therefore be treated like interests in management companies held by individuals and other business entities.

In section (d), the proposed rulemaking excludes trusts from the requirements of licensure if the trust owns less than 5% of the voting securities of a publicly traded slot machine licensee or holding company of a slot machine licensee. The proposed rulemaking, however, did not provide for the same exclusion if a trust held a similar interest in a licensed manufacturer, supplier, manufacturer designee or management company. The amendment applies the exclusion to trusts that hold interests in publicly traded licensees and is consistent with the exclusion in §§ 433a.3(f) and 433a.4(f) for individuals and entities that hold similar interests in licensees.

In § 433a.8(c) (relating to principal applications), language was amended to improve clarity.

The amendment to § 433a.9(a) (relating to principal license term and renewal) reflects the statutory change to 4 Pa.C.S. Part II which extended the renewal period for principals from yearly to once every 3 years. Subsection (b) was added because, unlike slot machine licensees, licensed manufacturers and suppliers are subject to an initial 1-year renewal. The manufacturer or supplier license, however, can only be renewed when the principals, including the affiliates, intermediaries, holding companies, officers, directors and owners also apply for renewal and are investigated. After the initial 1-year renewal, the principals will be on a 3-year renewal cycle along with the licensed supplier or manufacturer for which they are a principal. Subsections (b) and (c) were renumbered to reflect the additional renewal language.

Affected Parties

This final-form rulemaking will affect officers and directors of licensees; individuals, entities, institutional investors and trusts that hold an interest in a licensee; and lending institutions and other purchasers who hold debt of a licensee. It will provide greater clarity regarding who will be licensed as a principal and eliminate the need for some of these entities to be licensed as principals.

Fiscal Impact

Commonwealth

There will not be significant increase or decrease in regulatory costs for the Board or other State agencies as a result of this final-form rulemaking. This is because the Board recovers the costs associated with licensing activities from the applicants for licenses.

Political subdivisions

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

Private sector

Overall, this final-form rulemaking should result in a slight reduction in the number of applications for a principal license from the affected groups listed in this preamble.

General public

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

Paperwork Requirements

This final-form rulemaking will, in general, reduce the number of applications that are filed for principal licenses

and allow some institutional investors to file the shorter Institutional Investor Notice of Ownership Form.

Effective Date

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

Contact Person

The contact person for questions about this final-form rulemaking is Susan A. Yocum, Assistant Chief Counsel, (717) 265-8356.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 6, 2010, the Board submitted a copy of the notice of proposed rulemaking, published at 40 Pa.B. 434, to IRRC and the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the 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 Board 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 October 6, 2010, the final-form rulemaking was deemed approved by the Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 7, 2010, and approved the final-form rulemaking.

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) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II.

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

(a) The regulations of the Board, 58 Pa. Code Chapter 433a, are amended by amending §§ 433a.1—433a.9 to read as set forth in Annex A.

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

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

GREGORY C. FAJT,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 6226 (October 23, 2010).)

Fiscal Note: Fiscal Note 125-108 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart B. LICENSING, PERMITTING,
CERTIFICATION AND REGISTRATION

CHAPTER 433a. PRINCIPAL LICENSES

§ 433a.1. Definitions.

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

Applicant—A person that has submitted an application to the Board for a slot machine license, manufacturer license, manufacturer designee license, supplier license or management company license.

Director—A director of a corporation, member of an audit committee or any person performing similar functions with respect to an entity, whether incorporated or unincorporated.

Entity—A person, other than an individual.

Indirect ownership interest—An ownership interest in an entity that has a direct ownership interest in an applicant or licensee, or a direct ownership interest in an entity that has an ownership interest in an applicant or licensee through one or more intervening entities.

Individual—A natural person.

Lending institution—A person who has been issued a license to lend money by a state or Federal agency or a person who satisfies the definition of “qualified institutional buyer” under 17 CFR 230.144a (relating to private resales of securities to institutions).

Licensee—A person that has been issued a slot machine license, manufacturer license, manufacturer designee license, supplier license or management company license.

Officer—A president, chief executive officer, chief operating officer, secretary, treasurer, principal legal officer, principal compliance officer, principal financial officer, principal accounting officer, chief engineer or technical officer of a manufacturer, principal slot operations officer of a slot machine licensee, senior surveillance and audit executives of a principal affiliate of a slot machine licensee and any person routinely performing corresponding functions with respect to an entity whether incorporated or unincorporated.

Principal affiliate—An intermediary or holding company of an applicant or licensee.

Principal entity—An entity that meets the definition of “principal” in section 1103 of the act (relating to definitions) or is otherwise required to be licensed as a principal and is not an intermediary or holding company of an applicant or licensee.

Private investment fund—An entity that meets the definition of “investment company” under section 3(a)(1) of the Investment Company Act of 1940 (15 U.S.C.A. § 80a-3(a)(1)), but is otherwise exempt from the definition of “investment company” under section 3(c)(7) of the Investment Company Act of 1940.

Registered investment adviser—An investment adviser registered with the SEC under the Investment Advisers Act of 1940 (15 U.S.C.A. §§ 80b-1—80b-21).

Registered investment company—An investment company registered with the SEC under the Investment Company Act of 1940 (15 U.S.C.A. §§ 80a-1—80a-64).

Voting security—A security or other interest which entitles the owner to vote for the election of:

(i) A director of a corporation.

(ii) A person performing functions similar to a director with respect to an organization, whether incorporated or unincorporated.

§ 433a.2. Officers and directors of licensees.

(a) Each officer and director of a licensee shall be licensed as a principal.

(b) Each officer and director of a principal affiliate shall be licensed as a principal.

(c) Each officer and director of a subsidiary of a slot machine licensee shall be licensed as a principal.

(d) Notwithstanding subsection (a) or (b), an outside director of a publicly traded corporation, who is neither a member of the audit committee nor chairperson of the board of directors of the publicly traded corporation shall not be required to be licensed as a principal unless the Board determines that the licensure of the individual is necessary to protect the integrity of gaming in this Commonwealth.

(e) Except as provided in subsection (f), an officer or director required to be licensed under this section shall submit a completed Multi Jurisdictional Personal History Disclosure Form and the Pennsylvania Supplement to the Multi Jurisdictional Personal History Disclosure Form within 30 days of performing any duties or exercising any powers as an officer or director unless the officer or director files a written request for an extension with the Bureau of Licensing and the extension is granted prior to the expiration of the 30-day filing deadline.

(f) An officer or director of a privately held slot machine licensee, privately held licensed management company or privately held principal affiliate of a slot machine licensee or licensed management company may not perform any duties or exercise any powers of an officer or director prior to being granted temporary authorization from the Bureau of Licensing. The Bureau of Licensing may grant temporary authorization to a new officer or director of a privately held entity if the individual has submitted a completed Multi Jurisdictional Personal History Disclosure Form, a completed Pennsylvania Supplement to the Multi Jurisdictional Personal History Disclosure Form, and fingerprints in a manner prescribed by the Bureau of Investigation and Enforcement.

§ 433a.3. Interests in licensees held by individuals.

(a) An individual shall apply for and obtain a principal license from the Board prior to possessing any of the following:

(1) A direct ownership interest in a slot machine or management company licensee.

(2) A 1% or greater indirect ownership interest in a slot machine or management company licensee. An ownership interest that is held indirectly by an individual through one or more intervening entities will be determined by successive multiplication of the ownership percentages for each link in the vertical chain.

(3) A right to receive a payment from a slot machine licensee based directly or indirectly on the earnings, profits or receipts from the slot machines, table games and associated equipment for use or play in this Commonwealth.

(4) A right or ability to control or influence the management or policies of a slot machine or management company licensee.

(5) A general partnership interest in a limited partnership that is a slot machine or management company licensee.

(6) A general partnership interest in a limited partnership that is a principal affiliate of a slot machine or management company licensee.

(b) An individual shall notify the Board and submit a completed application in accordance with § 433a.8 (relating to principal applications) prior to possessing any of the following:

(1) A direct ownership interest of 1% or more in a licensed manufacturer, licensed supplier or licensed manufacturer designee.

(2) A 1% or greater indirect ownership interest in a licensed manufacturer, licensed supplier or licensed manufacturer designee. An ownership interest that is held indirectly by an individual through one or more intervening entities will be determined by successive multiplication of the ownership percentages for each link in the vertical chain.

(3) A right or ability to control or influence the management or policies of a licensed manufacturer, licensed supplier or licensed manufacturer designee.

(4) A general partnership interest in a limited partnership that is a licensed manufacturer, licensed supplier or licensed manufacturer designee.

(5) A general partnership interest in a limited partnership that is a principal affiliate of a licensed manufacturer, licensed supplier or licensed manufacturer designee.

(c) An individual who has acquired an interest or right set forth in subsection (b)(1)—(5) prior to being licensed, and whose application is denied or withdrawn, shall divest his interest or right within a period of time established by the Office of Enforcement Counsel.

(d) An individual seeking to acquire a direct or indirect ownership interest of 20% or greater in a licensed manufacturer, licensed supplier or licensed manufacturer designee shall submit the following, at least 30 days prior to acquiring the ownership interest:

(1) A Notification of a Change in Control of a Licensee Form.

(2) A completed principal application.

(e) Notwithstanding subsection (d), the Board may require an individual to obtain a principal license prior to acquiring a direct or indirect ownership interest of 20% or greater in a licensed manufacturer, licensed supplier or licensed manufacturer designee.

(f) Notwithstanding subsections (a) and (b), an individual whose ownership interest in a licensee consists of less than 5% of the voting securities of a publicly traded corporation will not be required to be licensed as a principal.

(g) Notwithstanding subsections (a) and (b), an individual who indirectly owns less than 5% of the voting securities of a publicly traded corporation through one or more privately held entities will not be required to be licensed as a principal.

(h) Notwithstanding subsections (a) and (b), an individual who indirectly owns less than 5% of the voting securities of a publicly traded corporation through a private investment fund that has been exempted from licensure under § 433a.4(h) (relating to interests in licensees held by entities) will not be required to be licensed as a principal.

(i) Notwithstanding any provision in this section, the Board may require any individual who has any financial interest in a licensee to be licensed as a principal.

§ 433a.4. Interests in licensees held by entities.

(a) An entity shall apply for and obtain a principal license prior to possessing any of the following:

(1) A direct ownership interest in a slot machine or management company licensee.

(2) A 1% or greater indirect ownership interest in a slot machine or management company licensee. An ownership interest that is held indirectly by an entity through one or more intervening entities will be determined by successive multiplication of the ownership percentages for each link in the vertical chain.

(3) A right to receive a payment from a slot machine or management company licensee based directly or indirectly on the earnings, profits or receipts from the slot machines, table games and associated equipment for use or play in this Commonwealth.

(4) A right or ability to control or influence the management or policies of a slot machine or management company licensee.

(5) A general partnership interest in a limited partnership that is a slot machine or management company licensee.

(6) A general partnership interest in a limited partnership that is a principal affiliate of a slot machine or management company licensee.

(b) An entity shall notify the Board and submit a completed application in accordance with § 433a.8 (relating to principal applications) prior to possessing any of the following:

(1) A direct ownership interest of 1% or more in a licensed manufacturer, licensed supplier or licensed manufacturer designee.

(2) A 1% or greater indirect ownership interest in a licensed manufacturer, licensed supplier or licensed manufacturer designee. An ownership interest that is held indirectly by an entity through one or more intervening entities will be determined by successive multiplication of the ownership percentages for each link in the vertical chain.

(3) A right or ability to control or influence the management or policies of a licensed manufacturer, licensed supplier or licensed manufacturer designee.

(4) A general partnership interest in a limited partnership that is a licensed manufacturer, licensed supplier or licensed manufacturer designee.

(5) A general partnership interest in a limited partnership that is a principal affiliate of a licensed manufacturer, licensed supplier or licensed manufacturer designee.

(c) An entity that has acquired an interest or right set forth in subsection (b)(1)—(5) prior to being licensed, and whose application is denied or withdrawn, shall divest its interest or right within a period of time established by the Office of Enforcement Counsel.

(d) An entity seeking to acquire a direct or indirect ownership interest of 20% or greater in a licensed manufacturer, licensed supplier or licensed manufacturer designee shall submit the following, at least 30 days prior to acquiring the ownership interest:

(1) A notification of a change in control of a licensee form.

(2) A completed principal application.

(e) Notwithstanding subsection (d), the Board may require an entity to obtain a principal license prior to acquiring a direct or indirect ownership interest of 20% or greater in a licensed manufacturer, licensed supplier or licensed manufacturer designee.

(f) Notwithstanding subsections (a) and (b), an entity that indirectly owns less than 5% of the voting securities of a publicly traded corporation will not be required to be licensed as a principal.

(g) Notwithstanding subsections (a) and (b), an entity that indirectly owns less than 5% of the voting securities of a publicly traded corporation through one or more privately held entities will not be required to be licensed as a principal.

(h) Notwithstanding subsections (a) and (b), a private investment fund and its related management entities will not be required to be licensed as a principal if the following apply:

(1) The private investment fund has no voting rights in the licensee and does not possess any other right or ability to control or to influence the licensee.

(2) At least 20% of the investors in the private investment fund are "institutional investors" as defined in § 401a.3 (relating to definitions).

(3) Each individual who has an indirect ownership or beneficial interest of 5% or greater in the licensee through the private investment fund applies for and obtains a principal license.

(4) Each individual who has the ability to control or influence the management of the private investment fund applies for and obtains a principal license.

(5) The private investment fund agrees to provide the Board with information the Board deems necessary to evaluate the integrity of the private investment fund and its investors, and its compliance with this section. Information provided to the Board will be confidential.

(6) Each individual required to be licensed as a principal in paragraph (4) shall as part of his principal license application sign a notarized statement affirming, at a minimum, the following:

(i) The private investment fund's investment in the applicant or licensee will not violate applicable United States, Commonwealth or international laws and regulations, including anti-money laundering regulations or conventions, the Internal Revenue Code of 1986, the Employee Retirement Income Security Act of 1974, the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1940 and the Investment Advisers Act of 1940.

(ii) To his best knowledge, no investor in the private investment fund:

(A) Holds an interest in the private investment fund in contravention of any applicable United States, Commonwealth or international laws and regulations, including anti-money laundering regulations or conventions, the Internal Revenue Code of 1986, the Employee Retirement

Income Security Act of 1974, the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1940 and the Investment Advisers Act of 1940.

(B) Is directly or indirectly affiliated with, a prohibited country, territory, individual or entity on the List of Specially Designated Nationals and Blocked Persons maintained by the United States Treasury Department's Office of Foreign Asset Control.

(C) Is currently charged with or is under indictment for any felony or gambling offense in any jurisdiction.

(D) Has been convicted of a felony when 15 years have not elapsed from the date of expiration of the sentence for the offense.

(i) The Board may require a subsidiary of a licensee to be licensed as a principal.

(j) Notwithstanding any provision to the contrary in this section, the Board may require any entity that has any financial interest in a licensee to be licensed as a principal.

§ 433a.5. Institutional investors.

(a) An institutional investor may file an Institutional Investor Notice of Ownership Form with the Bureau of Licensing in lieu of applying for principal licensure required under this chapter, if:

(1) The institutional investor owns or beneficially owns more than 5% but less than 15% of the outstanding voting securities of a publicly traded corporation that is a principal affiliate of a manufacturer licensee, manufacturer designee licensee, supplier licensee, or management company licensee and has filed and remains eligible to file a statement of beneficial ownership on Schedule 13G with the SEC as a result of the institutional investor's ownership interest in the publicly traded corporation.

(2) The institutional investor owns or beneficially owns more than 5% but less than 10% of the outstanding voting securities of a publicly traded corporation that is a principal affiliate of a slot machine licensee and has filed and remains eligible to file a statement of beneficial ownership on Schedule 13G with the SEC as a result of the institutional investor's ownership interest in the publicly traded corporation.

(b) The institutional investor shall file the Institutional Investor Notice of Ownership Form with the Bureau of Licensing within 30 days of the institutional investor filing its Schedule 13G with the SEC.

§ 433a.6. Lenders and underwriters.

(a) Each lender and underwriter of a slot machine, manufacturer or supplier licensee shall be licensed as a principal.

(b) Notwithstanding subsection (a), a lender that is a bank or lending institution which makes a loan to a slot machine, manufacturer or supplier licensee in the ordinary course of business will not be required to be licensed as a principal. The Board may require a bank or lending institution to provide information or other assurances to verify its eligibility for this exemption.

(c) A lender to a principal affiliate of a slot machine licensee or to a management company that is obtaining financing for the construction or operation of a slot machine licensee shall be required to be licensed as a principal unless the following apply:

(1) The lender is in the business of providing debt or equity capital to individuals or entities.

(2) The loan to the principal affiliate or management company of a slot machine licensee is in the ordinary course of the lender's business.

(3) The lender does not have the ability to control or otherwise influence the affairs of the principal affiliate or management company of a slot machine licensee or the slot machine licensee.

(d) A lender that is required to be licensed as a principal in accordance with subsection (c) may lend to a principal affiliate or to a management company of a slot machine licensee prior to licensure if the lender has filed a completed application in accordance with § 433a.8 (relating to principal applications) and has received lender authorization from the Bureau of Licensing.

(e) A person that acquires a debt instrument issued by a licensed supplier, licensed manufacturer, slot machine licensee or principal affiliate of a slot machine licensee in a secondary market shall not be required to be licensed as a principal if:

(1) The person does not have any right or ability to control or influence the affairs of the licensee.

(2) The person's acquisition of the debt instrument is in the ordinary course of business and is not part of a plan or scheme to avoid the requirements of this section.

(f) Notwithstanding any provision to the contrary in this section, the Board may require the licensure of any person that holds a debt instrument issued by a licensee or any principal affiliate or subsidiary of a licensee if the Board has reason to believe that the person would not satisfy the character requirements of section 1310(a) of the act (relating to slot machine license application character requirements).

§ 433a.7. Trusts.

(a) A trust or similar business entity shall apply for and obtain a principal license prior to possessing any of the following:

(1) A direct ownership interest in a slot machine or management company licensee.

(2) A 1% or greater indirect ownership interest in a slot machine or management company licensee. An ownership interest that is held indirectly by an individual through one or more intervening entities will be determined by successive multiplication of the ownership percentages for each link in the vertical chain.

(3) A right to receive a payment from a slot machine licensee based directly or indirectly on the earnings, profits or receipts from the slot machines, table games and associated equipment for use or play in this Commonwealth.

(4) A right or ability to control or influence the management or policies of a slot machine or management company licensee.

(5) A general partnership interest in a limited partnership that is a slot machine or management company licensee.

(6) A general partnership interest in a limited partnership that is a principal affiliate of a slot machine or management company licensee.

(b) A trust or similar business entity shall notify the Board and submit a completed application in accordance with § 433a.8 (relating to principal applications) prior to possessing any of the following:

(1) A direct ownership interest of 1% or more in a licensed manufacturer, licensed supplier or licensed manufacturer designee.

(2) A 1% or greater indirect ownership interest in a licensed manufacturer, licensed supplier or licensed manufacturer designee. An ownership interest that is held indirectly by an individual through one or more intervening entities will be determined by successive multiplication of the ownership percentages for each link in the vertical chain.

(3) A right or ability to control or influence the management or policies of a licensed manufacturer, licensed supplier or licensed manufacturer designee.

(4) A general partnership interest in a limited partnership that is a licensed manufacturer, licensed supplier, or licensed manufacturer designee.

(5) A general partnership interest in a limited partnership that is a principal affiliate of a licensed manufacturer, licensed supplier or licensed manufacturer designee.

(c) Each trustee, grantor and beneficiary, including a minor child beneficiary, of a trust required to be licensed as a principal under this section shall be required to be licensed as a principal.

(d) Notwithstanding subsections (a) and (b), a trust whose ownership interest in a licensee consists of less than 5% of the voting securities of a publicly traded company will not be required to be licensed as a principal.

(e) Notwithstanding any provision to the contrary in this section, the Board may require any trust that has any financial interest in a licensee to be licensed as a principal.

§ 433a.8. Principal applications.

(a) An individual required to be licensed as a principal, unless otherwise directed by the Board, shall file:

(1) An original and three copies of a completed Multi Jurisdictional Personal History Disclosure Form.

(2) An original and three copies of a completed Principal/Key Employee Form—Pennsylvania Supplement to the Multi Jurisdictional Personal History Disclosure Form.

(3) Executed releases requested by the Board, including releases whereby the applicant consents to the release of information that may be requested by the individual pursuant to the Freedom of Information Act (5 U.S.C.A. § 552) to the Board.

(4) The nonrefundable application fee posted on the Board's web site (www.pgcb.state.pa.us).

(b) A principal entity required to be licensed as a principal shall file a completed Principal Entity Form and submit the applicable application fee posted on the Board's web site (www.pgcb.state.pa.us).

(c) A principal affiliate shall apply for a principal license as if the principal affiliate were applying for the slot machine license, manufacturer license, manufacturer designee license, supplier license or management company license.

(d) In addition to the materials required under subsections (a) or (b), an applicant for a principal license shall:

(1) Promptly provide information requested by the Board relating to the principals' application or regulation and cooperate with the Board in investigations, hearings and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

§ 433a.9. Principal license term and renewal.

(a) A principal license or renewal will be valid for 3 years from the date on which the license or renewal is approved by the Board.

(b) Notwithstanding subsection (a), a principal of a manufacturer or supplier shall be subject to an initial

annual renewal for each slot machine or table game license held by the manufacturer or supplier. Renewals thereafter will be valid for 3 years from the date of the approval of the renewal of the license by the Board.

(c) A renewal application and renewal fee shall be filed at least 2 months prior to the expiration of the current license.

(d) A principal license for which a completed renewal application and fee has been received by the Board will continue in effect until the Board sends written notification to the holder of the principal license that the Board has approved or denied the license.

[Pa.B. Doc. No. 10-2196. Filed for public inspection November 19, 2010, 9:00 a.m.]

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Prohibited Devices

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 5, 2010, meeting, proposed to add § 141.68 (relating to prohibited devices) to specifically prohibit the usage of fishing hooks or snagging hooks or other devices that are not lawful traps, firearms, bows or crossbows from being utilized during licensed trapping activities.

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

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

The proposed rulemaking was made public at the October 5, 2010, meeting of the Commission. Comments can be sent until January 21, 2011, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

The Commission recently identified anecdotal evidence of the usage of fishing or snagging hooks in certain trapping activities. While this practice has never been accepted by the Commission or the broader trapping community as an acceptable device for the harvesting of furbearers, current applicable statutes and regulations do not expressly prohibit their usage. The Commission is proposing to fill this gap by proposing § 141.68 to specifically prohibit the usage of fishing hooks or snagging hooks or other devices that are not lawful traps, firearms, bows or crossbows from being utilized during licensed trapping activities.

Section 2102(d) of the code (relating to regulations) provides "The commission shall promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used." Section 141.68 was proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking adds § 141.68 by creating language to specifically prohibit the usage of fishing hooks or snagging hooks or other devices that are not lawful traps, firearms, bows or crossbows from being utilized during licensed trapping activities.

3. *Persons Affected*

Persons wishing to hunt or trap furbearers within this Commonwealth may be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

5. *Effective Date*

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

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Richard R. Palmer, Director, Bureau of

Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-315. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter D. FURBEARERS

§ 141.68. Prohibited devices.

It is unlawful to take furbearers through the use of the following devices:

(1) Fish hooks, snagging hooks or any other hooks of similar design.

(2) Implements that are not lawful traps, firearms, bows or crossbows.

[Pa.B. Doc. No. 10-2197. Filed for public inspection November 19, 2010, 9:00 a.m.]

[58 PA. CODE CHS. 135 AND 147]

Lands and Buildings; Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 5, 2010, meeting, proposed to amend § 135.181 (relating to rifle and handgun ranges) and to add Chapter 147, Subchapter Z (relating to State game lands range permits) to require users of shooting ranges on State game lands to possess either a valid Pennsylvania hunting or furtaker license or a Commission-issued range permit. The Commission is also proposing to amend § 135.41 (relating to State game lands) to redirect target shooting activities of all unlicensed individuals to designated State game land ranges.

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

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

The proposed rulemaking was made public at the October 5, 2010, meeting of the Commission. Comments can be sent until January 21, 2011, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

Over the past few years, the Commission has made large investments into its various shooting ranges located on State game lands across this Commonwealth. These investments have taken the form of lead remediation, safety barrier reconstruction, shooting range redesign and other related projects. These investments came at a high cost but kept many shooting ranges open and available to the public. Historically, hunters and furtakers have provided most if not all of the resources for keeping the Commission's shooting ranges open to the public through their license dollars. Additionally, the open use of game lands for shooting activities by those not licensed or otherwise permitted has resulted in situations where

persons have used ranges and game lands for illicit activities. The Commission is proposing to regulate unlicensed recreational shooters to accomplish the twin goals of having those unlicensed persons contribute toward the cost of the program and to better quantify and control use of game lands and game lands ranges. To this end, the Commission is proposing to amend § 135.181 and to add Chapter 147, Subchapter Z to require users of shooting ranges on State game lands to possess either a valid Pennsylvania hunting or furtaker license or a Commission-issued range permit. The Commission is also proposing to amend § 135.41 to redirect target shooting activities of unlicensed individuals to designated State game land ranges. These proposals will not result in increased cost or change in privileges for licensed hunters and furtakers.

Section 721(a) of the code (relating to control of property) provides "The administration of all lands and waters owned, leased or otherwise controlled by the commission shall be under the sole control of the director, and the commission shall promulgate regulations . . . for its use and protection as necessary to properly manage these lands or waters." Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." The amendments to §§ 135.41 and 135.181 and the addition of Chapter 147, Subchapter Z were proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 135.181 and add Chapter 147, Subchapter Z by replacing and creating language to require users of shooting ranges on State game lands to possess either a valid Pennsylvania hunting or furtaker license or a Commission-issued range permit. The proposed rulemaking will also amend § 135.41 by adding language to redirect target shooting activities of unlicensed individuals to designated State game land ranges.

3. Persons Affected

Persons engaged in target shooting activities on State game lands or designated ranges may be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking will result in additional cost and paperwork associated with the creation and implementation of the new range permit program. This increase in cost and paperwork will be minimal and should be covered by current budgets.

5. Effective Date

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

6. Contact Person

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

CARL G. ROE,
Executive Director

Fiscal Note: 48-319. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 135. LANDS AND BUILDINGS

Subchapter C. STATE GAME LANDS

§ 135.41. State game lands.

* * * *

(c) *Additional prohibitions.* In addition to the prohibitions contained in the act pertaining to State game lands and § 135.2, except with the written permission of the Director, it is unlawful to:

* * * *

(15) [**Target shoot with firearms, bows and arrows or devices capable of launching projectiles in a manner that could cause injury to persons or property, or on areas posted closed to those activities.**] **Target shoot with firearms, bows and arrows or devices capable of launching projectiles, unless the person is in possession of a valid hunting or furtaker license signed by its holder. Exercise of privileges shall be done in a manner as to not cause injury to persons or property, or on areas not otherwise posted closed to those activities.**

* * * *

Subchapter J. SHOOTING RANGES

§ 135.181. Rifle and handgun ranges.

* * * *

(b) *Prohibited acts.* At a rifle and handgun range located on land under Commission ownership, lease or jurisdiction, except when authorized by the appropriate regional director or a designee [**for military or law enforcement training**], it is unlawful to:

* * * *

(8) **Possess, load or discharge a firearm for any reason without possessing a valid Pennsylvania hunting or furtaker license or a Commission-issued range permit signed by its holder. This prohibition does not apply to persons 15 years of age or younger or up to one person accompanying another person in possession of a valid Pennsylvania hunting or furtaker license or a commission-issued range permit.**

* * * *

CHAPTER 147. SPECIAL PERMITS

Subchapter Z. STATE GAME LANDS RANGE PERMITS

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

Sec.

- 147.1001. Purpose and scope.
- 147.1002. Eligibility and application.
- 147.1003. Range permit.
- 147.1004. Violations.

§ 147.1001. Purpose and scope.

This subchapter provides for range permits to be issued to eligible persons to authorize their holders to utilize established rifle or handgun ranges or designated clay bird shooting areas located on State game lands.

§ 147.1002. Eligibility and application.

(a) Range permits will only be issued to persons 16 years of age or older who do not possess a valid Pennsylvania hunting or furtaker license.

(b) Applications for range permits issued under this subchapter shall be made on a form provided by the Commission.

(c) Applications must include the name and contact information of the permit applicant.

(d) The fee for a range permit will be \$30 for residents and nonresidents.

§ 147.1003. Range permit.

(a) A range permit issued under this subchapter authorizes the permittee to utilize established rifle or handgun ranges or designated clay bird shooting areas located on State game lands.

(b) Permittees shall utilize established rifle or handgun ranges or designated clay bird shooting areas located on State game lands in a manner consistent with applicable requirements, conditions and restrictions provided for in the act and §§ 135.2, 135.41 and 135.181 (relating to unlawful actions; State game lands; and rifle and handgun ranges).

§ 147.1004. Violations.

The Director may deny, revoke or suspend any permit for any violation of this subchapter upon written notice to the permittee.

[Pa.B. Doc. No. 10-2198. Filed for public inspection November 19, 2010, 9:00 a.m.]

**[58 PA. CODE CH. 147]
Special Permits**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 5, 2010, meeting, proposed to amend § 147.673 (relating to eligibility and application for DMAP) to require that public landowners provide approved management plans along with applications and also advance applications date 1 month.

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

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

The proposed rulemaking was made public at the October 5, 2010, meeting of the Commission. Comments can be sent until January 21, 2011, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

In April 2010, the Commission directed staff to review the Deer Management Assistance Program (DMAP) as it related to public landowners to enhance accountability for DMAP on public lands. Based upon this review, the Commission is proposing to amend § 147.673 to require that public landowners provide approved management plans along with applications. The Commission is also proposing to advance the application date 1 month earlier to allow staff adequate time to review and process DMAP

applications in a timely manner, as well as notify applicants about permit availability prior to the issuance of regular antlerless licenses.

Section 2901(b) of the code (relating to authority to issue permits) provides “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The amendments to § 147.673 were proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 147.673 by replacing language to require that public landowners provide approved management plans along with applications and also advance the application date 1 month.

3. Persons Affected

Persons engaged in DMAP white-tailed deer control activities may be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking will result in additional cost and paperwork associated with the review and approval of an increased volume of applications accompanied by an approved management plan. This increase in cost and paperwork will be minimal and should be covered by current budgets.

5. Effective Date

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

6. Contact Person

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

CARL G. ROE,
Executive Director

Fiscal Note: 48-317. No fiscal impact; (8) recommends adoption.

**Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 147. SPECIAL PERMITS
Subchapter R. DEER CONTROL
DEER MANAGEMENT ASSISTANCE PROGRAM
PERMITS**

§ 147.673. Eligibility and application for DMAP.

(a) [**Owners or lessees of private land, hunting clubs or authorized officers or employees of political subdivisions or governmental agencies shall apply for the DMAP in a manner and on a form required by the Director. Separate applications for DMAP areas will not be accepted for areas within 1 air mile of another area that is owned, leased or controlled by the same person, political subdivision or government agency without an approved management plan.**

(1) Where material destruction of cultivated crops, fruit trees or vegetables by deer has been or can be documented, one DMAP harvest permit may be allocated for every 5 acres of land enrolled in

the DMAP. On other lands one DMAP harvest permit will be allocated for every 50 acres enrolled in the DMAP. Additional DMAP harvest permits may be allocated dependent on current conditions relative to goals and objectives outlined in a Commission-approved management plan.

(b) Applications shall be submitted to a regional office by July 1 immediately preceding the first fall deer hunting season and shall include the name of the owner, lessee, political subdivision or government agency that is applying for the DMAP and the name and address of the person who will be the contact person for the DMAP as well as other information required on the application.

(1) An application for approval of a management plan that will allow the use of additional DMAP harvest permits on a designated land area shall contain the following information:

(i) A map showing the location and boundaries of the area and the county, township and Commission wildlife management unit the site is located in.

(ii) A description of the management area delineated on the map in subparagraph (i) including the size in acres, cover types (forested, nonforested), principle land uses, huntable areas and safety zones.

(iii) An explanation of the deer management goals and objectives for the area.

(iv) An explanation to substantiate why the person in control of the land wants to increase the harvest of antlerless deer by allowing the use of DMAP on the area. Area specific information shall be provided that supports the deer management goals and objectives.]

Owners or lessees of private land, hunting clubs or authorized officers or employees of political subdivisions or governmental agencies shall apply for the DMAP on a form provided by the Commission.

(1) Applications shall be submitted to a regional office by June 1 immediately preceding the first fall deer season and include the name of the owner, lessee, political subdivision or government agency that is applying for the DMAP and the name and address of the contact person for the DMAP as well as other information required on the application.

(2) One DMAP harvest permit will be allocated for every 5 acres of land enrolled in the DMAP where material destruction of cultivated crops, fruit trees or vegetables by deer has been or can be documented. One DMAP harvest permit will be allocated for every 50 acres of land enrolled in the DMAP for all other lands. Additional DMAP harvest permits may be allocated dependent on current conditions relative to goals and objectives outlined in a Commission-approved management plan.

(3) Applications will not be accepted for the following areas without an approved management plan:

(i) Areas within 1 air mile of another DMAP area that is owned, leased or controlled by the same person, political subdivision or governmental agency.

(ii) Areas owned or leased by a Federal agency, State agency or municipal political subdivision.

(iii) Areas with less than 5 acres of cultivated crops, fruit trees or vegetables, or less than 50 acres of other lands.

(b) Management plans must include at least the following information:

(1) A map showing the location and boundaries of the area and the county, township and Commission wildlife management unit the site is located in.

(2) A description of the management area delineated on the map in paragraph (1) including the size in acres, cover types (forested or nonforested), principle land uses, huntable areas and safety zones.

(3) An explanation of the deer management goals and objectives for the area.

(4) An explanation to substantiate why the person in control of the land wants to increase the harvest of antlerless deer by allowing the use of DMAP in the area. Area specific information shall be provided that supports the deer management goals and objectives.

* * * * *

[Pa.B. Doc. No. 10-2199. Filed for public inspection November 19, 2010, 9:00 a.m.]

[58 PA. CODE CH. 147]

Special Permits; Snow Goose Conservation Hunt Permit

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 5, 2010, meeting, proposed to amend § 147.783 (relating to permit) to authorize the use of electronic decoys for hunting and taking activities conducted under a snow goose conservation hunt permit.

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

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

The proposed rulemaking was made public at the October 5, 2010, meeting of the Commission. Comments can be sent until January 21, 2011, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

In recent years continental snow goose populations have experienced rapid growth in numbers. This dramatic increase in population size has in turn resulted in extensive damage to arctic and subarctic breeding habitats of the continental snow goose, as well as other bird populations dependent on these habitats. In January 2008, the Commission, working in conjunction with the United States Fish and Wildlife Service, added Chapter 147, Subchapter W (relating to snow goose conservation hunt permit) to define and create the regulatory structure necessary to implement the snow goose conservation hunt program (program) in this Commonwealth. In January 2009, the Commission amended the program to authorize the limited use of electronic calls for hunting and taking activities conducted under a snow goose conservation hunt permit. In light of the Commission's continued recognition of the need to dramatically increase the

harvest of continental snow geese in this Commonwealth, the Commission is proposing to amend § 147.783 to authorize the use of electronic decoys for hunting and taking activities conducted under a snow goose conservation hunt permit.

Section 2901(b) of the code (relating to authority to issue permits) provides “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The amendments to § 147.783 were proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 147.783 by adding language to authorize the use of electronic decoys for hunting and taking activities conducted under a snow goose conservation hunt permit.

3. *Persons Affected*

Persons hunting snow geese during the snow goose conservation season may be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in any additional cost or paperwork.

5. *Effective Date*

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

6. *Contact Person*

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

CARL G. ROE,
Executive Director

Fiscal Note: 48-318. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter W. SNOW GOOSE CONSERVATION HUNT PERMIT

§ 147.783. Permit.

* * * * *

(c) Except as otherwise provided in this subchapter, all State and Federal requirements and limitations relating to the hunting and taking of snow geese during regular open seasons apply to any activities conducted pursuant to the authorizations of a snow goose conservation hunt permit. The following specific exceptions apply:

* * * * *

(2) *Electronic [calling] devices.* Notwithstanding the general prohibition against the use of electronic [calls] devices found in section 2308 of the act (relating to unlawful devices and methods) and § 141.6 (relating to illegal devices), the limited use of electronic calls and electronic decoys shall be authorized for all hunting

and taking activities conducted pursuant to the authorizations of a snow goose conservation hunt permit.

[Pa.B. Doc. No. 10-2200. Filed for public inspection November 19, 2010, 9:00 a.m.]

[58 PA. CODE CH. 147]

Special Permits; White-Tailed Deer

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 5, 2010, meeting, proposed to amend §§ 147.552 and 147.556 (relating to application; and lawful devices and methods) to create a focused, limited authorization permitting the baiting of white-tailed deer in wildlife management units (WMUs) 5C and 5D on approved properties enrolled in the Red Tag Program.

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

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

The proposed rulemaking was made public at the October 5, 2010, meeting of the Commission. Comments can be sent until January 21, 2011, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

On March 31, 2010, the Commission’s 3-year evaluation of the effectiveness of a broad scale and widely accessible authorization permitting the baiting of white-tailed deer across the southeast special regulations areas expired. The Commission’s final review of the baiting authorization generally concluded that broad scale and widely accessible baiting did not establish viable increases in harvest rates to justify an extension of the experimental program. In furtherance of the Commission’s continuing efforts to find effective tools to manage the population on agriculture lands in this Commonwealth, the Commission is proposing to amend §§ 147.552 and 147.556 to create a focused, limited authorization permitting the baiting of white-tailed deer in WMUs 5C and 5D on approved properties enrolled in the Red Tag Program.

Section 2901(b) of the code (relating to authority to issue permits) provides “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The amendments to §§ 147.552 and 147.556 were proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend §§ 147.552 and 147.556 by adding language to create a focused, limited authorization permitting the baiting of white-tailed deer in WMUs 5C and 5D on approved properties enrolled in the Red Tag Program.

3. *Persons Affected*

Persons engaged in Red Tag white-tailed deer control activities in WMUs 5C and 5D may be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

5. *Effective Date*

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

6. *Contact Person*

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

CARL G. ROE,
Executive Director

Fiscal Note: 48-316. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

AGRICULTURE

§ 147.552. Application.

* * * * *

(d) Applicants from wildlife management units 5C and 5D only may be eligible to obtain approval to engage in limited baiting activities to enhance deer control activities on their properties. Approval will be based solely upon an applicant's demonstrable need for a baiting authorization as evidenced by written justifications or other evidence

submitted on or in addition to the application at the time of application or renewal.

§ 147.556. Lawful devices and methods.

[A permittee may restrict the type of firearm or bow used to take deer on lands under the permittee's ownership or control, or both. Devices used shall be in compliance with the act and this title as applicable.]

(a) *Devices.* Subpermittees are authorized to hunt and take deer with firearms, bows and crossbows as may be authorized for hunting deer during the regular firearms deer season as provided in the act and § 141.43 (relating to deer).

(b) *Methods.* Subpermittees operating under the authority of a permit with an approved baiting authorization are authorized to hunt or take deer through the use of or by taking advantage of bait subject to the following limitations:

(1) This authorization applies to private lands in wildlife management units 5C and 5D only.

(2) Bait may be placed or distributed 2 weeks prior to the validity period of the deer control permit through the close of the validity period as established in § 147.553 (relating to permit).

(3) Bait accumulation in any one location may not exceed 5 gallons total volume at any given time.

(c) *Further restrictions.* A permittee may further restrict the use of devices and methods authorized under this section on lands under the permittee's ownership or control, or both.

[Pa.B. Doc. No. 10-2201. Filed for public inspection November 19, 2010, 9:00 a.m.]

NOTICES

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Connoquenessing Creek Watershed Conservation Plan

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation has approved the Connoquenessing Creek Watershed Conservation Plan (Plan) and is placing the Connoquenessing Creek Watershed covered in the Plan in Allegheny, Beaver, Butler and Lawrence Counties, on the Pennsylvania Rivers Conservation Registry (Registry).

The Western Pennsylvania Conservancy submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Pennsylvania Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

1. The watershed area of Connoquenessing Creek (Allegheny, Butler, Beaver and Lawrence Counties) from the headwaters to its confluence with Slippery Rock Creek in Perry and Wayne Townships in Lawrence County—819.277 square miles.

2. The watershed area of Connoquenessing Creek (Lawrence County) from the confluence of Slippery Rock Creek in Perry and Wayne Townships, Lawrence County to its confluence with the Beaver River in Ellwood City Borough, Lawrence County—10.723 square miles.

3. All tributary streams within the Connoquenessing Creek Watershed except the Slippery Rock Watershed.

This action becomes effective November 20, 2010. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the Final Plan is available for review at The Western Pennsylvania Conservancy, Watershed Conservation Program, 246 South Walnut Street, Blairsville, PA 15717, (724) 459-0953 and Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 783-2712.

Maps and supporting data are available by contacting The Western Pennsylvania Conservancy.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 10-2202. Filed for public inspection November 19, 2010, 9:00 a.m.]

Little Neshaminy Creek River Conservation Plan

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation has approved the Little Neshaminy Creek River Conservation Plan (Plan) and is placing the Little Neshaminy Creek Watershed and all tributaries covered

in the Plan in Montgomery and Bucks Counties, on the Pennsylvania Rivers Conservation Registry (Registry).

The Heritage Conservancy submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Pennsylvania Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

1. The watershed area of the Little Neshaminy Creek (Montgomery and Bucks Counties) from the headwaters to its confluence with the main stem of Neshaminy Creek—43 square miles.

2. All tributary streams within the Little Neshaminy Creek Watershed.

This action becomes effective November 20, 2010. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the Final Plan is available for review at Heritage Conservancy, 85 Old Dublin Pike, Doylestown, PA 18901, (215) 345-7020, Ext. 100, www.heritageconservancy.org and Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 783-2712.

Maps and supporting data are available by contacting the Heritage Conservancy.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 10-2203. Filed for public inspection November 19, 2010, 9:00 a.m.]

Paxton Creek Rivers Conservation Plan

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation has approved the Paxton Creek Rivers Conservation Plan (Plan) and is placing the Paxton Creek Watershed covered in the Plan in Dauphin County, on the Pennsylvania Rivers Conservation Registry (Registry).

The Paxton Creek Watershed and Education Association submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Pennsylvania Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

1. The watershed area of Paxton Creek (Dauphin County) from the headwaters to its confluence with the Susquehanna River—27.43 square miles.

2. All tributary streams within the Paxton Creek Watershed.

This action becomes effective November 20, 2010. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the Final Plan is available for review at The Paxton Creek Watershed and Education Association, P. O.

Box 61674, Harrisburg, PA 17106, www.paxtoncreek.org and Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 783-2712.

Maps and supporting data are available by contacting The Paxton Creek Watershed and Education Association.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 10-2204. Filed for public inspection November 19, 2010, 9:00 a.m.]

Poquessing Creek Watershed River Conservation Plan

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation has approved the Poquessing Creek Watershed River Conservation Plan (Plan) and is placing the Poquessing Creek Watershed covered in the Plan in Bucks, Montgomery and Philadelphia Counties, on the Pennsylvania Rivers Conservation Registry (Registry).

The Philadelphia Water Department submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Pennsylvania Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

1. The watershed area of Poquessing Creek (Bucks, Montgomery and Philadelphia Counties) from the headwaters to its confluence with the Delaware River—22.0 square miles.

This action becomes effective November 20, 2010. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the Final Plan is available for review at The Philadelphia Water Department, The ARAMARK Tower, 1101 Market Street, Philadelphia, PA 19107-2994, (215) 499-3756 and Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 783-2712.

Maps and supporting data are available by contacting The Philadelphia Water Department.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 10-2205. Filed for public inspection November 19, 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 regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

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

I. NPDES Renewal Applications

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0065048 (Sewage)	Nicholson Borough WWTP S R 2017 Nicholson, PA 18846	Wyoming County Nicholson Township	Tunkhannock Creek (4-F)	Y
PA0070301 (Sewage)	SPG, Inc. (Whispering Hollow North MHP WWTP) Pa Route 248 Northampton, PA 18067	Northampton County Moore Township	Hokendauqua Creek (2-C) CWF & MF	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0081949 (SEW)	West Earl Sewer Authority 157 West Metzler Road Brownstown, PA 17508	Lancaster County / West Earl Township	Conestoga River / 7J	Y
PA0259802 (CAFO)	Wen-Crest Farms, LLC 549 Schaeffer Road Lebanon, PA 17042	Lebanon County / South Lebanon Township	Hammer Creek / 7J	Y
PA0248002 (CAFO)	Jobo Holstein Farms, LLC 200 Tall Oaks Road Gettysburg, PA 17325	Adams County / Mount Pleasant Township	White Run & Swift Run / 7F	Y
PA0020591 (Sew)	Mount Gretna Authority 101 Chautauqua Drive PO Box 322 Mount Gretna, PA 17064	Lebanon County South Londonderry Township	Conewago Creek / 7G	Y
PA0070378 (Sew)	Blue Mountain Academy 3363 Mountain Road Hamburg, PA 19526-8745	Berks County Tilden Township	Mill Creek / 3-B	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

PA0021181, Sewage, SIC 4952, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

This facility is located in Warrington Township, **Bucks County**.

Description of Proposed Activity: Renewal of a NPDES permit to discharge treated sewage effluent from Green Street STP.

The receiving stream, an unnamed tributary to Neshaminy Creek, is in the State Water Plan watershed 2F and is classified for: warm water fishes, migratory fishes, aquatic life, water supply, and recreation. The nearest downstream public water supply intake for Aqua PA SE Division is located on Neshaminy Creek.

The proposed effluent limits for Outfalls 001 and 002* are based on a design flow of 1.2 mgd:

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (05/01-10/31)	15	23		30
CBOD ₅ (11/01-04/30)	25	40		50
Total Suspended Solids	30	45		60
NH ₃ -N (05/01-10/31)	1.5			3.0
NH ₃ -N (11-01-04/30)	4.5			9.0
Fecal Coliform (col/100 ml)	200			1,000**
pH (Std. Units)	6.0 min.			9.0
Dissolved Oxygen	5.0 min.			
Total Kjeldahl Nitrogen	Monitor			Monitor
(NO ₂ +NO ₃)-N: (07/01-10/31)	9.5			19.0
(11/01-06/30)	Monitor			Monitor
Phosphorus as P: (Effective date thru Year 1): (04/01-10/31)	1.2			2.4
(11/01-03/31)	Monitor			Monitor
(Year 2 thru Expiration): (04/01-10/31)	0.7			1.4
(11/01-03/31)	1.4			2.8
Copper	Monitor			Monitor

* A maximum of 0.2 mgd of permitted flow can be diverted through Outfall 002 for irrigation.

** Not to exceed 1,000 col/100 ml in greater than ten percent of the samples.

The proposed effluent limits for stormwater Outfalls 003 and 004 are based on the design flow of an average stormwater event:

<i>Parameters</i>	<i>Average Annual (mg/l)</i>	<i>Average Semi-Annual (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	Monitor		Monitor	
COD	Monitor		Monitor	
Oil and Grease	Monitor		Monitor	
pH (Std. Units)	Monitor		Monitor	
Total Suspended Solids	Monitor		Monitor	
Total Kjeldahl Nitrogen	Monitor		Monitor	
Total Phosphorus	Monitor		Monitor	
Iron (dissolved)	Monitor		Monitor	
Fecal Coliform (col/100 ml)	Monitor		Monitor	

In addition to the effluent limits, the permit contains the following major special conditions:

1. Notification of Designation of Responsible Operator
2. Definition of Average Weekly
3. Remedial Measures if Public Nuisance
4. No Stormwater to Sanitary Sewers
5. Necessary Easements
6. Small Stream Discharge
7. Change in Ownership
8. Proper Sludge Handling
9. TMDL Data Submission
10. Operator Training
11. Whole Effluent Toxicity Testing with Renewal
12. Instantaneous Maximum Limitations
13. Operations and Maintenance Plan
14. Laboratory Certification
15. Fecal Coliform Reporting
16. Stormwater Requirements

EPA Waiver is not in effect.

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

Application No. PA 0024228, Industrial Waste, SIC Code 2015, **BC Natural Chicken, LLC**, PO Box 70, Fredericksburg, Pennsylvania 17026.

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

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream, Beach Run, is in Watershed 7-D, and classified for warm water fishery, water supply, recreation, and fish consumption. The nearest downstream public water supply intake is the Philadelphia Water Company located on the Swatara Creek, approximately 28 miles downstream. The discharge is not expected to affect the water supply.

The proposed interim effluent limits for Outfall 001 based on a design flow of 0.60 MGD are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
CBOD ₅	Report	Report	16	26	40
Total Suspended Solids	Report	Report	20	30	50
Ammonia Nitrogen as N					
(5/1 to 10/31)	7.5	15	1.5	3.0	3.75
(11/1 to 4/30)	22.5	45	4.0	8.0	10
Total Residual Chlorine	—	—	0.1	—	0.2
Total Phosphorus	10	20	2.0	4.0	5.0
Total Nitrogen	—	—	103	147	—
Oil and Grease	Report	Report	8.0	14	20
Dissolved Oxygen	Minimum of 5.0 at all times.				
pH	Within the range of 6 to 9 standard units at all time.				
Fecal Coliform					
(5/1 to 9/30)	200/100 ml as a geometric average value.				
(10/1 to 4/30)	400/100 ml as geometric average.				

Chesapeake Bay/Elizabeth Run TMDL Requirements

Parameters	Mass (lbs)	
	Monthly	Annual
Total Suspended Solids	Report	Report
Total Phosphorus	Report	Report
TKN	Report	—
NO ₂ +NO ₃ -N	Report	—
Total Nitrogen	Report	Report
NH ₃ -N	Report	Report

The proposed final effluent limits for Outfall 001 based on a design flow of 0.60 MGD are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
CBOD ₅	50	100	10	20	25
Total Suspended Solids	Report	Report	10	20	25
Ammonia Nitrogen as N					
(5/1 to 10/31)	7.5	15	1.5	3	3.75
(11/1 to 4/30)	20	40	4.0	8	11.25
Total Residual Chlorine	—	—	0.019	—	0.06
Total Phosphorus	2.5	5	0.5	1.0	1.25
Total Nitrogen	—	—	103	147	—
Oil and Grease	Report	Report	8	14	20
Dissolved Oxygen	Minimum of 5.0 at all times.				
pH	Within the range of 6 to 9 standard units at all time.				
Fecal Coliform					
(5/1 to 9/30)	200/100 ml as a geometric average value.				
(10/1 to 4/30)	400/100 ml as geometric average.				

Chesapeake Bay/Elizabeth Run TMDL Requirements

Parameters	Mass (lbs)	
	Monthly	Annual
Total Suspended Solids	Report	45,800
Total Phosphorus	Report	766
TKN	Report	—
NO ₂ +NO ₃ -N	Report	—
Total Nitrogen	Report	18,982
NH ₃ -N	Report	Report

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.

PA0008427, Industrial Waste, SIC Code 4961, **NRG Energy Center Harrisburg LLC.**, 100 North 10th Street, Harrisburg, PA 17101-3357. Facility Name: NRG Energy Center Harrisburg, LLC. This existing facility is located in Harrisburg City, **Dauphin County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.084 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	6.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
Temperature (° F)	XXX	XXX	XXX	XXX	110	XXX
Total Suspended Solids	21	42	XXX	30	60	75
Oil and Grease	XXX	XXX	XXX	15	30	30
Total Copper	0.032	0.0645	XXX	0.047	0.094	0.12
Total Iron	2.3	4.6	XXX	3.4	6.8	8.5

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

* Chemical Additives Usage Rates

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.

PA0088323, Industrial Waste, SIC Code 4911, **Ontelaunee Power Operatings Co. LLC**, 5115 Pottsville Pike, Reading, PA 19605-9729. Facility Name: Ontelaunee Energy Center. This existing facility is located in Ontelaunee Township, **Berks County**.

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

The receiving stream(s), Schuylkill River, is located in State Water Plan watershed 3-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 0.35 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.2	XXX	0.5
Temperature (° F)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	Report	Report	XXX	30	60	75
Total Dissolved Solids	Report	Report	XXX	2,400	3,000	3,000
Oil and Grease	XXX	XXX	XXX	15	30	30
Total Chromium	Report	Report	XXX	0.20	0.40	0.50
Total Zinc	Report	Report	XXX	1.0	2.0	2.5
Total PCBs	XXX	XXX	XXX	XXX	Report	XXX

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

The EPA Waiver is not in effect.

PA0022535, Sewage, SIC Code 4952, **Millersburg Borough Area Authority Dauphin County**, 101 West Street, Millersburg, PA 17061-1363. Facility Name: Millersburg STP. This existing facility is located in Millersburg Borough, **Dauphin County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 1 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	Instant. Maximum
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅	209	Wkly Avg	XXX	25	40	50
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	250	Wkly Avg	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	XXX
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	XXX

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

Parameters	Mass (lbs)			Concentration (mg/l)	
	Monthly	Annual	Minimum	Monthly Average	Maximum
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen (Interim)	Report	Report	XXX	XXX	XXX
Net Total Nitrogen (Final)	Report	18,265	XXX	XXX	XXX
Net Total Phosphorus (Interim)	Report	Report	XXX	XXX	XXX
Net Total Phosphorus (Final)	Report	2,435	XXX	XXX	XXX

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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.

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

PA0263770, Sewage, SIC Code 8800, **Ann Kozen**, 124 Fairway Circle, Townsend, TN 37882. Facility Name: Ann Kozen SFTF, 17973 Townville Road, Centerville, PA 16404. This facility will be located in Athens Township, **Crawford County**.

Description of Existing Activity: The application is for a new NPDES permit for a discharge of treated Sewage from a single residence.

The receiving stream, an Unnamed Tributary to Muddy Creek, is located in State Water Plan watershed 16-A and is classified for High-Quality 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 0.0004 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6	XXX	XXX	9
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	XXX

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

- Annual Reporting Requirements (AMRs)
- Ultraviolet (UV) Disinfection Equipment
- Septic Tank Cleaning

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

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

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

WQM Permit No. 3801403 Amendment 10-1, Sewerage, **Mount Gretna Authority**, 101 Chautauqua Drive, PO Box 322, Mount Gretna, PA 17064.

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

Description of Proposed Action/Activity: Seeking approval to incorporate a concrete mixing tank and mechanical mixer into the chemical precipitation process for reduction of phosphorus in the plant effluent.

WQM Permit No. 3610405, Sewerage, **City of Lancaster**, 120 North Duke Street, PO Box 1599, Lancaster, PA 17608-1599.

This proposed facility is located in Lancaster City, **Lancaster County**.

Description of Proposed Action/Activity: Seeking approval for the replacement of the Stevens Avenue Sewage Pumping Station. The new wet well / dry well station will be constructed with an increased capacity of 11.0 mgd to convey a higher percentage of combine sewer flows to the City's Advanced Wastewater Treatment Plant.

WQM Permit No. 0791402 10-1, Sewerage, **Hollidaysburg Sewer Authority**, 401 Blair Street, Hollidaysburg, PA 16648.

This proposed facility is located in Frankstown Township, **Blair County**.

Description of Proposed Action/Activity: Seeking approval for the upgrade of the wastewater treatment plant including to achieve improved TN removal; upgrade the existing sludge aerobic digester along with sludge thickening and sludge dewatering facilities; dismantle and remove the existing steel tankage.

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

WQM Permit No. 0210201, Industrial Waste, **United States Steel Corporation**, 400 State Street, Clairton, PA 15025-1855

This proposed facility is located in the City of Clairton, **Allegheny County**

Description of Proposed Action/Activity: Application for the construction and operation of a treatment plant.

WQM Permit No. 2600403-A1, Sewerage, **Dunbar Township Municipal Authority**, PO Box 815, Connellsville, PA 15425

This existing facility is located in Dunbar Township, **Fayette County**

Description of Proposed Action/Activity: Application for permit amendment.

WQM Permit No. 6586407-A2, Sewerage, **Hempfield Township Municipal Authority**, 1146 Woodward Drive, Greensburg, PA 15601

This existing facility is located in Hempfield Township, **Westmoreland County**

Description of Proposed Action/Activity: Application for permit amendment.

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

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

Lackawanna Conservation District: 1300 Old Plant Rd., Mayfield, PA 18433

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024010004(1)	Patrick J. McMackin PPL Electric Utilities Corp Two North Ninth Street Allentown, PA 18101	Lackawanna	Ransom Twp Newton Twp S. Abington Twp. Scott Twp Jefferson Twp City of Scranton Dickson City Boro Blakely Boro Archbald Boro	UNT to Susquehanna River (CWF, MF) Gardner Creek Basin (CWF, MF) St. John's Creek Basin (CWF, MF) Keyser Creek Basin (CWF, MF) Leggett's Creek Basin (TSF, MF) UNT to Lackawanna River (CWF, MF) Hull Creek Basin (CWF, MF) Wildcat Creek Basin (CWF, MF) Lackawanna River Main Stem (HQ-CWF, MF) White Oak Run Basin (CWF, MF) Laurel Run Basin (CWF, MF) Middle Creek Basin (HQ-CWF, MF)

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

Columbia County Conservation District: 702 Sawmill Road, Suite 204, Bloomsburg, PA 17815, (570) 784-1310, X 102

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041910002	Dennis Reedy Integrity Land Development 197 Point Township Dr. Northumberland, PA 17857	Columbia	Hemlock Township	Hemlock Creek CWF Susquehanna River CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044110003	Neil Scharder 387 Scharder Ln Lock Haven, PA 17745	Lycoming	McHenry Township	First Big Fork Trout Run HQ-CWF

Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Fayette County Conservation District, 10 Nickman Plaza, Lemont Furnace, PA 15456 (724-438-4497).

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI052607002-2	Atlantic Wind LLC (Subsidiary of Iberdrola Renewables) 201 King of Prussia Road Suite 500 Radnor, PA 19087	Fayette	Georges, Springhill and Wharton Townships	Big Sandy Creek (HQ-CWF), Laurel Run (HQ-CWF), Mountain Creek (CWF), Quebec Run (EV and HQ-CWF), Rubles Run (CWF)

Greene County Conservation District, 93 East High Street, Room 215, Waynesburg, PA 15370 (724-852-5278).

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI053010001	Allegheny Power DBA West Penn Power Company 800 Cabin Hill Road Greensburg, PA 15601	Greene	Whiteley & Franklin Townships	Whiteley Cteek (WWF), UNT to Whiteley Creek (WWF), South Fork Ten Mile (HQ-WWF), Smith Creek (WWF)

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

Butler County Conservation District, 122 McCure Drive, Butler PA 16001-6501

Erie County Conservation District, 1927 Wager Road, Erie PA 16509

NPDES Application No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI 0610 10 005	Mark Bozzone Woodberry Center LP 103 Brilliant Avenue Pittsburgh Pa 15215	Butler	Buffalo Township	Little Buffalo Creek HQ, TSF
PAI 0625 10 002	PA DEP NWRO 230 Chestnut Street Meadville PA 16335	Erie	Millcreek Township	West Branch Cascade Creek WWF, MF

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

Agricultural Operation Name and Address	County	Total Acres	Animal Equivalent Units	Animal Type	Special Protection Waters (HQ or EV or NA)	Renewal/New
Clifford Zimmerman 2993 Mill Road Elizabethtown, PA 17022	Dauphin	170.2	375.04	Broilers	NA	Renewal

PUBLIC WATER SUPPLY (PWS) PERMITS

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

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Permit No. 5010507, Public Water Supply.

Applicant	Arbor Manor Apartments
Municipality	Watts Township
County	Perry
Responsible Official	Eugene E. Wilson, Partner 194 Richwine Road Unit 4 Shermans Dale, PA 17090
Type of Facility	Public Water Supply
Consulting Engineer	Max E Stoner, P.E. Glace Associates, Inc. 3705 Trindle Rd Camp Hill, PA 17011
Application Received:	10/18/2010
Description of Action	Sodium hypochlorite and chlorine contact pipe installation.

Permit No. 3610542, Public Water Supply.

Applicant	Bird in Hand Bake Shop
Municipality	Upper Leacock Township

County	Lancaster
Responsible Official	Erwin J. Miller, Owner 542 Gibbons Road Bird in Hand, PA 17505
Type of Facility	Public Water Supply
Consulting Engineer	Charles A Kehew II, P.E. James A Holley & Associates Inc 18 South George Street York, PA 17401
Application Received:	11/1/2010
Description of Action	Installation of nitrate treatment

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. 4510507MA, Minor Amendment.

Applicant	Aqua Pennsylvania Hamilton Water System, Inc.
[Township or Borough]	Ross Township, Monroe County
Responsible Official	Patrick Burke, Regional Manager NE and Central Operations 1 Aqua Way White Haven, Pa. 18611 (570) 443-7099
Type of Facility	Public Water Supply
Consulting Engineer	CET Engineering Associates 1240 N. Mountain Road Harrisburg, Pa. 17112 Attn: William LaDieu (717) 541-0622
Application Received Date	09/28/2010
Description of Action	This project provides for the construction of 36 feet of 3 feet diameter ductile iron main to provide additional chlorination contact time for 4-Log disinfection requirements before the entry point.

Application No. 3910512MA, Minor Amendment

Applicant	Whitehall Township Authority
[Township or Borough]	Whitehall Township Lehigh County
Responsible Official	Douglas K. Bowen, Manager Whitehall Township Authority 1901 Schadt Avenue Whitehall, PA 18052-3728
Type of Facility	Community Water System
Consulting Engineer	Timothy A. Miller, PE Keystone Consulting Engineers, Inc. 6235 Hamilton Boulevard Wescosville, PA 18106 610-395-0971
Application Received Date	July 7, 2010

Description of Action Application for modification of the inlet for the Schadt Avenue storage tank to provide increased circulation efficiency.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401

Lattari Residence, City of Philadelphia, **Philadelphia County**. Charles Burger, Mountain Research LLC, 825 25th Street, Altoona, PA 16601 Karen Washko, Longacre Appraisal Adjustments, 5339 Woodland Avenue, PA 19143 on behalf of Ms. Lattari, 2623 South Street, Philadelphia, PA 19143 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same.

Ardmore Plaza Shop Center, Lower Merion Township, **Montgomery County**. Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004, Bryan Sladky, Silar Services, Inc., 1851 French Creek Road, Phoenixville, PA 19460 on behalf of Phillip Hughes, Jr. CPA, Fox Park Corporation, 18 Sentry Park West, Suite 300, Blue Bell, PA 19422 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of unleaded gasoline. The future use of the site will remain non-residential for continued use as a shopping center. A summary of the Notice of Intent to Remediate was reported to have been published in reported *The Philadelphia Daily News* on October 15, 2010.

Rite Aid Drug Store, City of Philadelphia, **Philadelphia County**. Andrew Trzcinski, PT Consultants, Inc, 629 Creek Road, Bellmawr, NJ 08031 on behalf of Mark McOrmond, Osborne Associates, 1200 Narraticon Parkway, Deptford, NJ 08096 has submitted a Notice of Intent to Remediate. Groundwater and soil has been impacted with the release of leaded gasoline and mtbe. The current use is commercial—a Rite Aid Drug Store—intended future use to stay the same.

Mac & Sam Inc, Clifton Height Borough, **Delaware County**. Richard Werner, Environmental Consulting, Inc, 500 West Washington Street, Suite 375, Norristown, PA 19401 on behalf of James Salmon, Clifton Heights Community and Economic, P. O. Box 83, Clifton Heights, PA 19018 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of leaded gasoline. The proposed future use of the subject property is expected to be for commercial use.

Horwitz Residence, Whitpain Township, **Montgomery County**. Richard D. Trimpi, Trimpi Associates Inc, 1635 Plains Road, Pennsburg, PA 18073, Deb Alesi, State Farm Insurance Company, P. O. Box 13, Concordville, PA 19331 on behalf of Seth Horwitz, 645 Chatham Lane, Blue, PA 19422 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. A summary of the Notice of Intent to Remediate was to have been published in *The Ambler Gazette* on July 28, 2010.

Preserve Residential Development Site (lot 3 & 4), New Hanover Township, **Montgomery County**. Michael L. Beardsley, BL Companies, 213 Market Street, 6th floor, Harrisburg, PA 17101 on behalf of David W. Waltz, First Cornerstone Bank, 1004 W. Ninth Avenue, King of Prussia, PA 19406 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. A summary of the Notice of Intent to Remediate was reported to have been published in *The Mercury* on September 30, 2010.

US Steel Fairless Works/ABC 7.5 Acre KIPC, Falls Township, **Bucks County**. Colleen Costello, Langan Engineering and Environmental Services, Inc., 2700 Kelly Road, Suite 200, Washington, PA 18976, Judson W. Herr, Langan Engineering and Environmental Services, Inc., 2700 Kelly Road, Suite 200, Washington, PA 18976 on behalf of Kathleen Mayher, United States Steel Corporation, 600 Grant Street, Pittsburg, PA 15219 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of chlorinated solvents. The future use of the site will remain the same.

US Steel Fairless Works Area 5.71 Acre Property, Falls Township, **Bucks County**. Colleen Costello, Langan Engineering and Environmental Services, Inc., 2700 Kelly Road, Suite 200, Washington, PA 18976, Judson W. Herr, Langan Engineering and Environmental Services, Inc., 2700 Kelly Road, Suite 200, Washington, PA 18976 on behalf of Kathleen Mayher, United States Steel Corporation, 600 Grant Street, Pittsburg, PA 15219 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of PCB. The future use of the site will remain the same.

Northeast Region: Environmental Cleanup Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Easton Area School District Education Center, 1801 Bushkill Drive, Forks Township, **Northampton County**. Thomas J. Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002-2044 has submitted a Notice of Intent to Remediate (on behalf of his client, Easton Area School District, 1801 Bushkill Drive, Easton, PA 18040), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a leaking underground storage tank. The applicant proposes to remediate the site to meet the Statewide Health Standard for soil. The future use of the property is as a school district office. A summary of the Notice of Intent to Remediate was published in *The Express Times* on May 11, 2010. A Final Report was simultaneously submitted.

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

Aubrey Alexander Toyota. Monroe Township, **Snyder County**. Molesevich Environmental, LLC, PO Box 654, Lewisburg, PA 17837 on behalf of Blaise Alexander Family Dealerships, 1324 North Susquehanna Trail, Selinsgrove, PA 17870 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with petroleum. The applicant proposes to remediate the site to meet the Site-specific Standard. The future use of the property will be for an automotive and truck sales and service facility.

Shipleigh Energy-Beaver Springs, Spring Township, **Snyder County**. Mountain Resources, LLC, 825 25th St., Altoona, PA 16601 on behalf of Dave Gruno, Shipleigh Energy, State Route 0235, Beaver Springs, PA 17812 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with diesel fuel and gasoline. The applicant proposes to remediate the site to meet the Statewide Health Standard. The intended future use of the site will continue as a public access roadway and private wood property.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating

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

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

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

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

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

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

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001-4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

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

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

54-308-027: Sapa Extrusions, Inc. (53 Pottsville Street, Cressona, PA 17929) for installation of a new holding furnace and a new inline flux degassing unit at their site in Cressona Borough, **Schuylkill County**.

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

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

04-00083B: Beaver Valley Alloy Foundry Co. (1899 Brodhead Road, Monaca, PA 15061) for installation of dust collector at Beaver Valley Alloy Foundry in Monaca Borough, **Beaver County**.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

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

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

08-00010D: Global Tungsten & Powders, Corp. (Hawes Street, Towanda, PA 18848-0504) for the proposed construction of two (2) new plasma spray systems used to coat fuel cell interconnectors (Source ID P229) and a grit blaster used to prepare the interconnector surfaces prior to coating (Source ID P230) for their facility in North Towanda Township, **Bradford County**. This is a state only facility.

The Department's review of the information contained in the application submitted by GTP indicates that the spray system controlled by the proposed fabric collector and the blaster controlled by the proposed cyclone and fabric collector will comply with applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed construction.

The emissions from the proposed spray system will not exceed 0.005 tons of particulate matter per year and the emissions from the proposed blaster will not exceed 0.13 tons of particulate matter per year. The following is a summary of the types of conditions the Department intends to place in the plan approval to ensure compliance with applicable regulatory requirements including the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12.

Work practice requirements to install and operate the sources and control devices in accordance with manufacturer's recommendations and good air pollution control practices.

Monitoring and Recordkeeping conditions to verify compliance with the applicable requirements and good air pollution control practices.

A copy of the plan approval application and the Department's review is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

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

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

11-00527: Phoenix Services, LLC (1717 West Doe Run Road, Unionville, PA 19375) for installation and initial temporary operation of a slag processing and handling facility in Franklin Borough, **Cambria County**.

In accordance with 25 Pa. Code §§ 127.44—46, the Department of Environmental Protection (DEP) intends to issue Air Quality Plan Approval: PA-11-00527 to allow the installation and initial temporary operation of a slag processing and handling facility to be located in Franklin Borough, Cambria County. All slag to be processed is located on site. Air emission sources will include front end loaders, conveyors, screens, a crusher, stockpiles, and truck load out.

Potential emissions from the facility are estimated to be 9.45 tons of particulate matter (PM), 3.45 tons of particulate matter less than 10 microns in diameter (PM10), and 0.11 tons of particulate matter less than 2.5 microns in diameter (PM2.5) per year. Facility throughput will be limited to 500,000 tons of slag processed per year. Best available technology (BAT) for the proposed sources is the installation and use of water sprays on processing equipment, pressurized water truck and road sweeper for stockpile and road dust control, tarping of loaded trucks, and proper maintenance and operation. BAT also includes the incorporation of fugitive emission limits, restriction of open burning, monitoring and recordkeeping, and work practice standards from Title 25 of the Pennsylvania Code. Plan Approval has been conditioned to ensure compliance with all applicable rules. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently apply 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 (PA-11-00527).

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

20-302A: Farley's Industrial Services (818 West Spring Street, Titusville, PA 16354) for the installation of two (2) solvent recovery dryers at their facility in the City of Titusville, **Crawford 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

20-302A to Farley's Industrial Services for the installation of two (2) solvent recovery dryers at their facility in the City of Titusville, Crawford County. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code Section 127.450.

Plan Approval No. 20-302A is for the installation of two (2) solvent recovery dryers, which will allow the facility to launder a total of 600 tons per year of print towels. Based on the information provided by the applicant and DEP's own analysis, the facility, including all existing sources, will have the potential to emit approximately 60.24 tons of particulate matter, all of which will be particulate matter less than 10 microns (PM-10), and 0.48 ton of which will be particulate matter less than 2.5 microns (PM-2.5), 49.00 tons of volatile organic compounds (VOC), 6.34 tons of nitrogen oxides, 5.32 tons of carbon monoxide, 0.04 ton of sulfur oxides, and 8.34 tons of total Hazardous Air Pollutants (HAP) per year.

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

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the address shown below. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the following:

1. Name, address, and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 20-302A.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

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

OPERATING PERMITS

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

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, Canonsburg, PA 15317) for renewal of their Title V Operating Permit for their facility in Bradford Township, **Clearfield County**. The facility is currently operating under amended Title V Operating Permit 17-00001 issued May 13, 2005. The facility's main sources include four (4), coal-fired electricity generating units, three (3) diesel-fired start-up engines, and fly-ash disposal area. The facility has the potential to emit major quantities of carbon monoxide, nitrogen oxides, sulfur oxides, particulate matter and hazardous air pollutant emissions. The facility has the potential to emit volatile organic compound emissions less than the major emissions thresholds. The proposed Title V operating permit for renewal has incorporated the CAM provisions applicable to the four (4) EGUs for monitoring of the performance of the electrostatic precipitators that control particulate matter emissions. The CAM conditions included in the proposed Title V operating permit require opacity monitoring using continuous systems to monitor and record the opacity which indicates compliance within an appropriate opacity range that was determined in the submitted CAM plan. Appropriate opacity ranges were determined by data obtained from testing and an analysis of the data using linear regression techniques to determine opacity levels which reasonably assure compliance with the particulate matter emissions limitation equal to 0.1 lb/MMBtu which is applicable to each EGU. The Maximum Achievable Control Technology (MACT) Standard review was performed during the renewal Title V operating permit review. As a result of this review, the renewal Title V operating permit contains appropriate MACT standards applicable to sources at the Shawville Plant. The proposed Title V operating permit contains applicable monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

53-00006: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301) for renewal of their Title V Operating Permit for their Ellisburg facility in Genesee Township, **Potter County**. The facility's sources include eleven (11) natural gas-fired heaters, eight (8) natural gas-fired gas transmission engines, six (6) natural gas-fired line heaters, two (2) natural gas-fired boilers, one (1) diesel-fired emergency generator, one (1) natural gas-fired air compressor, one (1) parts washer and several fugitive volatile organic compound (VOC) emission sources, which have the potential to emit major quantities of nitrogen oxides (NO_x), carbon monoxide (CO), volatile hazardous air pollutants (VHAPs) and VOCs. The facility has the potential to emit sulfur oxides (SO_x) and particulate matter (PM/PM₁₀) below the major emission thresholds. The proposed Title V operating permit renewal contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940

16-00132: Clarion Boards, Inc.—Clarion Plant (P. O. Box 340, 143 Fiberboard Road, Shippensburg, PA 16254-0340) for a Title V Operating Permit to operate a Reconstituted Wood Products manufacturing facility in Paint Township, **Clarion County**.

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

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

38-03002: Plains LPG Services, L.P. (435 Route 501 South, Schaefferstown, PA 17088) for operation of a propane terminal in Heidelberg Township, **Lebanon County**. This is a renewal of the natural minor operating permit issued in 2005.

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

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

18-00027: Belles Springs Structures, LLC (PO Box 205, Mill Hall, PA 17751-0205) for issuance of a State-only (Synthetic Minor) operating permit for operation of its facility located in Lamar Township, **Clinton County**. The facility incorporates two propane-fired combustion units with a combined maximum heat input rating of 0.076 MMBtu/hr; one diesel-fired engine rated 448 bhp authorized under GP9-18-02; one wooden-structure surface coating operation authorized under Plan Approval 18-318-014; and one woodworking operation consisting of 3 table saws, four chop saws, and a grinder all controlled by a fabric collector exempted from plan approval via RFD. The facility has the potential to emit up to 3.54 tons of PM/PM10, 3.63 tons of HAPs, 1.84 tons of SOx, 13.68 tons of NOx, 11.55 tons of VOCs, and 3.98 tons of CO per year. The facility is a state only facility. All conditions currently contained in Plan Approval 18-318-014, all applicable conditions contained in General Plan Approval and/or General Operating Permit (BAQ-GPA/GP 9) for Diesel or No. 2 Fuel-fired Internal Combustion Engines, and all conditions contained in the Department's exemption of the woodworking operations have been included in the operating permit. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

17-00051: New Enterprise Stone & Lime Co., Inc. (P.O. Box 77, New Enterprise, PA 16664), for their facility located in Lawrence Township, **Clearfield County**. The facility's main sources include one batch mix asphalt plant and plant associated fugitive emissions. The facility has the potential to emit particulate matter (PM10), nitrogen oxides (NOx), sulfur oxides (SOx), 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) emissions below the major threshold. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

17-00040: Moshannon Valley School District (4934 Green Acre Road, Houtzdale, PA 16651) for their elementary and Junior/senior high school located in Bigler Township, **Clearfield County**. The facility's main sources include two (2) bituminous/no. 2 fuel oil fired boilers and one (1) propane fired emergency generator. The facility has the potential to emit major quantities of sulfur oxides (SOx). The facility has taken synthetic minor restrictions to limit its usage of bituminous coal

and no. 2 fuel oil to keep its SOx emissions below Title V emissions thresholds. The facility has the potential to emit nitrogen oxides (NOx), carbon monoxide (CO), particulate matter including particulate matter with aerodynamic diameter of less than 10 microns (PM-PM10), volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) below the Title V emissions 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.

55-00011: National Limestone Quarry, Inc. (PO Box 937, Middleburg, PA 17842) for their Freemont Quarry located in Perry Township, **Snyder County**. The facility's main sources include stone crushing process equipment, one (1) cold cleaning degreaser, and five (5) storage tanks. The facility has the potential to emit sulfur oxides (SOx), nitrogen oxides (NOx), carbon monoxide (CO), particulate matter (PM10), 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.

19-00010: Wise Foods, Inc. (228 Raseley Street, Berwick, PA 18603) for their Wise Foods Berwick plant located in Berwick Borough, **Columbia County**. The facility's main sources include three (3) potato chip manufacturing lines, six (6) related snack food manufacturing lines, 71 combustion units and six (6) process ovens. The facility has the potential to emit major quantities of sulfur oxides (SOx). The facility has taken a synthetic minor restriction to limit its usage of no. 2 fuel oil to keep its SOx emissions below Title V emissions thresholds. The facility has the potential to emit nitrogen oxides (NOx), carbon monoxide (CO), particulate matter including particulate matter with aerodynamic diameter of less than 10 microns (PM-PM10), volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) below the Title V emissions 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 in the proposed operating permit.

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

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

63-00035: Monongahela Iron & Metal Co., Inc. (PO Box 250, Monongahela, PA 15063) for operation of recycling of ferrous and non-ferrous materials at facility in Monongahela, **Washington County**. This is a State Only Operating Permit Renewal submittal.

11-00277: Northern Cambria School District—Elementary Middle School (600 Joseph Street, Northern Cambria, PA 15714) for operation of a boiler at their school in Northern Cambria, **Cambria County**. This is a State Only Operating Permit Renewal submittal.

11-00280: Northern Cambria School District—High School (600 Joseph Street, Northern Cambria, PA-15714) for operation of a boiler at their high school in Northern Cambria, **Cambria County**. This is a State Only Operating Permit Renewal submittal.

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

Contact: Matthew Williams, New Source Review Chief—Telephone: 814-332-6940

42-00155: MSL Oil and Gas Corp. (Route 219 and Route 59 Intersection, Lewis Run, Lafayette, PA 16738) for a Natural Minor Permit to operate a gas production and distribution corporation in Lafayette Township, **McKean County**. The significant sources are one compressor engine of 360 HP with refrigeration system and re-boiler, one 186 HP compressor engine with catalytic converter, one 180 HP compressor engine and miscellaneous equipment leaks. The facility is a natural minor because the emissions from the facility are less than Title V emission thresholds.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

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

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

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of the person submitting comments or objections, the application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. 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 in Table 2. Discharges from noncoal mines located in some geologic settings (for example, in 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 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—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are 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 Loads.

Persons wishing to comment on NPDES permit applications should submit statements to the Department at the address of the district mining office indicated before 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. A comment 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 contain the name, address, telephone number and the interest of the party filing the request and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal 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:

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
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 ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹ 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

30101301 and NPDES Permit # PA0235971, CWMM LLC, (165 East Union Street, Suite 300, Somerset, PA 15501), to operator the CW Morgan Mine in Dunkard, Perry, Whitely, and Greene Townships, **Greene County** a new underground mine and related NPDES permit. Application also includes a request for a Section 401 Water Quality Certification. Written comments or objection on the permit application and the request for Section 401 water quality application may be submitted to the Department. Surface Acres Proposed 72.1, Underground Acres Proposed 2745.9, Subsidence Control Plan Acres Proposed 1245.3. Receiving stream: Dunkard Creek, classified for the following use: WWF. Application received: May 20, 2010.

30831303 and NPDES Permit # PA0013511, Cumberland Coal Resources, LP, (P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Center and Wayne Townships, **Greene County** to install ten ventilation boreholes. Surface Acres Proposed 10.45. No additional discharges. Application received: June 10, 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 East Finley Township, **Washington County** to install the F23 Bleeder Airshaft Site. Surface Acres Proposed 9.9. No additional discharges. Application received: April 15, 2010.

32840701 and NPDES Permit # PA0092193, Tanoma Coal Company, Inc., (One Energy Place, Suite 1000, Latrobe, PA 15650), to renew the permit for the Tanoma Refuse Area #2 in Rayne Township, **Indiana County** and related NPDES permit for reclamation only/water treatment. No additional discharges. Application received: September 16, 2010.

32980701 and NPDES Permit # PA0235369, RoxCOAL, Inc., (P. O. Box 49, 1576 Stoystown Road, Friedens, PA 15541), to renew the permit for the Rock Refuse Disposal Area (North Branch) in Green Township, **Indiana County** and related NPDES permit. No additional discharges. Application received: August 5, 2010.

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

32090101 and NPDES No. PA0262731. Britt Energies, Inc., P. O. Box 515, Indiana, PA 15701, revision of an existing bituminous surface mine to add mining of the Sewickley coal seam on a portion of the permit area in Conemaugh Township, **Indiana County**, affecting 43.3 acres. Receiving stream(s): Sulfur Run to Kiskiminetas Run classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 25, 2010.

32100101. NPDES No. PA0262978 and General Permit GP-12-32100101, Amerikohl Mining, Inc., 1384 SR 711, Stahlstown, PA 15687, revision of an existing bituminous coal mining site to obtain coverage for coal processing under air quality general permit GP-12 in West Wheatfield Township, **Indiana County**, affecting 56.3 acres. Receiving stream(s): Richards Run West Branch and Richards Run East Branch 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.

56930110. NPDES No. PA0212610, Future Industries, Inc., P. O. Box 157, Meyersdale, PA 15552, revision of an existing bituminous surface mine to obtain a variance to the approximate original contour for the reclamation area to a portion of the mine site in Black Township, **Somerset County**, affecting 129.0 acres. Receiving stream(s): unnamed tributaries to Rhodes Creek and Rhodes Creek, an unnamed tributary to the Casselman River and unnamed tributary to Isers Run (topographic drainage only) classified for the following use(s): warm water fisheries and Isers Run is exceptional value. There are no potable water supply intakes within 10 miles downstream. Application received: October 22, 2010.

56050105 and NPDES No. PA0249793. Svonavec, Inc., 150 West Union Street, Somerset, PA 15501, permit renewal for the continued operation and restoration of a bituminous surface mine in Milford Township, **Somerset County**, affecting 273.6 acres. Receiving stream(s): unnamed tributaries to/and Middle Creek and unnamed tributaries to/and South Glade Creek classified for the following use(s): trout stocked fishery, warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 28, 2010.

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

65000201 and NPDES Permit No. PA0202835. Reichard Contracting, Inc. (212 Olean Trail, New Bethlehem, PA 16242). Renewal application for continued

operation and reclamation of an existing bituminous surface mine, located in Sewickley Township, **Westmoreland County**, affecting 41 acres. Receiving streams: unnamed tributaries to Sewickley, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: November 1, 2010.

65960107 and NPDES Permit No. PA0201618. Amerikohl Mining, Inc. (1384 State Route 711, Stahlstown, PA 15687). NPDES renewal application for continued treatment of a discharge from an existing bituminous surface mine, located in Mt. Pleasant Township, **Westmoreland County**, affecting 460 acres. Receiving streams: unnamed tributaries to Laurel Run and Jacob's Creek, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: November 1, 2010.

03950105 and NPDES Permit No. PA0201421. Allegheny Mineral Corp. (P. O. Box 1022, Kittanning, PA 16201). Renewal application for continued mining of an existing bituminous surface mine, located in West Franklin Township, **Armstrong County**, affecting 439 acres. Receiving streams: Patterson Creek and an unnamed tributary to Buffalo Creek, classified for the following use: HQ-TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: November 1, 2010.

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

14820103 and NPDES No. PA0611719. AMFIRE Mining Co., LLC (One Energy Place, Latrobe, PA 15650). Renewal of an existing bituminous surface mine located in Rush Township, **Centre County** affecting 379.7 acres. Receiving streams: unnamed tributaries to Trout Run and unnamed tributaries to Moshannon Creek classified for High Quality Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: October 26, 2010.

17840126 and NPDES No. PA0609781. TDK Coal Sales, Inc. (279 Shannon Road, Monongahela, PA 15063). Renewal of an existing bituminous surface mine located in Jordan Township, **Clearfield County** affecting 341.7 acres. Receiving streams: Comfort Run and Hunter Run classified for Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: November 3, 2010.

17960115 and NPDES No. PA0220418. Waroquier Coal Co. (P. O. Box 128, Clearfield, PA 16830). Permit renewal for reclamation activities only of a surface mine located in Girard Township, **Clearfield County** affecting 37.1 acres. Receiving streams: unnamed tributaries to Bald Hill Run, Bald Hill Run classified for Cold Water Fisheries to the West Branch of the Susquehanna River classified for Warm Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 27, 2010.

17040108 and NPDES No. PA0243825. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849). Permit renewal for reclamation activities only of a surface mine located in Boggs Township, **Clearfield County** affecting 62.1 acres. Receiving streams: Laurel Run classified for Cold Water Fishery to Moshannon Creek classified for High Quality Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 20, 2010.

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

54900103R4. EOJ, Inc., (2401 Summer Valley Road, New Ringgold, PA 17960), renewal of an existing anthracite surface mine operation in East Norwegian Township, **Schuylkill County** affecting 192.6 acres, receiving stream: none. Application received: November 1, 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

21050301 and NPDES Permit No. PA0224456. JR Zimmerman Enterprises, LLC, 35 Ridge Road, Newville, PA 17241, renewal of NPDES Permit, North Newton Township, **Cumberland County**. Receiving stream(s): unnamed tributary to Green Spring Creek

classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received: October 12, 2010.

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

58100302 and NPDES Permit No. PA022485. William M. Ruark, (P. O. Box 127, Meshoppen, PA 18630), commencement, operation and restoration of a quarry operation in Dimock Township, **Susquehanna County** affecting 64.4 acres, receiving stream: unnamed tributary to Elk Lake Stream, classified for the following use: cold water fishes. Application received: October 29, 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. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E46-1058. Lower Gwynedd Township, 1130 N. Bethlehem Pike, Spring House, PA 19477, Lower Gwynedd Township, **Montgomery County**, ACOE Philadelphia District.

To extend and maintain the existing 76-inch span, 48-inch rise box culvert across Penllyn Creek, by 50 feet on the upstream end associated with the proposed Penllyn Pike Trail.

The site is located approximately 2000 feet south of the intersection of Blue Bell Pike and Gypsy Hill Road, (Ambler, PA USGS Quadrangle, N:8.5 inches; W: 16.2 inches).

EROSION AND SEDIMENT CONTROL PERMITS

The following parties have applied for Erosion and Sediment Control Permits for earth disturbance activities associated with either road maintenance or timber harvesting operations.

Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department proposes to issue a permit to discharge, subject to certain limitations in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices which restrict the rate and quantity of sediment discharged.

A person wishing to comment on a proposed permit are invited to submit a statement to the appropriate Department regional office listed before the application within 30 days of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. 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 relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate Department regional office during the 30-day public comment period.

Following the 30-day comment period, the appropriate regional office water management program manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board (Board).

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity, are on file and may be inspected at the appropriate regional office.

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

Applications received under sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402)

Northwest Region: Oil and Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335 814-332-6860

E1608-001, Dannic Energy Corporation, 134 Millrun Drive, Indiana, PA 15701. Masters Pipeline, in Ashland and Elk Townships, **Clarion County**, Army Corps of Engineers Pittsburgh District (Kossuth, PA Quadrangle N: 41°, 17', 30"; W: 79°, 34', 00").

The applicant proposes to construct and maintain approximately 28,000 feet of 2" diameter natural gas pipeline located north of Route 322 in Ashland Township and Elk Township, Clarion County. The proposed pipeline will connect an existing well field in Ashland Township to a sales point in Elk Township. Approximately 3 miles of the proposed pipeline will be placed within an abandoned railroad grade. The water obstructions and encroachments for the purpose of installing the natural gas gathering line and associated access roadways are described below:

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
Wetland 1	A 2" diameter natural gas pipeline to be bored under 42 feet of a palustrine emergent / scrub-shrub (PEM/SS) EV wetland.	41° 18' 09" 79° 35' 32"
Wetland 2	A 2" diameter natural gas pipeline to be bored under 20 feet a palustrine emergent (PEM) EV wetland.	41° 18' 08" 79° 35' 31"
Wetland 3	A 2" diameter natural gas pipeline to be installed by open trench and a temporary road crossing through 25 feet a palustrine emergent (PEM) EV wetland. Impacted area: 250 square feet.	41° 17' 41" 79° 34' 43"
Wetland 13	A 2" diameter natural gas pipeline to be installed by open trench and a temporary road crossing through two portions a palustrine emergent (PEM) EV wetland totaling 30 feet. Impacted area: 300 square feet.	41° 16' 42" 79° 31' 35"
Watercourse 1	A 2" diameter natural gas pipeline to be installed by open trench and a temporary road crossing across a 1.5-foot wide unnamed tributary to Little East Sandy Creek (CWF). Impacted area: 15 square feet.	41° 18' 25" 79° 35' 46"
Watercourse 2	A 2" diameter natural gas pipeline to be bored under a 3-foot wide unnamed tributary to Little East Sandy Creek (CWF).	41° 18' 09" 79° 35' 32"
Watercourse 3	A 2" diameter natural gas pipeline to be bored under 20-foot wide section of Little East Sandy Creek (CWF).	41° 18' 08" 79° 35' 31"
Watercourse 4	A 2" diameter natural gas pipeline to be installed by open trench and a temporary road crossing across a 2-foot wide unnamed tributary to Little East Sandy Creek (CWF). Impacted area: 20 square feet.	41° 17' 58" 79° 35' 17"
Watercourse 5	A 2" diameter natural gas pipeline to be installed by open trench and a temporary road crossing across a 4-foot wide unnamed tributary to Little East Sandy Creek (CWF). Impacted area: 40 square feet.	41° 17' 47" 79° 35' 03"
Watercourse 6	A 2" diameter natural gas pipeline to be installed by open trench and a temporary road crossing across a 14-foot wide unnamed tributary to Little East Sandy Creek (CWF). Impacted area: 140 square feet.	41° 17' 43" 79° 34' 44"
Watercourse 7	A 2" diameter natural gas pipeline to be installed by open trench and a temporary road crossing across a 7-foot wide unnamed tributary to Little East Sandy Creek (CWF). Impacted area: 70 square feet.	41° 17' 41" 79° 34' 43"
Watercourse 8	A 2" diameter natural gas pipeline to be installed by open trench and a temporary road crossing across a 8-foot wide unnamed tributary to Little East Sandy Creek (CWF). Impacted area: 80 square feet.	41° 17' 40" 79° 34' 39"
Watercourse 9	A 2" diameter natural gas pipeline to be installed by open trench and a temporary road crossing across a 3-foot wide unnamed tributary to Little East Sandy Creek (CWF). Impacted area: 30 square feet.	41° 17' 40" 79° 34' 36"
Watercourse 10	A 2" diameter natural gas pipeline to be installed by open trench and a temporary road crossing across a 15-foot wide unnamed tributary to Little East Sandy Creek (CWF). Impacted area: 150 square feet.	41° 17' 40" 79° 34' 27"

The project will result in a total of 89 linear feet of temporary stream impacts and 0.02 acres of temporary impacts to EV wetlands from utility line crossings and temporary road crossings. Little East Sandy Creek is a perennial stream classified as cold water fishery (CWF).

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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

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

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

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

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0032433 (Sewage)	Frances Slocum State Park 565 Mount Olivet Road Wyoming, PA 18644	Luzerne County Kingston Township	Abrahams Creek (5-B)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0003549 Industrial Waste	Dominion Transmission Corporation 1201 Pitt Street Pittsburgh, PA 15221-2029	Westmoreland County Salem Township	Beaver Run	Y
PA0096873 Sewage	Victor Merola 211 Lloyd Avenue North Versailles, PA 15137	Westmoreland County Cook Township	Keffer Run	Y
PA0096091 Sewage	Aleppo Township Municipal Authority Deer Run Road Sewickley, PA 15143-0081	Allegheny County Aleppo Township	UNT to Ohio River	Y
PA0218243 Sewage	Donald L. Hobaugh 401 Red Arrow Road Ligonier, PA 15658	Westmoreland County Ligonier Township	Bergstrom Hollow Run	Y
PA0218987 Sewage	John A. & Diana M. Vaccarello 487 Exton Lake Road Apollo, PA 15613	Westmoreland County Washington Township	Site Storm Sewer to Drainage Swale to Poke Run	Y
PA0218570 Sewage	Central Mainline Sewer Authority PO Box 56 Lilly, PA 15938	Cambria County Portage Township	Little Conemaugh River	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0094137 Sewage	RJ & L Limited Partnership 10006 Hammock Bend Chapel Hill, NC 27517	Beaver County Hopewell Township	UNT of Boggs Run	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. PA0058483, Industrial Waste, **Philadelphia Authority for Industrial Development**, Philadelphia Naval Business Center, 1413 Langley Avenue, Quarters A, Philadelphia, PA 19112.

This proposed facility is located in Philadelphia City, **Philadelphia County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES Permit to discharge 29 MGD of once through non-contact cooling water from the power plant cooling water system to Delaware River Estuary Zone 4 in Watershed 3-J.

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

NPDES Permit No. PA0036660, Sewage, **City of Titusville**, 107 N. Franklin Street, Titusville, PA 16354.

This existing facility is located in City of Titusville, **Crawford County**.

Description of Proposed Action/Activity: Issuance of a NPDES renewal permit for an existing discharge of treated sewage from a POTW. This is a major discharge.

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

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

WQM Permit No. 1310402, Sewerage, **Central Carbon Municipal Authority**.

This proposed facility is located in Mahoning Township, **Carbon County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for the construction and operation of a paved sludge storage pad at the WWTP.

WQM Permit No. WQG022217, Sewerage, **Orwigsburg Borough Municipal Authority**, 209 North Warren Street, P. O. Box 128, Orwigsburg, PA 17961.

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

Description of Proposed Action/Activity: This project involves construction of a sewer extension and pump station to connect the Pine Creek Retirement Community to the public sewer system, with treatment of the sewage at the existing Orwigsburg wastewater treatment plant.

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

WQM Permit No. 6710403, Sewage, **Penn Township**, 20 Wayne Avenue, Hanover, PA 17331.

This proposed facility is located in Penn Township, **York County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of: Replacement of the existing Main Interceptor from Manhole D at the treatment plant to Manhole 31 near York Street.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023908015	Seipstown Village, LLC 1793 Folk Road Fogelsville, PA 18051	Lehigh Co.	Weisenberg Twp.	Hassen Creek (HQ-CWF, MF)

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (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
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional 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	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-02**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
City of Allentown Lehigh Co.	PAG02003910008	Jane Ervin Community Services for Children 1520 Hanover Ave. Allentown, PA 18109	Lehigh River WWF, MF	Lehigh Co Conservation District 610-391-9583
West Hanover Township Dauphin County	PAG2002210031	Douglas Halbert Hershey Road Associates LP 2151 Linglestown Road, Suite 300 Harrisburg, PA 17110	Manada Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8276
Swatara Township Dauphin County	PAG2002210028	JB Hunt Transportation, Inc. 705 B North Bloomington Lowell, AR 72745	Spring Creek/CWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8276
Susquehanna Township Dauphin County	PAG22002210030	Andrew S. Williams Williams Holding Group 2325 Paxton Church Road Harrisburg, PA 17110	Paxton Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8276
Lancaster City Lancaster County	PAG2003610019-1	Franklin & Marshall College 415 Harrisburg Avenue Lancaster, PA 17603	Conestoga Creek/WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext 5
Rapho Township Lancaster County	PAG2003610047	Steven Edris 2470 Camp Road Manheim, PA 17545	UNT to Little Chickies Creek/WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext 5

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Manheim Township Lancaster County	PAG2003610051	HHH Properties 15 Meadow Lane Lancaster, PA 17601	Bachman Run/WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext 5
Manheim Township Lancaster County	PAG2003610053	Wanner Realty Co. 1373 Manheim Pike Lancaster, PA 17601	UNT to Little Conestoga Creek/TSF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext 5
Paradise Township Lancaster County	PAG2003610054	M K Partners LP 5227 Strasburg Road Parkesburg, PA 19365	Londonland Run/CWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext 5
Strasburg Borough Lancaster County	PAG2003610055	Historic Properties Partners P. O. Box 129 Strasburg, PA 17579	UNT to Pequea Creek/WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext 5
East Lampeter Township Lancaster County	PAG2003610056	David L. Beiler 221 Lynwood Road Ronks, PA 17572	UNT to Mill Creek/CWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext 5
Elizabethtown Borough Lancaster County	PAG2003610057	Elizabethtown College One Alpha Drive Elizabethtown, PA 17022	UNT to Conoy Creek/TSF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext 5
Salisbury Township Lancaster County	PAG2003610058	Mervin R. Zook 5509 Lincoln Highway Gap, PA 17527	UNT to Pequea Creek/CWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext 5
Windsor Township Berks County	PAG2000605078-R	Walter Greth Greth Development Group 253 Snyder Road Reading, PA 19605	UNT to Schuylkill River/WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext 201
North Cornwall Township Lebanon County	PAG2003810024	Mike S. Gillespie Pennsylvania Department of Transportation Engineering District 8-0 2140 Herr Street Harrisburg, PA 17103	Snitz Creek/TSF	Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 717-272-3908 Ext 4
Myerstown Borough Lebanon County	PAG2003810025	Leonard Martin DLI Company LLC P. O. Box 435 Myerstown, PA 17067	Tulpehocken Creek/TSF	Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 717-272-3908 Ext 4

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Swatara Township Lebanon County	PAG2003810028	Patrick Kreiser Kreiser Construction, Inc. 2 Goodyear Lane Newmanstown, PA 17073	Swatara Creek/WWF	Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 717-272-3908 Ext 4
Fermanagh Township Milford Township Walker Township Mifflin Borough Mifflintown Borough Juniata County	PAG2033410002	Pennsylvania Department of Transportation Engineering District 2-0 1924 Daisy Street Clearfield, PA 16830	Juniata River/WWF	Juniata County Conservation District 146 Stoney Creek Drive, Suite 4 Mifflintown, PA 17059 717-436-8953 ext 5
Penn Township Berks County	PAG2000610049	Michael Gallen Mifflin Management Group, LLC 833 Wyomissing Road Mohnton, PA 19540	Irish Creek/WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext 201
Upper Allen Township Lower Allen Township Cumberland County	PAG2002108025-1	Francis McNaughton McNaughton Properties, LP 4400 Deer Path Road, Suite 201 Harrisburg, PA 17110	UNT to Cedar Run	Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013 717-240-7812
Asylum Township Bradford County	PAG2000810017	Chris Ferris Mages Group, LLC PO Box 699 Gainesville, TX 76240	Susquehanna River WWF	Bradford County Conservation District Stoll Natural Resource Center RR 5, Box 5030C Towanda, PA 18848 (570) 265-5539, X 6
Scott Township Columbia County	PAG2001909005(1)	Paul Gardner, Sr. Gardner Gas, Inc. 500 N. Poplar Street Berwick, PA 18603	UNT to N. Branch Susquehanna River CWF-MF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, X 102
Mifflinburg Borough Union County	PAG2006010008	Jason Mitchell CVS Pharmacy- Mifflinburg 3100 Market St Camp Hill, PA 17011	Buffalo Creek CWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Armstrong County Ford City Borough	PAG2000310002	Ford City Borough Municipal Sewage Disposal Authority PO Box 66 Ford City, PA 16226	Allegheny River (WWF)	Armstrong County CD Armsdale Administration Building 124 Armsdale Road Kittanning, PA 16201 724-548-3435
Greene County Richhill Township	PAG2003010007	Consol PA Coal Company 1525 Pleasant Grove Road Claysville, PA 15323	Enlow Forte (TSF)	Greene County CD 19 South Washington St. Waynesburg, PA 15370 724-852-5278
Greene County Cumberland Twp.	PAG2003010009	Southwestern PA Water Authority 1442 Jefferson Road PO Box 187 Jefferson, PA 15344	UNT to Monongahela River (WWF)	Greene County CD 19 South Washington St. Waynesburg, PA 15370 724-852-5278

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*Facility Location:
Municipality &
County*

Cranberry
Township
Butler County

Permit No.
PAG02 0010 10
017

*Applicant Name &
Address*
Michael Morris
Sampson-Morris Group
2500 Eldo Road
Monroeville PA 15146

*Receiving
Water/Use*
UNT Brush Creek WWF

*Contact Office &
Phone No.*
Butler Conservation
District
724-284-5270

General Permit Type—PAG-3

*Facility Location:
Municipality &
County*

Scranton City
Lackawanna
County

Permit No.
PAR602236

*Applicant Name &
Address*
Anthracite Auto
Exchange Inc
900 Fifth Ave.
Scranton PA 18504

Receiving Water/Use
Lackawanna River
(WWF)

*Contact Office &
Phone No.*
PA DEP
Northeast Regional Office
2 Public Square
Wilkes Barre, PA
18701-1915
570-826-2511

Macungie Boro
Lehigh County

PAR802251

First Student, Inc.
600 Vine Street
Su 1400
Cincinnati, OH 45202

Spring Creek CWF

PA DEP
Northeast Regional Office
2 Public Square
Wilkes Barre, PA
18701-1915
570-826-2511

Northampton Boro.
Northampton
County

PAR802252

First Student, Inc.
600 Vine Street
Su 1400
Cincinnati, OH 45202

Hokendaugua Creek
CWF

PA DEP
Northeast Regional Office
2 Public Square
Wilkes Barre, PA
18701-1915
570-826-2511

Dauphin County
Harrisburg City

PAR603506

Consolidated Scrap
Resources, Inc.
120 Hokes Mill Road
PO Box 389
York, PA 17405

Paxton Creek / WWF

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4707

York County
York City

PAR603520

Consolidated Scrap
Resources, Inc.
120 Hokes Mill Road
PO Box 389
York, PA 17405

Codorus Creek / WWF

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4707

Cumberland County
Camp Hill Borough

PAR213510

Atlas Roofing
Corporation
2564 Valley Road
Meridian, MS 39370

UNT of Cedar Run /
CWF

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4707

Berks County
Colebrookdale
Township

PAR803725

William R. Gift
PO Box 329
Boyertown, PA 19512

Ironstone Creek / TSF

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4707

General Permit Type—PAG-12

*NPDES
Permit No.*

PAG123637

PAG123635

*Applicant Name &
Address*

Jay L. Bleacher
1173 Breneman Road
Conestoga, PA 17516

Alan D. Bleacher
Randy L. Bleacher
2794 Safe Harbor Road
Millersville, PA 17551

County

Lancaster County

Lancaster County

Municipality

Manor Township

Manor Township

*Receiving
Water/Use*

Indian Run / TSF

Indian Run / TSF

*DEP
Protocol
(Y/N)*

Y

Y

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>	<i>DEP Protocol (Y/N)</i>
PAG123588	Lynn Eberly Mt. Pleasant Farms 2071 Mt. Pleasant Road Fayetteville, PA 17222	Franklin County	Greene Township	Conococheaque / WWF	Y
PAG123634	Robert Hess Hessland Farms 686 Rock Point Road Mount Joy, PA 17552	Lancaster County	East Donegal Township	Donegal Creek / TSF	Y
PAG132506	Mark E. Leinbach 105 Hoover Lane Loysville, PA 17047	Perry County	Tyrone Township	Muddy Run / WWF	Y

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU’s</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Clark Crest Dairy Ron Clark 754 Solano Road Quarryville, PA 17566	Lancaster	241.1	861	Dairy	HQ	Approved

PUBLIC WATER SUPPLY (PWS) PERMITS

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania

Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once.

Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 4610517 Public Water Supply
 Applicant **Audubon Water Company**
 2650 Eisenhower Drive
 Norristown, PA 19403
 Township Lower Providence
 County **Montgomery**
 Type of Facility PWS
 Consulting Engineer Evans Mill Environmental, LLC
 P. O. Box 735
 Uwchland, PA 19480
 Permit to Construct Issued June 17, 2010

Permit No. 0910503 Public Water Supply
 Applicant **Plumstead Township**
 P. O. Box 387
 Plumsteadville, PA 18949
 Township Plumstead
 County **Bucks**
 Type of Facility PWS
 Consulting Engineer Pennoni Associates, Inc.
 2005 South Easton Road
 Doylestown, PA 18901
 Permit to Construct Issued February 4, 2010

Permit No. 1510515 Public Water Supply
 Applicant **Borough of Phoenixville**
 140 Church Street
 Phoenixville, PA 19460
 Borough Phoenixville
 County **Chester**
 Type of Facility PWS
 Consulting Engineer Pennoni Associates, Inc.
 2005 South Easton Road
 Doylestown, PA 18901
 Permit to Construct Issued July 28, 2010

Permit No 0909530 Public Water Supply
 Applicant **Hilltown Township Water and Sewer Authority**
 P. O. Box 365
 Sellersville, PA 18960
 Township Hilltown
 County **Bucks**
 Type of Facility PWS
 Consulting Engineer Castle Valley Consultants
 10 Beulah Road
 New Britain, PA 18901

Permit to Construct Issued December 16, 2009

Permit No 0910519 Public Water Supply
 Applicant **Newtown Artesian Water Company**
 201 North Lincoln Avenue
 Newtown, PA 18940
 Borough Newtown
 County **Bucks**
 Type of Facility PWS
 Consulting Engineer Gannett Fleming
 P. O. Box 67100
 Harrisburg, PA 17106-7100

Permit to Construct Issued July 8, 2010

Permit No 1509513 Public Water Supply
 Applicant **Avon Grove Charter School**
 110 East State Road
 West Grove, PA 19390
 County **Franklin**
 County **Chester**
 Type of Facility PWS
 Consulting Engineer Suburban Water Technology
 1697 Swamp Pike
 Gilbertsville, PA 19525-9489
 Permit to Construct Issued November 30, 2009

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

Permit No. 0110507, Minor Amendment, Public Water Supply.
 Applicant **Hillandale Gettysburg LP**
 Municipality Tyrone Township
 County **Adams**
 Responsible Official Ronald R Ballew, Environmental Compliance Manager
 370 Spicer Rd
 Gettysburg, PA 17325
 Type of Facility Installation of arsenic removal treatment at Site 3.
 Consulting Engineer Harry E Bingaman, P.E.
 Glace Assoc., Inc.
 3705 Trindle Rd.
 Camp Hill, PA 17011
 Permit to Construct Issued: 10/28/2010

Permit No. 3810504 MA, Minor Amendment, Public Water Supply.
 Applicant **City of Lebanon Authority**
 Municipality Lebanon
 County **Lebanon**
 Responsible Official Jonathan Beers,
 Executive Director
 2311 Ridgeview Road
 Lebanon, PA 17042

Type of Facility Repainting of the existing Sandhill Storage Tank.
 Consulting Engineer Kirt L Ervin, P.E.
 US Engineering, LLC
 13742 Mary Lane
 Aviston, IL 62216
 Permit to Construct 11/4/2010
 Issued:

Operations Permit issued to: **Elizabethtown Area Water Authority**, 7360124, Elizabethtown Borough, **Lancaster County** on 10/29/2010 for the operation of facilities approved under Construction Permit No. 3608517.

Operations Permit issued to: **New Holland Borough Water Authority**, 7360099, New Holland Borough, **Lancaster County** on 11/4/2010 for the operation of facilities approved under Construction Permit No. 3610541 MA.

Operations Permit issued to: **Blain Borough, 7500018**, Blain Borough, **Perry County** on 11/4/2010 for the operation of facilities approved under Construction Permit No. 5010509 MA.

Operations Permit issued to: **Lake Meade Municipal Authority**, 7010036, Reading Township, **Adams County** on 11/4/2010 for the operation of facilities approved under Construction Permit No. 0110512 MA.

Operations Permit issued to: **Lykens Borough Authority**, 7220022, Lykens Borough, **Dauphin County** on 10/22/2010 for the operation of facilities approved under Construction Permit No. 2210507 MA.

Operations Permit issued to: **The Grier School, 4310022**, Warriors Mark Township, **Huntingdon County** on 10/26/2010 for the operation of facilities approved under Construction Permit No. 3110502 MA.

Operations Permit issued to: **PA American Water Company, 7210029**, Silver Spring Township, **Cumberland County** on 11/4/2010 for the operation of facilities approved under Construction Permit No. 2110509 MA.

Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant **Bellefonte Borough Water Authority**
 [Township or Borough] Bellefonte Borough
 County **Centre**
 Responsible Official Mr. William D. Comly
 Bellefonte Borough
 Water Authority
 236 West Lamb Street
 Bellefonte, PA 16823
 Type of Facility Public Water Supply—Operation
 Consulting Engineer Vikram Rawal
 Advanced Controls, Inc.
 700 River Avenue
 Pittsburgh, PA 15212
 Permit Issued Date November 3, 2010

Description of Action 4-log inactivation of viruses at Entry Point 101 (Big Spring System) and Entry Point 102 (Corning System).

Permit No. Minor Amendment—Construction Public Water Supply.

Applicant **Ulster Municipal Authority**
 [Township or Borough] Ulster Township
 County **Bradford**
 Responsible Official Ulster Municipal Authority
 P. O. Box 157
 Ulster, PA 18850

Type of Facility Public Water Supply—Construction

Consulting Engineer Travis Long, P.E.
 Gwin Dobson & Foreman, Inc.
 3121 Fairway Drive
 Altoona, PA 16650

Permit Issued Date November 4, 2010

Description of Action Rehabilitation of Well #1.

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant **Towanda Municipal Authority**
 [Township or Borough] Towanda Borough
 County **Bradford**
 Responsible Official Mr. Fred Johnson
 Towanda Municipal Authority
 724 Main Street
 Towanda, PA 18848

Type of Facility Public Water Supply—Operation

Consulting Engineer Michael McClain
 Stiffler McGraw & Assoc.
 1731 North Juniata Street
 P. O. Box 462
 Hollidaysburg, PA 16648

Permit Issued Date November 5, 2010

Description of Action 4-log inactivation of viruses at Entry Point 101 (Well Nos. 1 and 2) and Entry Point 104 (Eilenberger Spring).

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Springettsbury Township	1501 Mount Zion Road, York, PA 17402	York County

Plan Description: Meadowland Drainage Basin, DEP Code No. C1-67957-ACT: The approved plan provides for the construction of an interceptor that will eliminate the Meadowlands Pump Station. The interceptor will convey approximately 608,000 gpd with ultimate sewage flow tributary to the Springettsbury Township Wastewater

Treatment Plant. The interceptor will tie into existing infrastructure near the intersection of Heindel Road and Concord Road and connect just north of East Market Street and Locust Grove Road in Springettsbury Township, York County. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

Notice of Proposed Interim Response Marino Brothers Scrap Yard

Borough of Rochester, Beaver County

The Department of Environmental Protection ("Department"), under the authority of Sections 103 and 501 of the Hazardous Sites Cleanup Act ("HSCA"), proposes an interim response at the Marino Brothers Scrap Yard ("Site"). The former scrap yard is situated in an industrial area between the Ohio River and Railroad Street in the Borough of Rochester. The Site occupies approximately three (3) acres and operated as a scrap yard from the 1920s until October 1998.

Various investigations have been conducted at the Site and document that the surface and subsurface is contaminated with hazardous substances including PCBs, benzo(a)pyrene, antimony, arsenic, cadmium, chromium, copper, and lead above the cleanup standards under the Land Recycling and Environmental Remediation Standards Act ("Act 2"). Trichloroethene, vinyl chloride, PCBs, and lead were found in the groundwater above the Act 2 standards.

The Department considered the following three alternatives to address the waste and hazardous substances at the Site: (Alternative 1) taking no action, (Alternative 2) removal and off-site disposal of the contaminated soil and waste, and (Alternative 3) removal of scrap and miscellaneous waste, cover contaminated soil with clean fill, vegetate, and implement erosion and sedimentation controls.

Alternative 1 does not comply with the applicable, relevant, and appropriate requirements ("ARARs") and is not protective of human health and the environment. Although both Alternatives 2 and 3 comply with the ARARs and are protective, Alternative 3 is more cost effective than Alternative 2 (\$800,000 vs \$3,000,000). Based on its evaluation of the alternatives, the Department proposes Alternative 3.

This notice is being provided under Section 506(b) of the Hazardous Sites Cleanup Act. The Administrative Record which contains information forming the basis and documenting the selection of this response action is available for public review and comment at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222 and is available for review between 9 a.m. and 4 p.m.

The Administrative Record will be open for comment until February 18, 2011. Persons may submit written comments into the record, during this time only, by sending them or delivering them to Terry Goodwald, Project Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

In addition, persons may present oral comments for inclusion in the administrative record at a public hearing scheduled for January 11, 2011 at 7:00 p.m. at the Borough of Rochester Municipal Building, located at 350

Adams Street, Rochester, PA 15074. Persons wishing to present comments must register with Katy Gresh at the Department's Southwest Regional Office, in writing at: 400 Waterfront Drive, Pittsburgh, PA 15222 or by telephone at (412) 442-4203 before noon, January 11, 2011.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceeding, should contact Katy Gresh at (412) 442-4203 or through the Pennsylvania AT&T Relay Service at (800) 654-5954 (TDD) to discuss how the Department may accommodate their needs.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401

Horwitz Residence, Whitpain Township, **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc. 1635 Old Plains Road, Pennsburg, PA 18073, Deb Asesi,

State Farm Insurance Company, P. O. Box 8061, Ballston Spa, NY 12020 on behalf of Seth Horwitz, 645 Chatham Lane, Blue Bell, PA 19422 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Villanova University, Radnor Township, **Delaware County**. Tony Finding, Brownfield Associates, Inc., 500 Coatesville Road, West Grove, PA 19390, Shaun Quinlan, Brownfield Associates, Inc., 500 Coatesville Road, West Grove, PA 19390 on behalf of Erika Lynch, Villanova University, 800 Lancaster Avenue, Villanova, PA 19085 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Anro Inc., Easttown Township, **Chester County**. James F. Mullan, P. E. Hocage Consulting, Inc., 9987 Haddon Avenue, Collingswood, NJ 08108 on behalf of Dave Spinell, ANRO, Inc., 22 Lancaster Avenue, Devon, PA 19333 has submitted a Final Report concerning remediation of site groundwater contaminated with MTBE and no. 2 fuel oil. The report is intended to document remediation of the site to meet the Site Specific Standard.

Alessia MFG, Collingdale Borough, **Delaware County**. Victoria Ryan, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, Douglas Schott, P. G., Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, Kurt Spiess, EMT Remediation Services, 5066R West Chester Pike, Edgemont, PA 19028 on behalf of Richard Alessi, Alessi Manufacturing Corporation, 19 Jackson Avenue, Collingdale, PA 19023 has submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Background Standard.

Presserve Residential Development Site Lot 3 and 4, New Hanover Township, **Montgomery County**. Michael Beardsley, BL Companies, 2143 Market Street, 6th floor, Harrisburg, PA 17101 on behalf of David D. Waltz, First Cornerstone Bank, 1004 West Ninth Avenue, King of Prussia, PA 19406 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Northeast Region: Environmental Cleanup Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Mobil Pipe Line Company-Allentown Junction Valve Station, 3983 Huckleberry Road, South Whitehall Township, **Lehigh County**. David J. Demko and Lieschen S. Fish, Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 have submitted a Final Report (on behalf of their client Exxon Mobil Environmental Services Company, 1545 Route 22 East, Annandale, NJ 08801), concerning the remediation of groundwater found to have been impacted by unleaded gasoline as a result of a release, which occurred from the failure of an aboveground pipeline valve junction. The report was submitted to document attainment of the Statewide Health Standard for groundwater. A public notice regarding the submission of the Final Report was published in *The Morning Call* on January 8, 2010.

Mobil Pipe Line Company-Allentown Junction Valve Station, 4023 Huckleberry Road, South Whitehall Township, **Lehigh County**. David J. Demko and

Lieschen S. Fish, Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 have submitted a Final Report (on behalf of their client Exxon Mobil Environmental Services Company, 1545 Route 22 East, Annandale, NJ 08801), concerning the remediation of groundwater found to have been impacted by unleaded gasoline as a result of a release, which occurred from the failure of an aboveground pipeline valve junction. The report was submitted to document attainment of the Statewide Health Standard for groundwater. A public notice regarding the submission of the Final Report was published in *The Morning Call* on January 8, 2010.

Easton Area School District Education Center, 1801 Bushkill Drive, Forks Township, **Northampton County**. Thomas J. Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002-2044 has submitted a Final Report (on behalf of his client, Easton Area School District, 1801 Bushkill Drive, Easton, PA 18040), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a leaking underground storage tank. The report was submitted to document attainment of the Statewide Health Standard for soil. A public notice regarding the submission of the Final Report was published in *The Express Times* on May 11, 2010. A Notice of Intent to Remediate was simultaneously submitted.

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

Faunce Road Hydraulic Oil Spill. Knox Township, **Clearfield County**. Dawson Geophysical Company, 400 S. Pointe Blvd., Suite 425, Canonsburg, PA 15317 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with trans-fluid. The report is intended to document remediation of the site to meet the Statewide Health Standard.

F.T. Seismic Support, Inc. State Game Lands 59 Diesel Fuel Release. Pleasant Valley Township, **Potter County**, URS Corp., 4507 N. Front St., Suite 200, Harrisburg, PA 17110 on behalf of F. T. Seismic Support, Inc., 5596 Mills Road, Campbell, NY 14821 has submitted within 90 days of the release a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a de-

scription of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Environmental Cleanup Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Stratz Property, 3225 West Highland Street, South Whitehall Township, **Lehigh County**. Iain Barton and Jeremy Fox, EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18017-9010 submitted a Final Report (on behalf of their client, Irene Statz, 3225 West Highland Street, Allentown, PA 18104), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a 275-gallon aboveground storage tank during delivery. The report documented attainment of the Statewide Health Standard for soils and was approved on October 29, 2010.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Former Lancaster Malleable Casting Company, Manheim Township, **Lancaster County**. Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of Mac Land Company, 1350 Fruitville Pike, Lancaster, PA 17601, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil from underground storage tanks. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on November 1, 2010.

Former Lancaster Press Building, City of Lancaster, **Lancaster County**. Environmental Standards, Inc. 1140 Valley Forge Road, P. O. Box 810, Valley Forge, PA 19482-0810, on behalf of City of Lancaster,

Economic Development and Neighborhood Revitalization, 120 North Duke Street, P. O. Box 1599, Lancaster, PA 17608 submitted a combined Remedial Investigation and Final Report concerning remediation of site soils contaminated with VOCs, PAHs, PCBs and Inorganics. The combined report demonstrated attainment of the Site-Specific standard, and was approved by the Department on November 2, 2010.

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

Former Wolf's Head Property North Parcel, Sugarcreek Township, **Venango County**. URS Corporation, Foster Plaza 4, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 on behalf of Pennzoil-Quaker State Company, 910 Louisiana OSP 687, Houston, TX 77002 has submitted a Combined Remedial Investigation/Risk Assessment/Final Report concerning the remediation of site soil contaminated with Acetone, Benzene, 2-Butanone (MEK), Carbon, Disulfide, Toluene, Xylenes (total), Acenaphthene, Anthracene, Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)Fluoranthene, Benzo(ghi)perylene, Benzo(k)fluoranthene, BEHP, Carbazole, Chrysene, Dibenz(a,h)anthracene, Dibenzofuran, Fluoranthene, Fluorene, Indeno(1,2,3-cd) pyrene, Isophorone, 2-Methylnaphthalene, Naphthalene, Pentachlorophenol, Phenanthrene, Pyrene, Arsenic, Barium, Beryllium, Boron, Cadmium, Chromium, Cobalt, Copper, Iron, Lead, Manganese, Mercury, Nickel, Selenium, Silver, Vanadium, and Zinc. The Combined Remedial Investigation/Risk Assessment/Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on November 3, 2010.

National Transit (Duke Center), Otto Township, **McKean County**. URS Corporation, Foster Plaza 4, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 on behalf of Pennzoil-Quaker State Company, 700 Milam, 30th Floor, Houston, TX 17022 has submitted a Remedial Investigation/Final Report concerning the remediation of site soil contaminated with anthracene, benzo[a]anthracene, benzo[a]pyrene, benzo[ghi]perylene, benzo[k]fluoranthene, n-butylbenzene, sec-butylbenzene, chrysene, cumene, cyclohexane, dibenzo[a,h]anthracene, ethylbenzene, fluoranthene, 2-methylnaphthalene, naphthalene, phenanthrene, n-propylbenzene, pyrene, toluene, 1,3,4-trimethylbenzene (1,2,4-trimethylenzene), 1,3,5-trimethylbenzene, xylenes (total) and site groundwater contaminated with benzene, n-butylbenzene, sec-butylbenzene, carbon disulfide, cumene, cyclohexane, 1,3,4-trimethylbenzene (1,2,4-trimethylenzene), 1,3,5-trimethylbenzene, xylenes (total). The Remedial Investigation/Final Report demonstrated attainment of the Site-Specific and Statewide Health Standards.

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

LTV Southside Parcel D3, City of Pittsburgh, **Allegheny County**. Mr. Martin C. Knuth, Civil and Environmental Consultants, Inc. on behalf of the Urban Redevelopment Authority of Pittsburgh, 200 Ross Street, Pittsburgh, PA and Hot Metal Street Hospitality Assoc., LP, has submitted a Final Report concerning remediation of site soils on Parcel E2a of the Southside Works mixed use development that is contaminated with metals, volatiles and semi-volatiles. The Report Final was approved on November 4, 2010. An environmental covenant was executed on November 4, 2010.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Draft permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.

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

PAD003043353. Cherokee Pharmaceuticals, LLC, 100 Avenue C, Riverside, PA 17868, located in Riverside Borough, **Northumberland County**. Draft renewal permit issued on November 5, 2010 for treatment, storage and disposal of their hazardous waste. Persons interested in reviewing the draft permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit Approved under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

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

General Permit Application No. WMGR081D024. ECOvanta, LLC., 2209 S. 58th Street, Philadelphia, PA 19143.

The general permit WMGR081D024 is for the processing (i.e., sizing, shaping, separating, and volume reduction only) of e-waste (i.e., damaged, obsolete, and/or reusable electronic devices) prior to reuse or recycling. The processing operation will be conducted at the TransRiver Philadelphia, LLC.—58th Street Transfer Station facility, located in the City of Philadelphia, **Philadelphia County**. Central Office approved the determination of applicability on November 4th, 2010.

Persons interested in reviewing the general permit may contact C. D. Vu, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

AIR QUALITY

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

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

GP9-01-03005: Wellspan—Gettysburg Hospital (147 Gettys Street, Gettysburg, Pennsylvania 17325-2536) on October 29, 2010, to install and operate two (2) emergency generators at the Gettysburg Hospital in Gettysburg Borough, **Adams County**. The General permit was renewed.

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

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

GP5-17-486B: EOG Resources, Inc. (400 Southpointe Blvd, Canonsburg, PA 15317) on October 8, 2010, to construct and operate a 15 MMscf/day glycol dehydrator with a 0.375 MMBtu/hr reboiler under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the PHC Compressor Station in Lawrence Township, **Clearfield County**.

GP3-59-210A: New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664) on October 19, 2010, to construct and operate a portable non-metallic mineral crusher with associated water spray dust suppression systems pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their Tioga Quarry in Middlebury Township, **Tioga County**.

GP9-59-210A: New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664) on October 19, 2010, to construct and operate one Caterpillar Model C-9 diesel-fired engine with a rating of 350 brake horsepower (bhp) pursuant to the General Plan Approval and/or General Operating Permit BAQ-GPA/GP-9: Diesel or #2 fuel-fired Internal Combustion Engines at their Tioga Quarry in Middlebury Township, **Tioga County**.

GP3-59-210B: New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664) on October 19, 2010, to construct and operate a portable non-metallic mineral crusher and a portable non-metallic mineral conveyor with associated water spray dust suppression systems pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their Tioga Quarry located in Middlebury Township, **Tioga County**.

GP9-59-210B: New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664) on October 19, 2010, to construct and operate one Caterpillar Model 3412 diesel-fired engine with a rating of 817 brake horsepower (bhp) pursuant to the General Plan Approval and/or General Operating Permit BAQ-GPA/GP-9: Diesel or #2 fuel-fired Internal Combustion Engines at their Tioga Quarry located in Middlebury Township, **Tioga County**.

GP3-59-210C: New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664) on October 19, 2010, to construct and operate a portable non-metallic mineral screener and portable non-metallic mineral conveyors with associated water spray dust suppression systems pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their Tioga Quarry located in Middlebury Township, **Tioga County**.

GP3-17-494: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on October 19, 2010, to construct and operate a portable non-metallic

mineral jaw crusher and two portable conveyors with associated water spray dust suppression systems pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their Pottersdale facility in Karthaus Township, **Clearfield County**.

GP11-17-494: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on October 19, 2010, to construct and operate one Caterpillar model C-9 DITA diesel-fired engine with a rating of 300 brake horsepower (bhp) pursuant to the General Plan Approval And/Or General Operating Permit (BAQ-GPA/GP-11): Nonroad Engines at their Pottersdale facility in Karthaus Township, **Clearfield County**.

GP3-17-494A: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on October 19, 2010, to construct and operate a portable non-metallic mineral screen with associated water spray dust suppression system pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their Pottersdale facility in Karthaus Township, **Clearfield County**.

GP11-17-494A: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on October 19, 2010, to construct and operate one Deutz model TCD2013L04 diesel-fired engine with a rating of 174 brake horsepower (bhp) pursuant to the General Plan Approval And/Or General Operating Permit (BAQ-GPA/GP-11): Nonroad Engines at their Pottersdale facility in Karthaus Township, **Clearfield County**.

GP13-08-309A: Glenn O. Hawbaker, Inc. (450 East College Avenue, Bellefonte, PA 16823) on November 2, 2010, for the construction and operation of a hot mix asphalt plant pursuant to the General Plan Approval and General Operating Permit (BAQ-GPA/GP-13): Hot Mix Asphalt Plants, at their facility located in Wyalusing Township, **Bradford County**.

GP3-08-327: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on November 4, 2010, to construct and operate a portable non-metallic mineral horizontal feeder with associated water spray dust suppression system pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their North Orwell facility located in Rome, Orwell and Windham Townships, **Bradford County**.

GP9-08-327: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on November 4, 2010, to construct and operate one Caterpillar Model 3052 diesel-fired engine with a rating of 100 brake horsepower (bhp) pursuant to the General Plan Approval And/Or General Operating Permit (BAQ-GPA/GP-9): Diesel or No.2 Fuel-fired Internal Combustion Engines at their North Orwell facility located in Rome, Orwell and Windham Townships, **Bradford County**.

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

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

GP1-65-00921: North Side Foods Corp. (2200 Rivers Edge Drive, Arnold, PA 15068) on November 2, 2010, to allow the continued operation of small natural gas-fired boilers and combustion units at their Arnold Plant located in Arnold City, **Westmoreland County**. This is a renewal of the GP-1 authorization.

GP5-63-00959: Chesapeake Appalachia, LLC (P. O. Box 18496, Oklahoma City, OK, 73154) on November 3, 2010, received authorization for operation of a natural gas production facility at the Avolio Pad Dehy in Independence Township, **Washington County**.

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

Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940

GP5-42-230A: East Resources Management LLC—Swamp Angel Compressor Station (Off Route 321, Klondike, PA 16738) on November 2, 2010, for to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Hamilton Township, **McKean County**.

GP3-43-357A: Grove City Materials LP—Uschak Mine (988 Harmony Road, Slippery Rock, PA 16157) on November 1, 2010, to operate of a portable nonmetallic mineral processing plant (BAQ-GPA/GP-3) in Pine Township, Mercer County and Mercer Township, **Butler County**.

GP9-43-357B: Grove City Materials LP—Uschak Mine (988 Harmony Road, Slippery Rock, PA 16157) on November 1, 2010, to operate a diesel or #2 fuel fired internal combustion engines (BAQ-GPA/GP-3) in Pine Township, Mercer County and Mercer Township, **Butler County**.

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

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

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

35-322-011: Alliance Sanitary Landfill, Inc. (398 South Keyser Avenue, Taylor, PA 18517) on October 28, 2010, for landfill expansion area 2A with controls at their site in Taylor & Old Forge Boroughs, **Lackawanna County**.

54-399-044A: Future Power PA (72 Glenmaura National Boulevard, Moosic, PA 18507) on November 2, 2010, to construct and operate an Anthracite Coal fired IGCC (Integrated Gas Combined Cycle) plant with controls at their facility in Porter and Frailey Townships, **Schuylkill 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

36-03054B: Esbenshades Greenhouses, Inc. (546 East 28th Division Highway, Lititz, Pennsylvania 17543-9766) on November 1, 2010, to install a combined heat and power boiler system powered by biomass wood, and controlled by a multicyclone collection system at the greenhouse operation in Elizabeth Township, **Lancaster County**.

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

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

08-313-004J: Global Tungsten & Powders, Corp. (Hawes Street, Towanda, PA 18848-0504) on September 28, 2010, to construct and operate two (2) new process tanks at their facility, in North Towanda Township, **Bradford County**. The existing tanks will be replaced by the proposed tanks. The hydrogen sulfide emissions from the tanks will be controlled by the existing Ceilcote VCP-100 counter-current scrubber.

49-00064A: Milton Regional Sewer Authority (P. O. Box 433, Milton, PA 17847-0433) on October 20, 2010, to construct a waste water to energy plant at their Milton Regional Sewer Authority waste water treatment facility in West Chillisquaque Township and Milton Borough, **Northumberland County**.

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

Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940

37-307C: PSC Metals, Inc. (5875 Landerbrook Drive, Suite 200, Mayfield Heights, OH 44124) on October 19, 2010, to modify to the exhaust capture system associated with scrap cutting activities at their facility in the City of New Castle, **Lawrence County**.

43-182B: John Maneely Co.—Wheatland Tube Division (One Council Avenue, P. O. Box 608, Wheatland, PA 16161-0608) on November 3, 2010, to install a zinc metallizer unit and associated dust collector at their facility in Wheatland Borough, **Mercer County**. This is a Title V facility.

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

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

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

47-00014A: United States Gypsum Co. (60 PPL Road, Danville PA 17821) on October 4, 2010, to extend the plan approval authorization for an additional 180 days in Derry Township, **Montour County**. The plan approval has been extended.

47-309-001A: United States Gypsum Company (60 PPL Road, Danville PA 17821) on September 21, 2010, to extend the plan approval authorization for an additional 180 days located in Derry Township, **Montour County**. The plan approval has been extended.

19-317-022D: Melick Aquafeeds, Inc. (75 Orchard Drive, Catawissa, PA 17820) on September 21, 2010, to extend the plan approval authorization for an additional 180 days in the Borough of Catawissa, **Columbia County**.

19-00032A: Benton Area School District (600 Green Acres Road, Benton, PA 17814) on October 4, 2010, to extend the plan approval authorization for an additional 180 days, located in Benton Borough, **Columbia County**. The plan approval has been extended.

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

Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940

24-131M: SGL Carbon, LLC (900 Theresia Street, St Marys, PA 15857) on October 31, 2010, to construct a new

CVD Reactor 8 (Source 7104) and associated scrubber system (C7104), in the City of Saint Marys, **Elk County**. This is a CAM source. This is Title V facility.

37-243F: INMETCO (One INMETCO Drive, Ellwood City, PA 16117) on October 31, 2010, to modify plan approval 37-243D condition with regards to the CO CEM for the 156,000 acfm baghouse controlling the Rotary Hearth Furnace in Ellwood City Borough, **Lawrence County**. This is a Title V facility.

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

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

Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935

36-05005: Wellborn Holdings, Inc.—Luxury Custom Cabinetry (215 Diller Avenue, New Holland, Pennsylvania 17557-1611) on October 28, 2010, for their custom wood cabinetry manufacturing facility in Earl Township, **Lancaster County**. This is a renewal of the Title V Operating Permit.

36-05081: Lancaster County Solid Waste Management Authority (1299 Harrisburg Avenue, Lancaster, Pennsylvania 17603-2515) on November 1, 2010, for the Frey Farm/Creswell Landfill in Manor Township, **Lancaster County**. This is a renewal of the Title V Operating Permit.

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

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

08-00003: CraftMaster Manufacturing, Inc. (PO Box 311, Towanda, PA 18848-0311) on October 13, 2010, issued Significant Modification Title V Operating Permit for their engineered wood products manufacturing facility in Wysox Township, **Bradford County**. The revised Title V operating permit includes numerous compliance assurance monitoring CAM (40 CFR Part 64) conditions that were revised for clarification and administrative purposes. The Title V operating permit contains applicable regulatory requirements including monitoring, record-keeping and reporting conditions.

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

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

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

48-00088: Greenstar Allentown LLC (799 Smith Lane, Northampton, PA 18067) on November 4, 2010, to operate a glass recycling and processing facility in Northampton Borough, **Northampton 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

06-05094: Reading Alloys, Inc. (Old West Penn Avenue, PO Box 53, Robesonia, PA 19551) on November 2,

2010, for the specialty alloy manufacturing facility in South Heidelberg Township, **Berks County**. This is a renewal of the State Only Operating permit.

36-05111: Lippert Components, Inc.—Denver (2703 College Avenue, Goshen, Indiana 46528-5035) on November 3, 2010, for the chassis production facility in Brecknock Township, **Lancaster County**. This is a renewal of the 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

12-00010: Pennsylvania Sintered Metals, Inc.—d/b/a PSM Brown Co. (2950 Whittimore Road, PO Box 308, Emporium, PA 15834-2032) on October 14, 2010, issued a state only operating permit for their facility in Emporium Borough, **Cameron County**. The facility's sources include three electric-fired sintering furnaces, a sizing operation and a parts washer. The potential emission of all air contaminants are below their respective major emission thresholds. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

14-00031: Glenn O. Hawbaker (711 East College Avenue, Bellefonte, PA 16823-6854) on October 14, 2010, reissued a state only (synthetic minor) operating permit for their facility in Rush Township, **Centre County**. The facility's sources include primary, secondary and tertiary crushing operations, which have the potential to emit major quantities of PM-10. The facility has taken an elective yearly restriction not to exceed the major threshold for PM-10. The state only (synthetic minor) operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

17-00039: Clearfield County SPCA (541 Graham Station Road, Philipsburg, PA 16866-8107) on October 14, 2010, issued a state only operating permit for their facility in Decatur Township, **Clearfield County**. The facility's sources include one animal crematory incinerator. The potential emission of all air contaminants are below their respective major emission thresholds. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

08-00034: Chief Gathering, LLC (6051 Wallace Road, Ext. Suite 210, Wexford, PA 15090) on October 19, 2010, issued a State Only (Synthetic Minor) operating permit for their Cuddy Compressor Station in Monroe Township, **Bradford County**. The facility's main air contaminant sources include five natural gas-fired compressor engines, three of which are equipped with oxidation catalysts, and three glycol dehydration units. The State Only (Synthetic Minor) operating permit contains requirements including monitoring, recordkeeping and reporting conditions to ensure compliance with applicable Federal and State regulations.

08-00035: Chief Gathering, LLC (6051 Wallace Road Ext. Suite 210, Wexford, PA 15090) on October 19, 2010, issued a State Only (Synthetic Minor) operating permit for their God Compressor Station in Monroe Township, **Bradford County**. The facility's main air contaminant sources include five natural gas-fired compressor engines, three of which are equipped with oxidation catalysts, and two glycol dehydration units. The State Only (Synthetic Minor) operating permit contains requirements including

monitoring, recordkeeping and reporting conditions to ensure compliance with applicable Federal and State regulations.

49-00012: Northumberland Terminals Corp. (PO Box 2621, Harrisburg, PA 17105-2621) on October 14, 2010, issued State Only Operating Permit 49-00012 for their bulk gasoline terminal in Point Township, **Northumberland County**. This site's main air contaminant sources include gasoline loading rack, and bulk terminal gasoline tanks. The State Only operating permit contains requirements including monitoring, recordkeeping and reporting conditions to ensure compliance with applicable Federal and State regulations.

17-00045: Pennsylvania Department of Corrections (P. O. Box 1000, Houtzdale, PA 16698-1000) on October 18, 2010, issued a State Only (Synthetic Minor) operating permit for their Houtzdale Correctional Institution in Woodward Township, **Clearfield County**. The facility's sources include one (1) bituminous coal/#2 fuel oil-fired boiler, two (2) #2 fuel oil-fired boilers, two (2) emergency generators and lime and ash silos, which have the potential to emit major quantities of nitrogen oxides (NO_x) and sulfur oxide (SO_x) emissions. The facility has taken an elective throughput restriction not to exceed the major threshold for NO_x and SO_x. The facility has the potential to emit carbon monoxide (CO), volatile organic compounds (VOCs), volatile hazardous air pollutants (VHAPs) and particulate matter (PM/PM₁₀) below the major emission thresholds. The proposed State Only (Synthetic Minor) operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

17-00054: Forcey Coal, Inc. (PO Box 225, Madera, PA 17830) on October 14, 2010, issued a State only operating permit for their coal processing facility in Bigler Township, **Clearfield County**. The facilities sources includes one (1) coal crusher with integral screener and two (2) belt conveyors, one (1) secondary impact crusher/screener powered by a diesel-fired engine, one (1) screener powered by a gasoline-fired engine. The State Only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and report conditions.

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

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

67-05095: Osram Sylvania, Inc.—York Base Plant (1128 Roosevelt Avenue, York, PA 17404-2348) on October 29, 2010, for their electric components manufacturing facility in West Manchester Township, **York County**. This permit was administratively amended to reflect a change in the company name. This is Revision 1 of the permit.

01-05006: RRI Energy Mid Atlantic Power Holdings, LLC—Orrtanna (121 Champion Way, Suite 200, Canonsburg, Pennsylvania 15317-5817) on October 27, 2010, for the electrical peaking station in Highland Township, **Adams County**. This permit was administra-

tively amended to reflect a change in the permit contact. This is Revision 1 of the permit.

01-05004: RRI Energy Mid Atlantic Power Holdings, LLC—Hamilton (121 Champion Way, Suite 200, Canonsburg, Pennsylvania 15317-5817) on October 27, 2010, for the electrical peaking station in Hamilton Township, **Adams County**. This permit was administratively amended to reflect a change in the permit contact. This is Revision 1 of the permit.

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

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

49-00007: Cherokee Pharmaceuticals, LLC. (PO Box 367, Riverside, PA 17868), issued a revised Title V operating permit on November 8, 2010 for the pharmaceutical production facility located in Riverside Borough, **Northumberland County**. This permit revision incorporates the change of ownership from Cherokee Pharmaceuticals, LLC (wholly-owned subsidiary of PRWT Life Sciences Company) to a wholly-owned subsidiary of Merck Sharp & Dohme Corp., Cherokee Pharmaceuticals LLC.

The Title V operating permit contains applicable requirements including monitoring, recordkeeping and reporting conditions to ensure compliance with Federal and State Regulation.

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

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

Contact: Matthew Williams, New Source Review Chief—Telephone: 814-332-6940

42-00158: Temple Inland—Mt Jewett Complex (149 Temple Drive, Kane, PA 16735) for their facility in Sergeant Township, **McKean County**. The De minimis emission increase is for the construction of sawing equipment as part of Source 112. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 Pa. Code 127.449(i). This list includes the De minimis emission increases since the facility Operating Permit issuance on October 2, 2006.

Date	Source	PM10 (tons)	SOx (tons)	NOx (tons)	VOC (tons)	CO (tons)
11/2/10	Sawing equipment	0.0858				
Total Reported Increases		0.0858				
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

Coal Permits Actions

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

30841307 and NPDES Permit # PA0213438, Emerald Coal Resources, LP, (P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370), to revise the permit for the

Emerald Mine No. 1 in Franklin Township, **Greene County** and related NPDES permit to install the No. 8 Bleeder Shaft Facility and add a new NPDES discharge point. Surface Acres Proposed 61.0. Receiving stream: Unnamed tributary to Toll Gate Run, classified for the following use: WWF, Application received: April 20, 2009. Permit issued: November 2, 2010.

32841303 and NPDES Permit # PA0001775, Helvetia Coal Company, (P. O. Box 219, Shelocta, PA 15774), to revise the permit for the Lucerne Mine #6 in Center and Blacklick Townships, **Indiana County** to add surface acres to upgrade the seep collection system and include existing outfall 001 discharge pipe in the permit area and to correct permit boundary mapping discrepancy. Surface Acres Proposed 3.0. No additional discharges. Application received: April 10, 2009. Permit issued: November 2, 2010.

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

32100101 and NPDES No. PA0262978, Amerikohl Mining, Inc., 1384 State Route 711, Stahlstown, PA 15687, commencement, operation and restoration of a bituminous surface and auger mine in West Wheatfield Township, **Indiana County**, affecting 117.0 acres. Receiving stream(s): unnamed tributaries of West Branch of Richards Run and unnamed tributaries of East Branch of Richards Run to Richards Run to the Conemaugh River classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10

miles downstream. Application received: February 11, 2010. Permit issued: November 1, 2010.

32100101. NPDES No. PA0262978 and General Permit GP-12-32100101, Amerikohl Mining, Inc., 1384 SR 711, Stahlstown, PA 15687, revision of an existing bituminous coal mining site to obtain coverage for coal processing under air quality general permit GP-12 in West Wheatfield Township, **Indiana County**, affecting 56.3 acres. Receiving stream(s): Richards Run West Branch and Richards Run East Branch 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: November 1, 2010.

56000105 and NPDES No. PA0235351. Hoffman Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface and auger mine in Shade Township, **Somerset County**, affecting 76.6 acres. Receiving stream(s): unnamed tributaries to/and Dark Shade Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 3, 2010. Permit issued: November 4, 2010.

56000105 and NPDES No. PA0235351. Hoffman Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface and auger mine in Shade Township, **Somerset County**, affecting 76.6 acres. Receiving stream(s): unnamed tributaries to/and Dark Shade Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 3, 2010. Permit issued: November 4, 2010.

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

16050106 and NPDES Permit No. PA0242675. Timothy A. Keck (93 Carrier Street, Summerville, PA 15864) Renewal of an existing bituminous strip and auger operation in Redbank Township, **Clarion County** affecting 224.0 acres. Receiving streams: Unnamed tributary to Pine Creek and Pine Creek. Application received: August 26, 2010. Permit Issued: November 3, 2010.

10040103 and NPDES Permit No. PA0242535. Anandale Quarries, Inc. (219 Goff Station Road, Boyers, PA 16020) Renewal of an existing bituminous strip operation in Venango Township, **Butler County** affecting 23.3 acres. Receiving streams: Seaton Creek. This renewal is issued for reclamation only. Application received: September 15, 2010. Permit Issued: November 4, 2010.

33080105 and NPDES Permit No. PA0258547. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767) Revision to an existing bituminous strip operation to add 2.0 acres in Perry & Young Townships, **Jefferson County** affecting 432.0 acres. Receiving streams: Three unnamed tributaries to Mahoning Creek. Application received: August 2, 2010. Permit Issued: November 4, 2010.

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

54850101R5 and NPDES Permit No. PA0614424. Schuylkill Reclamation Corp., (10 Gilberton Road, Gilberton, PA 17934), renewal of an existing anthracite surface mine and refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 61.0

acres, receiving stream: Mahanoy Creek. Application received: January 8, 2010. Renewal issued: November 2, 2010.

Noncoal Applications Returned

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

08092812. Jerry L. Johnson (RR 1 Box 179A-1 Wyalusing, PA 18853) Commencement, operation, and restoration of an existing small noncoal (flagstone) permit located in Asylum Township, **Bradford County**, affecting 5.0 total acre(s). This was an upgrade from 2,000 tons per year to 10,000 tons per year. Receiving stream(s): Durell Creek and Susquehanna River. Application received: September 30, 2010. Application returned: October 29, 2010.

Noncoal Permits Actions

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

58100805. Edward F. Yachymiak, (9720 N. Weston Road, Kingsley, PA 18826-7223), commencement, operation and restoration of a quarry operation in Brooklyn Township, **Susquehanna County** affecting 2.0 acres, receiving stream: none. Application received: May 13, 2010. Permit issued: November 3, 2010.

**ABANDONED MINE RECLAMATION
ACT 181 ONLY**

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

Bond Forfeiture Reclamation	PBF 56803014.4
Contract Awarded	
Location	Summit Township Somerset County Pennsylvania
Description	Act 181 Bond Forfeiture Reclamation Project Delta Mining—Bashore Site SMP# 56803014
Contractor	Quality Aggregates, Inc. 4955 Steubenville Pike, Suite 245 Pittsburgh, PA 15205
Amount	\$378,912.00
Date of Award	November 1, 2010

**ACTIONS ON BLASTING ACTIVITY
APPLICATIONS**

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

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

30104008. Del Rick Corp. (P. O. Box 693, Tazewell, VA 24651). Blasting activity permit for seismic drilling of the GH-35 ABC Drilling Pit, located in Center Township,

Greene County. The duration of blasting is expected to last one year. Blasting permit issued: November 4, 2010.

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

33104005. Appalachian Geophysical Services, LLC (2659 State Route 60, P. O. Box 426, Killbuck, OH 44637) Blasting Activity Permit to conduct seismic exploration in Snyder & Horton Townships, **Jefferson & Elk Counties.** This blasting activity permit will expire on November 15, 2010. Application received: October 26, 2010. Permit Issued: November 4, 2010.

24104019. Appalachian Geophysical Services, LLC (2659 State Route 60, P. O. Box 426, Killbuck, OH 44637) Blasting Activity Permit to conduct seismic exploration in Horton & Snyder Townships, **Elk & Jefferson Counties.** This blasting activity permit will expire on November 15, 2010. Application received: October 26, 2010. Permit Issued: November 4, 2010.

24104020. Appalachian Geophysical Services, LLC (2659 State Route 60, P. O. Box 426, Killbuck, OH 44637) Blasting Activity Permit to conduct seismic exploration in Horton Township, **Elk County.** This blasting activity permit will expire on November 15, 2010. Application received: October 29, 2010. Permit Issued: November 4, 2010.

24104021. Appalachian Geophysical Services, LLC (2659 State Route 60, P. O. Box 426, Killbuck, OH 44637) Blasting Activity Permit to conduct seismic exploration in Horton Township, **Elk County.** This blasting activity permit will expire on November 15, 2010. Application received: October 29, 2010. Permit Issued: November 4, 2010.

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

14104014. Geokinetics (P. O. Box 309, Clearfield, PA 16830). Seismic exploration blasting located in Snow Shoe and Rush Townships, Centre County and Cooper and Burnside Townships, **Clearfield County.** Permit issued: October 27, 2010. Permit expires: November 30, 2011.

57104002. Doug Wathen, LLC (16208 State Highway 13, Suite 100, Branson West, MO 65616). Blasting for a gas well located in Fox Township, **Sullivan County.** Permit issued: October 27, 2010. Permit expires: August 25, 2011.

57104003. Doug Wathen, LLC (16208 State Highway 13, Suite 100, Branson West, MO 65616). Blasting for a gas well located in Elkland Township, **Sullivan County.** Permit issued: October 27, 2010. Permit expires: August 25, 2011.

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

36104165. Maine Drilling & Blasting, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for ITT Project in East Hempfield Township, **Lancaster County** with an expiration date of October 2, 2011. Permit issued: November 1, 2010.

38104117. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Farmer Boy Ag in Myerstown Borough, **Lebanon County** with an expiration date of December 30, 2010. Permit issued: November 1, 2010.

38104118. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Dennis Martin Appliance in Jackson Township, **Lebanon**

County with an expiration date of December 30, 2010. Permit issued: November 1, 2010.

46104117. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for General Hancock Townhomes in Montgomery Township, **Montgomery County** with an expiration date of September 22, 2011. Permit issued: November 2, 2010.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, Telephone 570-826-2511.

E66-150. Pennsylvania Department of Transportation, Engineering District 4-0, 55 Keystone Industrial

Park, Dunmore, PA 18512. Clinton and Lemon Townships, **Wyoming County**, Army Corps of Engineers Baltimore District.

To remove the existing structure; to construct and maintain a two-span, pre-stressed concrete bulb-tee beam bridge having a total normal clear span of 161 feet and an underclearance of 20.3 feet over Tunkhannock Creek (TSF, MF) approximately 35 feet upstream of the existing bridge; and to construct and maintain approximately 215 feet of bank stabilization utilizing R-6 rock and timber cribbing. The project is located just northeast of the intersection of SR 1010 (Tunnel Hill Road) and SR 92 (Factoryville, PA Quadrangle Latitude: 41°35'34"; Longitude: -75°51'29").

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

E38-169: Pennsylvania Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103, North Cornwall Township, **Lebanon County**, ACOE Baltimore District

To construct and maintain a non-jurisdictional dam, approximately 1,866.0 feet long by 10.0 feet wide and 3.0 feet high, in the floodplain of Snitz Creek (TSF), its associated floodway and PEM wetlands, having a permanent wetland impact of 0.01 acre, for the purpose of creating 5.0 acres of wetlands on the south side of Oak Street on the right floodplain of Snitz Creek (Lebanon, PA Quadrangle N: 9.5 inches; W 6.75 inches, Latitude 40°19'23"; Longitude 76°27'2") in North Cornwall Township, Lebanon County. The applicant is required to replace 0.01 acre of PEM wetland. The wetland will be replaced at the site through creation of additional wetlands.

E67-877: PennDOT Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699, ACOE Baltimore District

To remove the existing structure and to construct and maintain a 60.0-foot long, 1.0-foot depressed with baffles, 15.0-foot x 5.0-foot reinforced concrete box culvert in an unnamed tributary to Kreutz Creek (WWF, MF) with concrete wing walls and 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 Springwood Road (SR 2017) approximately 2,200 feet south of East Market Street (SR 0426) (York, PA Quadrangle N:20.2 inches; W:1.2 inches, Latitude

39°59'13"; Longitude: -76°38'02") in Springettsbury Township, York County. To remove the existing structure and to construct and maintain a 96.0-foot long, 1.0-foot depressed with baffles, 9.0-foot x 5.5-foot reinforced concrete box culvert in an unnamed tributary to Kreutz Creek (WWF, MF) with concrete wing walls and 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 Springwood Road (SR 2017) at its intersection with Graywood Drive (York, PA Quadrangle N:19.2 inches; W:1.1 inches, Latitude 39°58'53"; Longitude: -76°37'57") in Springettsbury Township, York County. To construct and maintain an endwall with rock protection around an existing 33.0-inch by 49.0-inch outfall, along an unnamed tributary to Kreutz Creek (WWF, MF) (York, PA Quadrangle N:20.2 inches; W:1.2 inches, Latitude 39°59'13"; Longitude: -76°38'02") in Springettsbury Township, York County.

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E18-458. James M. Yeager, 100 Pennsylvania Avenue, Mill Hall, PA 17751-1822. Yeager Residence Fence, in Mill Hall Borough, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle, N: 41° 6' 36.56"; W: 77° 29' 2.07").

To construct and maintain 261 linear feet of 42-inch high wooden picket fence around his residential yard for: 1) the safety of his child and pets, 2) improved site distance after removing 5-6 foot high hedges at the intersection of Lumber Alley and Pennsylvania Avenue. The site is located in the northern corner of Lumber Alley and Grove Alley. This permit was issued under Section 105.13(e) "Small Projects."

E41-610. Anadarko Marcellus Midstream, LLC, PO Box 1330, Houston, Texas, 77251. Larry's Creek Pipeline, in Cummings and Mifflin Townships, **Lycoming County**, ACOE Baltimore District (Waterville, PA Quadrangle Latitude: 41-19-26; Longitude: 77-15-33).

To construct, operate and maintain 17, 176 linear foot pipelines containing 7 stream crossings and 2 wetland crossings in the Exceptional Value watersheds of Harbor Run and Unnamed Tributaries to the Second Fork of Larry's Creek. Crossing number 7 and number 8 will be directionally drilled while the others are authorized to be open cut. The following chart details the crossings and their locations:

Cross #	Crossing Method	Stream or Wetland Name	Stream or Wetland	Chap. 93	Wild Trout	Latitude (NAD 83)	Longitude (NAD 83)	Length of Impact (ft)	Area of Stream Impact (sq ft)	Area of Wetland Temp. Impact
1	Avoid	UNT Harbor Run	S & W	EV	Y	41.319506	-77.258502	N/A	N/A	N/A
2	Trench Pipeline, Avoid with Access	Harbor Run	S & W	EV	Y	41.321994	-77.259316	10	15	93 sq ft
3	Avoid	UNT Second Fork Larry's Creek	S	EV	Y	41.327154	-77.259331	N/A	N/A	N/A

<i>Cross #</i>	<i>Crossing Method</i>	<i>Stream or Wetland Name</i>	<i>Stream or Wetland</i>	<i>Chap. 93</i>	<i>Wild Trout</i>	<i>Latitude (NAD 83)</i>	<i>Longitude (NAD 83)</i>	<i>Length of Impact (ft)</i>	<i>Area of Stream Impact (sq ft)</i>	<i>Area of Wetland Temp. Impact</i>
4	Trench Pipeline, Temp. Access Road	UNT Second Fork Larry's Creek	S	EV	Y	41.330625	-77.259704	76	456	N/A
5	Trench Pipeline, Temp. Access Road	UNT Second Fork Larry's Creek	S	EV	Y	41.330921	-77.259719	42	84	N/A
6	Trench Pipeline, Temp. Access Road	UNT Second Fork Larry's Creek	S	EV	Y	41.331390	-77.259741	53	318	N/A
7	HDD Pipeline, Avoid with Access	UNT Second Fork Larry's Creek	S & W	EV	Y	41.333310	-77.259760	N/A	N/A	N/A
8	HDD Pipeline, Avoid with Access	UNT Second Fork Larry's Creek	S	EV	Y	41.335461	-77.260220	N/A	N/A	N/A

This project begins at Larry's Creek Well Pad "A" and "B" on Henson Ridge and traverses south to a terminal valve site located along Puterbaugh Mountain (Salladasburg, PA Quadrangle, Begin Latitude: 41-20-3.41; Longitude: 77-16-5.51; and Ending Latitude: 41-18-32.78; Longitude: 77-14-47.47) Cummings and Mifflin Townships, Lycoming County. This permit also includes 401 Water Quality Certification.

E53-436. Dominion Transmission, Inc., 5049 Route 349, Westfield, PA 16950-9659. Dominion Transmission Harrison Storage 2010 Pipeline Replacement Project in Harrison Township, **Potter County**, ACOE Baltimore District (Harrison Valley, PA Quadrangle Latitude: 41° 58' 14"; Longitude: 77° 42' 01").

Dominion Transmission, Inc. proposes to replace, operate and maintain 26,000-feet of its natural gas transmission pipeline for it Harrison Valley Storage Field Facility requiring encroachment of the following of twenty four (24) wetlands and ten (10) stream crossings:

<i>Permit ID</i>	<i>Activity</i>	<i>Resource</i>	<i>Water Quality</i>	<i>Latitude</i>	<i>Longitude</i>
HP-1A3	Pipeline Crossing	Wetland to North Branch Cowanesque	CWF	41° 58' 40"	77° 41' 09"
HP-1A4	Pipeline Crossing	Wetland to North Branch Cowanesque	CWF	41° 58' 40"	77° 41' 90"
HP-1B	Pipeline Crossing	Wetland to North Branch Cowanesque	CWF	41° 58' 36"	77° 41' 14"
HP-1C	Pipeline Crossing	Wetland to Marsh Creek Tributary	CWF	41° 58' 36"	77° 42' 13"
HP1/4	Pipeline Crossing	Wetland to Marsh Creek Tributary	CWF	41° 58' 07"	77° 42' 18"
HP1/4	Pipeline Crossing	Wetland to Unnamed Tributary	CWF	41° 58' 40"	77° 41' 09"
HP-15A	Pipeline Crossing	Wetland to Marsh Creek	CWF	41° 57' 54"	77° 42' 30"

NOTICES

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<i>Permit ID</i>	<i>Activity</i>	<i>Resource</i>	<i>Water Quality</i>	<i>Latitude</i>	<i>Longitude</i>
HP-15B	Pipeline Crossing	Wetland to Marsh Creek	CWF	41° 57' 53"	77° 42' 31"
HP-15C	Pipeline Crossing	Wetland to Marsh Creek	CWF	41° 57' 49"	77° 42' 32"
HP-15D	Pipeline Crossing	Wetland to Marsh Creek	CWF	41° 57' 46"	77° 42' 33"
HP-15E2	Pipeline Crossing	Wetland to Marsh Creek	CWF	41° 57' 53"	77° 42' 32"
HP-15E1	Pipeline Crossing	Wetland to Marsh Creek	CWF	41° 57' 44"	77° 42' 32"
HP-15F	Pipeline Crossing	Wetland to Marsh Creek	CWF	41° 57' 40"	77° 42' 33"
HP34A	Pipeline Crossing	Wetland to Marsh Creek Tributary	CWF	41° 58' 09"	77° 41' 59"
HP-34B	Pipeline Crossing	Wetland to Marsh Creek Tributary	CWF	41° 57' 57"	77° 41' 54"
HP-34C	Pipeline Crossing	Wetland to Marsh Creek Tributary	CWF	41° 58' 06"	77° 41' 57"
HP-34D	Pipeline Crossing	Wetland to Marsh Creek Tributary	CWF	41° 58' 01"	77° 41' 55"
HP34-E	Pipeline Crossing	Wetland to Marsh Creek Tributary	CWF	41° 57' 54"	77° 41' 54"
HP-54A	Pipeline Crossing	Wetland to Marsh Creek Tributary	CWF	41° 57' 53"	77° 41' 53"
HP-34F	Pipeline Crossing	Wetland to Marsh Creek Tributary	CWF	41° 57' 52"	77° 41' 54"
HP-34G	Pipeline Crossing	Wetland to Marsh Creek Tributary	CWF	41° 57' 49"	77° 41' 58"
HP-35A	Pipeline Crossing	Wetland to Marsh Creek Tributary	CWF	41° 58' 05"	77° 42' 02"
HP-35B	Pipeline Crossing	Wetland to Marsh Creek Tributary	CWF	41° 58' 06"	77° 44' 00"
HP54A	Pipeline Crossing	Wetland to Marsh Creek Tributary	CWF	41° 58' 09"	77° 41' 59"
HP-1	Pipeline & Temporary Road	North Branch Cowanesque	CWF	41° 58' 39"	77° 41' 09"
HP-1A	Pipeline & Temporary Road	Tributary to North Branch Cowanesque	CWF	41° 58' 36"	77° 41' 14"
HP-1B	Pipeline & Temporary Road	Tributary to Marsh Creek	CWF	41° 58' 11"	77° 42' 12"
HP-1C	Pipeline & Temporary Road	Tributary to Marsh Creek	CWF	41° 58' 10"	77° 42' 13"
HP-1D	Pipeline & Temporary Road	Tributary to Marsh Creek	CWF	41° 58' 10"	77° 42' 14"
HP-1E	Pipeline & Temporary Road	Tributary to Marsh Creek	CWF	41° 58' 10"	77° 42' 16"
HP-1A	Pipeline & Temporary Road	Unnamed Tributary	CWF	41° 58' 07"	77° 42' 18"
HP-15	Pipeline & Temporary Road	Marsh Creek	CWF	41° 57' 43"	77° 42' 33"
HP-34A	Pipeline	Tributary to Marsh Creek	CWF	41° 58' 04"	77° 41' 56"
HP-34B	Pipeline	Tributary to Marsh Creek	CWF	41° 58' 03"	77° 41' 56"

Replacement of the gas transmission pipelines shall be accomplished in dry stream work conditions by dam and pumping or fluming stream flow around work areas. The project is located along the western right-of-way of SR 1019 approximately 2.4-miles north of SR 0049 and SR 1019 intersection.

E59-502. East Resources Management LLC; 190 Thorn Hill Road, Warrendale, PA 15086-7528; Charleston Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain: (1) A 50-foot steel pre-fabricated bridge, which replaces an existing stone abutment and wood deck structure, impacting 13 feet over Catlin Hollow (TSF) (Crooked Creek, PA Quadrangle; Latitude 41° 46' 14.09" N, Longitude -77° 14' 31.65"). (2) a 60-inch x 60-foot HDPE Culvert, impacting 300 square feet within Unnamed Tributary to Catlin Hollow (TSF) (Crooked Creek, PA Quadrangle; Latitude 41° 46' 18.81" N, Longitude -77° 14' 33.44") all for the purpose of providing access to the Lopatofsky Unit #287 Marcellus Shale Natural Gas Well Site.

Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E11-335A1 Robert J. Woloschuk, 317 Park Hill Drive, Park Hill, PA 15945. To relocate and maintain an existing concrete manhole in East Taylor Township, **Cambria County**, Pittsburgh ACOE District. (Geistown, PA Quadrangle: North: 20.1"; West: 17.3"; Latitude: 40° 21' 46" and Longitude: 78° 52' 26"). To relocate and maintain an existing concrete manhole approximately 10' west of its current location, and to excavate, and replace (as necessary) the lower portion of an existing 24" diameter stream enclosure and the upper portion of an existing 36" diameter stream enclosure, to operate and maintain the remaining approximately 230 feet with the 36" diameter stream enclosure, to extend the 24" diameter enclosure approximately 20' to connect that enclosure to the relocated manhole, and to make adjustments in the slope, depth and alignment of both enclosure necessary to allow water to flow freely, all on an unnamed tributary to the Little Conemaugh River (CWF). The project is located approximately 225' west of State Route 271, approximately one mile southeast of Hinckston Dam in East Taylor Township, Cambria County.

Northeast Region: Bureau of Abandoned Mine Reclamation, Wilkes-Barre District Office, 2 Public Square, 5th Floor, Wilkes-Barre, PA 18711-0790, 570-826-2371.

E3511-003: Bureau of Abandoned Mine Reclamation, Wilkes-Barre District Office. Jessup Cemetery Channel Repair Project in Jessup Borough, **Lackawanna County**, ACOE Baltimore District, Olyphant PA Quadrangle N: 17.50 inches; W: 8.20 inches

To perform the following water obstruction and encroachment activities associated with abandoned mine discharge treatment.

This project will consist of the maintenance repair of a channel that was listed as an AML feature #03 and reclaimed as part of a larger OSM project in 2004. Several heavy rain events flooded through the channel and reshaped the channel by cutting through the flood plain. The work will be performed in the channel and partly along the flood plain that was formed as part of the prior reclamation effort. The previous OSM project reshaped the stream into a natural meandering layout with a flood plain on both sides. There are no openings or possible bat habitats affected by the reconstruction work which is inside the original project limits.

The project will cover about 2 acres including the channel and floodplain repair. The channel will be lined with riprap and the floodplain will be graded and seeded for use in time of flooding.

ENVIRONMENTAL ASSESSMENTS

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

EA3309-002. Pennsylvania Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Clover Township, **Jefferson County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 3,950 linear feet of dangerous highwalls. The project will include the backfilling of 0.73 acres of PEM wetlands that have developed within the open surface mine pits. Of the 0.73 acres, 0.6 acres are AMD-impacted. The applicant will construct 0.13 acres of replacement wetland. (Portersville Quadrangle N: 12.0 inches, W: 16.0 inches).

DAM SAFETY / LIMITED POWER

Actions on applications 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); sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402); the Limited Power Act; and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

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

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

JOINT PERMIT

Oil & Gas Management—SWRO—400 Waterfront Drive, Pittsburgh, PA 15222

[Permit # E26-07-001]. Longfellow Energy, LP, 4801 Gaillardia Parkway, Suite 225, Oklahoma City, OK 73142. To construct natural gas pipeline (Donegal South Pipeline) extending approximately 16.5 miles from a natural gas lease area to an existing transmission line in Donegal Township, Westmoreland County, and Saltlick and Springfield Townships, Fayette County, Pittsburgh ACOE District, State Water Plan Basin 19-E, (Donegal, Seven Springs, and Mill Run, PA Quadrangle; Start at N 22.66 inches; W 11.68 inches; Latitude: N 40° 7' 28.16"; Longitude: W 79° 20' 0.19" on the Seven Springs, PA Quadrangle; End at N 11.06 inches; W 8.30 inches; Latitude: N 39° 56' 8.04"; Longitude: W 79° 26' 3.09"), on the Mill Run, PA Quadrangle. The applicant proposes to construct a natural gas pipeline from lease areas in Donegal Township, Westmoreland County to an existing transmission line in Springfield Township, Fayette County. In addition, seventy-one (71) wetland and forty-one (41) stream crossings are necessary along the approximately 16.5 mile pipeline. This project is proposed to temporarily impact wetlands, both exceptional value (EV) and other wetlands including PEM, PSS, and PFO wetlands totaling approximately 2.7 acres within the pipeline right-of-way and temporarily impact numerous named and unnamed tributaries to Indian Creek (CWF and HQ-CWF) totaling approximately 2,241 linear feet of stream.

EROSION AND SEDIMENT CONTROL

<i>ESCGP -1 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
61 10 8 01	Tennessee Gas Pipeline Co Compressor Stn 303 Meadow Church Road Cranberry PA 16346	Venango	Cranberry Township	Halls Run / East Sandy creek CWF

[Pa.B. Doc. No. 10-2206. Filed for public inspection November 19, 2010, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Advanced Surgical Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Advanced Surgical Hospital has requested an exception to the requirements of 28 Pa. Code § 101.172 (relating to patient limits).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be

The following Erosion and Sediment Control permits have been issued.

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

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

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

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

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone 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, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2207. Filed for public inspection November 19, 2010, 9:00 a.m.]

Application of American Access Care for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that American Access Care has requested an

exception to the requirement of 28 Pa. Code § 569.35 (relating to general safety precautions).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, 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, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2208. Filed for public inspection November 19, 2010, 9:00 a.m.]

Application of Carlisle Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Carlisle Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 119.22 (relating to referral).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone 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, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2209. Filed for public inspection November 19, 2010, 9:00 a.m.]

Application of Clearfield Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Clearfield Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to

minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.1.3.1 (relating to diagnostic and treatment locations space requirements).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

MICHAEL K. HUFF, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2210. Filed for public inspection November 19, 2010, 9:00 a.m.]

Application of Digestive Health and Endoscopy Center, Inc. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Digestive Health and Endoscopy Center, Inc. has requested an exception to the requirements of 28 Pa. Code § 555.31(a) (relating to principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone 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, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2211. Filed for public inspection November 19, 2010, 9:00 a.m.]

Application of Dubois Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Dubois Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-7.2.2.1 (relating to corridor width), 3.1-7.2.2.3(b) (relating to width of door openings) and 3.1-3.2.4.2 (relating to examination and treatment rooms).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

MICHAEL K. HUFF, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2212. Filed for public inspection November 19, 2010, 9:00 a.m.]

Application of Elmwood Endoscopy Center, PC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Elmwood Endoscopy Center, PC has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone 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, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2213. Filed for public inspection November 19, 2010, 9:00 a.m.]

Application of Ephrata Community Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Ephrata Community Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-2.16(2)(b) (relating to room dimensions), 2.2-2.2.2.5(1)(a) (relating to handwashing station), 2.2-2.16.4.2 (relating to bariatric isolation room) and 2.2-16.2.2(3) (relating to renovation standards).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

MICHAEL K. HUFF, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2214. Filed for public inspection November 19, 2010, 9:00 a.m.]

Application of Geisinger Wyoming Valley Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Geisinger Wyoming Valley Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.1-2.6.6.1 (relating to medicine preparation room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

MICHAEL K. HUFF, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2215. Filed for public inspection November 19, 2010, 9:00 a.m.]

Application of Harrisburg Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Harrisburg Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.1.5.9(1) (relating to bathing/shower facilities).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

MICHAEL K. HUFF, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2216. Filed for public inspection November 19, 2010, 9:00 a.m.]

Application of Hillside Endoscopy, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hillside Endoscopy, LLC has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone 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, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2217. Filed for public inspection November 19, 2010, 9:00 a.m.]

Application of Hospital of the University of Pennsylvania for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hospital of the University of Pennsylvania has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.9-3.2.2.5 (relating to handwashing station).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

MICHAEL K. HUFF, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2218. Filed for public inspection November 19, 2010, 9:00 a.m.]

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone 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, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2220. Filed for public inspection November 19, 2010, 9:00 a.m.]

Application of J.C. Blair Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that J.C. Blair Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 127.32 (relating to written orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

This facility is 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, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2219. Filed for public inspection November 19, 2010, 9:00 a.m.]

Application of Jeanes Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Jeanes Hospital has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

Application of Kindred Hospital Delaware County for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Kindred Hospital Delaware County has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone 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, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2221. Filed for public inspection November 19, 2010, 9:00 a.m.]

Application of Leo McCafferty, MD Plastic Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Leo McCafferty, MD, Plastic Surgery Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-6.1.4 (relating to public toilets), 3.7-3.8.1 (relating to outpatient surgery change area) and 3.7-3.4.2.3 (relating to Phase II recovery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

MICHAEL K. HUFF, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2222. Filed for public inspection November 19, 2010, 9:00 a.m.]

Application of Mercy Tyler Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Mercy Tyler Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.2-3.1.3.6(9)(a) (relating to location).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

MICHAEL K. HUFF, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2223. Filed for public inspection November 19, 2010, 9:00 a.m.]

Application of Montrose General Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Montrose General Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.1-8.5.3.2 (relating to technology distribution room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

MICHAEL K. HUFF, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2224. Filed for public inspection November 19, 2010, 9:00 a.m.]

Application of Physicians Care Surgical Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Physicians Care Surgical Hospital has requested an exception to the requirements of 28 Pa. Code §§ 101.172, 107.26 and 125.2 (relating to patient limits; additional committees; and blood transfusion).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone 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, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2225. Filed for public inspection November 19, 2010, 9:00 a.m.]

Application of Pinnacle Health Cardiovascular Diagnostic Services Harrisburg for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pinnacle Health Cardiovascular Diagnostic Services Harrisburg has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-3.6.1 (relating to nurse stations), 3.1-3.6.6 (relating to medication distribution station) and 3.1-3.6.7 (relating to nourishment area or room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

MICHAEL K. HUFF, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2226. Filed for public inspection November 19, 2010, 9:00 a.m.]

Application of Pinnacle Outpatient Cardiovascular Diagnostic Services Wormleysburg for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pinnacle Outpatient Cardiovascular Diagnostic Services Wormleysburg has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-3.6.1 (relating to nurse stations), 3.1-3.6.6 (relating to medication distribution station) and 3.1-3.6.7 (relating to nourishment area or room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

MICHAEL K. HUFF, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2227. Filed for public inspection November 19, 2010, 9:00 a.m.]

Application of Pinnacle Women's Cancer Treatment Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pinnacle Women's Cancer Treatment Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The

facility specifically requests exception from the following standards contained in this publication: 3.6-3.2.3 (relating to privacy), 3.6-3.2.4 (relating to nurse's station), 3.6-3.2.6 (relating to patient toilet), 3.6-3.6.10.1 (relating to soiled workroom) and 3.6-3.6.11.1 (relating to stretchers/wheelchair storage).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

MICHAEL K. HUFF, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2228. Filed for public inspection November 19, 2010, 9:00 a.m.]

Application of Riverview Surgery Center at the Navy Yard for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Riverview Surgery Center at the Navy Yard has requested an exception to the requirements of 28 Pa. Code § 551.21 (relating to criteria for ambulatory surgery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone 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, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2229. Filed for public inspection November 19, 2010, 9:00 a.m.]

Application of Soldiers and Sailors Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Soldiers and Sailors Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.12-3.8.5 (relating to toilet rooms).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

MICHAEL K. HUFF, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2230. Filed for public inspection November 19, 2010, 9:00 a.m.]

Application of The Surgery and Laser Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Surgery and Laser Center has requested an exception to the requirements of 28 Pa. Code §§ 553.31 and 559.2 (relating to administrative responsibilities; and director of nursing).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone 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, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2231. Filed for public inspection November 19, 2010, 9:00 a.m.]

Application of UPMC Horizon for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Horizon has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.1.5.9(3) (relating to special bathing facilities).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

MICHAEL K. HUFF, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2232. Filed for public inspection November 19, 2010, 9:00 a.m.]

Application of UPMC McKeesport for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives

notice that UPMC McKeesport has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.1-8.2.1.2 (relating to ventilation requirements).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

MICHAEL K. HUFF, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2233. Filed for public inspection November 19, 2010, 9:00 a.m.]

Application of UPMC St. Margaret Cancer Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC St. Margaret Cancer Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-3.2.2.2(1) (relating to minimum exam room size), 3.6-3.2.2.1 (relating to infusion patient cubicle size), 3.6-3.2.2.2 (relating to infusion patient chair clearance) and 3.6-3.6.10.1 (relating to soiled workroom clinical service sink).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

MICHAEL K. HUFF, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2234. Filed for public inspection November 19, 2010, 9:00 a.m.]

Application of Uniontown Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Uniontown Hospital has requested an exception to the requirements of 28 Pa. Code § 101.172 (relating to patient limits).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone 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, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2235. Filed for public inspection November 19, 2010, 9:00 a.m.]

Application of Wayne Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Wayne Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 101.12 (relating to exceptions for innovative programs).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone 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, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2236. Filed for public inspection November 19, 2010, 9:00 a.m.]

Application of Westfield Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Westfield Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.1-5.1.3.4 (relating to triage room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

MICHAEL K. HUFF, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2237. Filed for public inspection November 19, 2010, 9:00 a.m.]

Application of Wilkes-Barre General Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Wilkes-Barre General Hospital has requested

an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.1-8.5.3.2 (relating to technology distribution rooms).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

MICHAEL K. HUFF, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2238. Filed for public inspection November 19, 2010, 9:00 a.m.]

Application of York Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that York Hospital has requested an exception to the requirements of 28 Pa. Code § 107.62(b) (relating to oral orders).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone 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, R.N.,
Acting Secretary

[Pa.B. Doc. No. 10-2239. Filed for public inspection November 19, 2010, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania \$50 A Day For Life 2nd Edition '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 \$50 A Day For Life 2nd Edition '10.

2. *Price:* The price of a Pennsylvania \$50 A Day For Life 2nd Edition '10 instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania \$50 A Day For Life 2nd Edition '10 instant lottery game ticket will contain one play area. The play symbols and their captions, located in the play area are: Bell (BELL) symbol, Chest (CHEST) symbol, Clover (CLOVER) symbol, Coins (COINS) symbol, Diamond (DMND) symbol, Piggy Bank (PIGBNK) symbol, Pot (POT) symbol, Rainbow (RAINBW) symbol, Safe (SAFE) symbol, Horse Shoe (SHOE) symbol, Wallet (WALLET) symbol and a Moneybag (MNYBAG) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: FREE (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN) and LIFE (\$50/DAY/LIFE).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$3, \$4, \$5, \$10, \$20, \$50, \$100 and \$50 a day for life (\$365,000 lifetime minimum). The player can win up to 5 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 24,000,000 tickets will be printed for the Pennsylvania \$50 A Day For Life 2nd Edition '10 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a Moneybag (MNYBAG) symbol in the play area, and a LIFE (\$50/DAY/LIFE) prize symbol appears in the "Prize" area under that Moneybag (MNYBAG) symbol, on a single ticket, shall be entitled to a prize of \$50 a day for life (\$365,000 lifetime minimum) which shall be paid by an initial cash payment of \$18,250 plus equal annual payments of \$18,250 over the lifetime of the winner or continuing under the provisions of 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner) until the \$365,000 minimum has been paid. If the winner of the Pennsylvania \$50 A Day For Life prize is younger than 18 years of age, the winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(b) Holders of tickets with a Moneybag (MNYBAG) symbol in the play area, and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under that Moneybag (MNYBAG) symbol, on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets with a Moneybag (MNYBAG) symbol in the play area, and a prize symbol of \$50.00 (FIFTY) appears in the "Prize" area under that Moneybag (MNYBAG) symbol, on a single ticket, shall be entitled to a prize of \$50.

(d) Holders of tickets with a Moneybag (MNYBAG) symbol in the play area, and a prize symbol of \$20.00 (TWENTY) appears in the "Prize" area under that Moneybag (MNYBAG) symbol, on a single ticket, shall be entitled to a prize of \$20.

(e) Holders of tickets with a Moneybag (MNYBAG) symbol in the play area, and a prize symbol of \$10.00 (TEN DOL) appears in the "Prize" area under that Moneybag (MNYBAG) symbol, on a single ticket, shall be entitled to a prize of \$10.

(f) Holders of tickets with a Moneybag (MNYBAG) symbol in the play area, and a prize symbol of \$5.00 (FIV DOL) appears in the "Prize" area under that Moneybag (MNYBAG) symbol, on a single ticket, shall be entitled to a prize of \$5.

(g) Holders of tickets with a Moneybag (MNYBAG) symbol in the play area, and a prize symbol of \$4.00 (FOR DOL) appears in the "Prize" area under that Moneybag (MNYBAG) symbol, on a single ticket, shall be entitled to a prize of \$4.

(h) Holders of tickets with a Moneybag (MNYBAG) symbol in the play area, and a prize symbol of \$3.00 (THR DOL) appears in the "Prize" area under that Moneybag (MNYBAG) symbol, on a single ticket, shall be entitled to a prize of \$3.

(i) Holders of tickets with a Moneybag (MNYBAG) symbol in the play area, and a prize symbol of \$2.00 (TWO DOL) appears in the "Prize" area under that Moneybag (MNYBAG) symbol, on a single ticket, shall be entitled to a prize of \$2.

(j) Holders of tickets with a Moneybag (MNYBAG) symbol in the play area, and a prize symbol of \$1.00 (ONE DOL) appears in the "Prize" area under that Moneybag (MNYBAG) symbol, on a single ticket, shall be entitled to a prize of \$1.

(k) Holders of tickets with a Moneybag (MNYBAG) symbol in the play area, and a prize symbol of FREE (TICKET) appears in the "Prize" area under that Moneybag (MNYBAG) symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania \$50 A Day For Life 2nd Edition '10 instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Reveal A Moneybag Symbol In The Play Area And Win Prize Shown Below It. Win With Prizes Of:</i>	<i>Win</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 24,000,000 Tickets</i>
FREE	FREE \$1 TICKET	9.52	2,520,000
\$1 x 2	\$2	42.86	560,000
\$2	\$2	37.50	640,000
\$1 x 3	\$3	100	240,000
\$1 + \$2	\$3	100	240,000
\$3	\$3	100	240,000
\$1 x 5	\$5	136.36	176,000
\$5	\$5	130.43	184,000
(\$1 x 2) + (\$4 x 2)	\$10	750	32,000
\$2 x 5	\$10	750	32,000
\$5 x 2	\$10	750	32,000
\$10	\$10	300	80,000
\$5 x 4	\$20	1,000	24,000
\$10 x 2	\$20	1,000	24,000
\$20	\$20	750	32,000
\$10 x 5	\$50	3,000	8,000
(\$20 x 2) + (\$5 x 2)	\$50	3,000	8,000
\$50	\$50	1,500	16,000
\$20 x 5	\$100	240,000	100
\$50 x 2	\$100	240,000	100
\$100	\$100	240,000	100
LIFE	\$50/DAY/LIFE	6,000,000	4

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania \$50 A Day For Life 2nd Edition '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).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$50 A Day For Life 2nd Edition '10, prize money from winning Pennsylvania \$50 A Day For Life 2nd Edition '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 \$50 A Day For Life 2nd Edition '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.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania \$50 A Day For Life 2nd Edition '10 or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 10-2240. Filed for public inspection November 19, 2010, 9:00 a.m.]

Pennsylvania 2nd Edition \$100,000 Bingo '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 2nd Edition \$100,000 Bingo '10.

2. *Price:* The price of a Pennsylvania 2nd Edition \$100,000 Bingo '10 instant lottery game ticket is \$5.

3. *Play Symbols:*

(a) Each Pennsylvania 2nd Edition \$100,000 Bingo '10 instant lottery game ticket will contain ten play areas designated as "Card 1," "Card 2," "Card 3," "Card 4," "Card 5," "Card 6," "Card 7," "Card 8," "Card 9" and "Card 10." Each "Card" will consist of 25 spaces on a 5 by 5 grid. The 77 play symbols located in the ten play areas are: The numbers 1 through 75, "FREE" symbol and a 5X symbol. The "FREE" symbol is a free space. The 5X symbol is a free space, and when it appears in a winning pattern, the prize quintuples.

(b) Each ticket will also contain a "CALLER'S CARD" area. The "CALLER'S CARD" area will consist of 30 spaces on a 10 by 3 grid. The play symbols that may be located in each space on the grid are: The letter B with a number 1 through 15; the letter I with a number 16 through 30; the letter N with a number 31 through 45; the letter G with a number 46 through 60; and the letter O with a number 61 through 75.

(c) Each ticket will also contain a separate Bingo "BONUS" area containing five play symbols. The play symbols and their captions, which may be located in the Bingo "BONUS" area, are: Cash (CASH) symbol, Moneybag (MNYBAG) symbol, Bell (BELL) symbol, Chest (CHEST) symbol, Clover (CLOVER) symbol, Coins

(COINS) symbol, Diamond (DMND) symbol, Piggy Bank (PIGBNK) symbol, Pot Of Gold (POT) symbol, Rainbow (RAINBW) symbol, Safe (SAFE) symbol, Horse Shoe (SHOE) symbol and a Wallet (WALLET) symbol. The Bingo "BONUS" is played separately from the rest of the game.

4. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$25, \$50, \$100, \$250, \$500, \$1,000, \$10,000 and \$100,000. The prizes that can be won in Bingo "BONUS" area are: \$20 and \$100. The player can win up to seven times on each ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 14,400,000 tickets will be printed for the Pennsylvania 2nd Edition \$100,000 Bingo '10 instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets matching the "CALLER'S CARD" play symbols to eight spaces appearing in the highlighted "Diamond" pattern, which includes the space appearing in the top horizontal row in the "N" column; the spaces appearing in the second horizontal row from the top in the "I" and "G" columns; the spaces appearing in the third horizontal row from the top in the "B" and "O" columns; the spaces appearing in the fourth horizontal row from the top in the "I" and "G" columns; and the space appearing in the fifth horizontal row from the top in the "N" column on "Card 1" or "Card 2" or "Card 3" or "Card 4" or "Card 5" or "Card 6" or "Card 7" or "Card 8" or "Card 9" or "Card 10," shall be entitled to a prize of \$100,000.

(b) Holders of tickets matching the "CALLER'S CARD" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "Card 10," shall be entitled to a prize of \$10,000.

(c) Holders of tickets matching the "CALLER'S CARD" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "Card 8" or "Card 9," shall be entitled to a prize of \$1,000.

(d) Holders of tickets matching the "CALLER'S CARD" play symbols in a postage stamp pattern, matching four numbers to form a postage stamp (a 2 x 2 grid) in any of the four corners on "Card 10," shall be entitled to a prize of \$1,000.

(e) Holders of tickets matching the "CALLER'S CARD" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "Card 4" or "Card 5" or "Card 6" or "Card 7," shall be entitled to a prize of \$500.

(f) Holders of tickets matching the "CALLER'S CARD" play symbols in a postage stamp pattern, matching four numbers to form a postage stamp (a 2 x 2 grid) in any of the four corners on "Card 8" or "Card 9," shall be entitled to a prize of \$500.

(g) Holders of tickets matching the "CALLER'S CARD" play symbols in the four corners on "Card 10," shall be entitled to a prize of \$500.

(h) Holders of tickets matching the "CALLER'S CARD" play symbols in four of the five spaces in a horizontal, vertical or diagonal line, and a 5X symbol in the remaining space of that same horizontal, vertical or diagonal line on "Card 10," shall be entitled to a prize of \$500.

(i) Holders of tickets matching the "CALLER'S CARD" play symbols in a postage stamp pattern, matching four numbers to form a postage stamp (a 2 x 2 grid) in any of the four corners on "Card 6" or "Card 7," shall be entitled to a prize of \$250.

(j) Holders of tickets matching the "CALLER'S CARD" play symbols in the four corners on "Card 9," shall be entitled to a prize of \$250.

(k) Holders of tickets matching the "CALLER'S CARD" play symbols in four of the five spaces in a horizontal, vertical or diagonal line, and a 5X symbol in the remaining space of that same horizontal, vertical or diagonal line on "Card 9," shall be entitled to a prize of \$250.

(l) Holders of tickets matching the "CALLER'S CARD" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "Card 2" or "Card 3," shall be entitled to a prize of \$100.

(m) Holders of tickets matching the "CALLER'S CARD" play symbols in a postage stamp pattern, matching four numbers to form a postage stamp (a 2 x 2 grid) in any of the four corners on "Card 4" or "Card 5," shall be entitled to a prize of \$100.

(n) Holders of tickets matching the "CALLER'S CARD" play symbols in the four corners on "Card 7" or "Card 8," shall be entitled to a prize of \$100.

(o) Holders of tickets matching the "CALLER'S CARD" play symbols in a five-space horizontal, vertical or diagonal line on "Card 10," shall be entitled to a prize of \$100.

(p) Holders of tickets with a Moneybag symbol (MNYBAG), in the Bingo "BONUS" area, on a single ticket, shall be entitled to a prize of \$100.

(q) Holders of tickets matching the "CALLER'S CARD" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "Card 1," shall be entitled to a prize of \$50.

(r) Holders of tickets matching the "CALLER'S CARD" play symbols in a postage stamp pattern, matching four numbers to form a postage stamp (a 2 x 2 grid) in any of the four corners on "Card 3," shall be entitled to a prize of \$50.

(s) Holders of tickets matching the "CALLER'S CARD" play symbols in the four corners on "Card 4" or "Card 5" or "Card 6," shall be entitled to a prize of \$50.

(t) Holders of tickets matching the "CALLER'S CARD" play symbols in a five-space horizontal, vertical or diagonal line on "Card 9," shall be entitled to a prize of \$50.

(u) Holders of tickets matching the "CALLER'S CARD" play symbols in four of the five spaces in a horizontal, vertical or diagonal line, and a 5X symbol in the remaining space of that same horizontal, vertical or diagonal line on "Card 6" or "Card 7" or "Card 8," shall be entitled to a prize of \$50.

(v) Holders of tickets matching the "CALLER'S CARD" play symbols in a postage stamp pattern, matching four numbers to form a postage stamp (a 2 x 2 grid) in any of the four corners on "Card 2," shall be entitled to a prize of \$25.

(w) Holders of tickets matching the "CALLER'S CARD" play symbols in the four corners on "Card 3," shall be entitled to a prize of \$25.

(x) Holders of tickets matching the "CALLER'S CARD" play symbols in four of the five spaces in a horizontal, vertical or diagonal line, and a 5X symbol in the remaining space of that same horizontal, vertical or diagonal line on "Card 1" or "Card 2" or "Card 3" or "Card 4" or "Card 5," shall be entitled to a prize of \$25.

(y) Holders of tickets with a Cash (CASH) symbol, in the Bingo "BONUS" area, on a single ticket, shall be entitled to a prize of \$20.

(z) Holders of tickets matching the "CALLER'S CARD" play symbols in a postage stamp pattern, matching four numbers to form a postage stamp (a 2 x 2 grid) in any of the four corners on "Card 1," shall be entitled to a prize of \$15.

(aa) Holders of tickets matching the "CALLER'S CARD" play symbols in the four corners on "Card 1" or "Card 2," shall be entitled to a prize of \$10.

(bb) Holders of tickets matching the "CALLER'S CARD" play symbols in a five-space horizontal, vertical or diagonal line on "Card 6" or "Card 7" or "Card 8," shall be entitled to a prize of \$10.

(cc) Holders of tickets matching the "CALLER'S CARD" play symbols in a five-space horizontal, vertical or diagonal line on "Card 1" or "Card 2" or "Card 3" or "Card 4" or "Card 5," shall be entitled to a prize of \$5.

(dd) A player may win more than one prize on a ticket; however, the player cannot win more than one prize on each "Card."

7. Number and Description of Prizes and Approximate Odds: The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 14,400,000 Tickets</i>
LINE CARD 1	\$5	40	360,000
LINE CARD 2	\$5	40	360,000
LINE CARD 3	\$5	40	360,000
LINE CARD 4	\$5	40	360,000
LINE CARD 5	\$5	60	240,000
LINE CARD 6	\$10	150	96,000
LINE CARD 7	\$10	150	96,000
LINE CARD 8	\$10	150	96,000
LINE CARDS 1 & 2	\$10	150	96,000
LINE CARDS 4 & 5	\$10	150	96,000
4 CORNERS CARD 1	\$10	150	96,000

<i>Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 14,400,000 Tickets</i>
4 CORNERS CARD 2	\$10	150	96,000
POSTAGE STAMP CARD 1	\$15	60	240,000
LINE CARDS 1, 2, 3 & 4	\$20	300	48,000
(LINE CARDS 2 & 5) + (4 CORNERS CARD 1)	\$20	300	48,000
\$20 w/CASH	\$20	120	120,000
4 CORNERS CARDS 1 & 2	\$20	300	48,000
LINE CARD 1 w/5X MULTIPLIER	\$25	600	24,000
LINE CARD 2 w/5X MULTIPLIER	\$25	600	24,000
LINE CARD 3 w/5X MULTIPLIER	\$25	600	24,000
LINE CARD 4 w/5X MULTIPLIER	\$25	600	24,000
LINE CARD 5 w/5X MULTIPLIER	\$25	600	24,000
LINE CARDS 1, 2, 3, 4 & 5	\$25	600	24,000
4 CORNERS CARD 3	\$25	600	24,000
(\$20 w/CASH) + (LINE CARD 1)	\$25	150	96,000
POSTAGE STAMP CARD 2	\$25	600	24,000
LINE CARD 9	\$50	1,200	12,000
(LINE CARD 1 w/5X MULTIPLIER) + (LINE CARD 2 w/5X MULTIPLIER)	\$50	1,200	12,000
(LINE CARD 3 w/5X MULTIPLIER) + (LINE CARD 4 w/5X MULTIPLIER)	\$50	1,200	12,000
LINE CARD 6 w/5X MULTIPLIER	\$50	1,200	12,000
LINE CARD 7 w/5X MULTIPLIER	\$50	1,200	12,000
LINE CARD 8 w/5X MULTIPLIER	\$50	1,200	12,000
LINE CARDS 2, 3, 4, 5, 6, 7 & 8	\$50	1,200	12,000
(POSTAGE STAMP CARDS 1 & 2) + (LINE CARDS 3 & 4)	\$50	1,200	12,000
"X" CARD 1	\$50	1,200	12,000
4 CORNERS CARD 4	\$50	1,200	12,000
4 CORNERS CARD 5	\$50	1,200	12,000
4 CORNERS CARD 6	\$50	1,200	12,000
(\$20 w/CASH) + (LINE CARDS 6, 7 & 8)	\$50	358.21	40,200
POSTAGE STAMP CARD 3	\$50	1,200	12,000
LINE CARD 10	\$100	2,667	5,400
4 CORNERS CARD 7	\$100	2,667	5,400
4 CORNERS CARD 8	\$100	2,667	5,400
POSTAGE STAMP CARD 4	\$100	3,000	4,800
POSTAGE STAMP CARD 5	\$100	3,000	4,800
"X" CARD 2	\$100	3,000	4,800
"X" CARD 3	\$100	3,000	4,800
(\$20 w/CASH) + (LINE CARDS 1 & 9) + (4 CORNERS CARD 3)	\$100	3,000	4,800
\$100 w/MONEYBAG	\$100	3,000	4,800
("X" CARD 1) + (4 CORNERS CARD 4)	\$100	3,000	4,800
LINE CARD 9 w/5X MULTIPLIER	\$250	60,000	240
POSTAGE STAMP CARD 6	\$250	60,000	240
POSTAGE STAMP CARD 7	\$250	60,000	240
4 CORNERS CARD 9	\$250	60,000	240
LINE CARD 10 w/5X MULTIPLIER	\$500	120,000	120
4 CORNERS CARD 10	\$500	120,000	120
"X" CARD 4	\$500	120,000	120
"X" CARD 5	\$500	120,000	120
"X" CARD 6	\$500	120,000	120
"X" CARD 7	\$500	120,000	120
(\$100 w/MONEYBAG) + (4 CORNERS CARDS 7 & 8) + (POSTAGE STAMP CARD 4) + ("X" CARD 2)	\$500	120,000	120
POSTAGE STAMP CARD 8	\$500	120,000	120
POSTAGE STAMP CARD 9	\$500	120,000	120
("X" CARD 4) + (POSTAGE STAMP CARD 8)	\$1,000	40,000	360
("X" CARD 5) + (4 CORNERS CARD 10)	\$1,000	40,000	360
"X" CARD 8	\$1,000	60,000	240
"X" CARD 9	\$1,000	60,000	240

<i>Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 14,400,000 Tickets</i>
POSTAGE STAMP CARD 10	\$1,000	60,000	240
"X" CARD 10	\$10,000	720,000	20
DIAMOND PATTERN ON ANY CARD	\$100,000	720,000	20

Cash symbol in Bonus area = win \$20.

Moneybag symbol in Bonus area = win \$100.

When a 5X multiplier symbol appears in any winning pattern, win five times the prize shown for that win.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania 2nd Edition \$100,000 Bingo '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).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania 2nd Edition \$100,000 Bingo '10, prize money from winning Pennsylvania 2nd Edition \$100,000 Bingo '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 2nd Edition \$100,000 Bingo '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.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania 2nd Edition \$100,000 Bingo '10 or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 10-2241. Filed for public inspection November 19, 2010, 9:00 a.m.]

Pennsylvania 3rd Edition Goldbar Cro\$\$word '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 3rd Edition Goldbar Cro\$\$word '10.

2. *Price:* The price of a Pennsylvania 3rd Edition Goldbar Cro\$\$word '10 instant lottery game ticket is \$3.

3. *Play Symbols:* Each Pennsylvania 3rd Edition Goldbar Cro\$\$word '10 instant lottery game ticket will feature a "YOUR LETTERS" area, a crossword puzzle play grid for the "Goldbar Cro\$\$word" game and a "BONUS" play area. The "BONUS" area is played separately. The play symbols and their captions located in the "YOUR LETTERS" area are: the letters A through and including Z. The play symbols located in the "Goldbar Cro\$\$word" puzzle play grid are: the letters A through and including Z. The play symbols and their captions located in the "BONUS" play area are: Cash symbol (CASH), Chest symbol (CHEST), Gift symbol (GIFT), Moneybag symbol (MNYBAG), Money symbol (MONEY), Gold Nugget symbol (GLDNGT) and a Gold Bar symbol (GLDBAR).

4. *Prizes:* The prizes that can be won in the "Goldbar Cro\$\$word" game are: \$3, \$5, \$10, \$20, \$30, \$50, \$100, \$1,000 and \$60,000. The prizes that can be won in the "BONUS" game are: \$10 and \$100. A player can win up to 2 times on a ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 14,400,000 tickets will be printed for the Pennsylvania 3rd Edition Goldbar Cro\$\$word '10 instant lottery game.

6. Determination of Prize Winners:

(a) The determination of the prize winners for the "Goldbar Cro\$\$word" game are:

(1) Holders of tickets where the player completely uncovers 10 words in the crossword puzzle play grid for the "Goldbar Cro\$\$word" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$60,000.

(2) Holders of tickets where the player completely uncovers 9 words in the crossword puzzle play grid for the "Goldbar Cro\$\$word" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$1,000.

(3) Holders of tickets where the player completely uncovers 8 words in the crossword puzzle play grid for the "Goldbar Cro\$\$word" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$100.

(4) Holders of tickets where the player completely uncovers 7 words in the crossword puzzle play grid for the "Goldbar Cro\$\$word" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$50.

(5) Holders of tickets where the player completely uncovers 6 words in the crossword puzzle play grid for the “Goldbar Cro\$\$\$word” game, using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$30.

(6) Holders of tickets where the player completely uncovers 5 words in the crossword puzzle play grid for the “Goldbar Cro\$\$\$word” game, using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets where the player completely uncovers 4 words in the crossword puzzle play grid for the “Goldbar Cro\$\$\$word” game, using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$10.

(8) Holders of tickets where the player completely uncovers 3 words in the crossword puzzle play grid for the “Goldbar Cro\$\$\$word” game, using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$5.

(9) Holders of tickets where the player completely uncovers 2 words in the crossword puzzle play grid for the “Goldbar Cro\$\$\$word” game, using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$3.

(b) The determination of the prize winners for the “BONUS” area are:

(1) Holders of tickets with a Gold Bar (GLDBAR) play symbol in any one of the “BONUS” spots, on a single ticket, shall be entitled to a prize of \$10.

(2) Holders of tickets with a Gold Bar (GLDBAR) play symbol in each of the five “BONUS” spots, on a single ticket, shall be entitled to a prize of \$100.

7. *Game Play Instructions for the “Goldbar Cro\$\$\$word” game are:*

(a) The player shall scratch the “YOUR LETTERS” area to reveal 18 letters. For each of the 18 letters revealed in the “YOUR LETTERS” area, the player shall rub the same letter each time it is found in the “Goldbar Cro\$\$\$word” puzzle play area.

(b) When a player reveals two or more entire words in the “Goldbar Cro\$\$\$word” puzzle play area, the player is entitled to win a prize as described in Section 6(a).

(c) Only the highest prize won in the “Goldbar Cro\$\$\$word” instant lottery game and the highest prize won in the “BONUS” game will be paid if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

(d) For purposes of this game, a word must contain at least three letters and cannot be formed by linking letters diagonally or by reading the letters from the bottom to the top.

(e) Letters combined to form a word must appear in an unbroken horizontal or vertical string of letters in the “Goldbar Cro\$\$\$word” puzzle play area. An unbroken string of letters cannot be interrupted by a black space and must contain every single letter square between two black spaces.

(f) Every single letter in the unbroken string must be revealed in the “YOUR LETTERS” area and be included to form a word.

(g) The possible complete words for each ticket in the game are shown on the “Goldbar Cro\$\$\$word” puzzle play grid of the ticket. The player must match all of the letters in a possible complete word in order to complete the word.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Win Prize(s) With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 14,400,000 Tickets:</i>
2 WORDS	\$3	7.69	1,872,000
3 WORDS	\$5	12.50	1,152,000
4 WORDS	\$10	125	115,200
\$10 (GOLD BAR)	\$10	55.56	259,200
5 WORDS	\$20	200	72,000
4 WORDS + \$10 (GOLD BAR)	\$20	100	144,000
6 WORDS	\$30	1,200	12,000
5 WORDS + \$10 (GOLD BAR)	\$30	1,200	12,000
7 WORDS	\$50	800	18,000
8 WORDS	\$100	1,200	12,000
\$100 (GOLD BAR)	\$100	385.85	37,320
9 WORDS	\$1,000	10,909	1,320
10 WORDS	\$60,000	720,000	20

BONUS = Get a GOLD BAR (GLDBAR) symbol in any spot, win \$10. Get five GOLD BAR (GLDBAR) symbols, win \$100.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania 3rd Edition Goldbar Cro\$\$\$word '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).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania 3rd Edition Goldbar Cro\$\$\$word '10, prize money from winning Pennsylvania 3rd Edition Goldbar Cro\$\$\$word '10 instant lot-

tery 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 3rd Edition Goldbar Cro\$\$word '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.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania 3rd Edition Goldbar Cro\$\$word '10 or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 10-2242. Filed for public inspection November 19, 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, November 4, 2010, and announced the following:

Regulations Deemed Approved under section 5(g) of the Regulatory Review Act—Effective November 3, 2010:

State Board of Barber Examiners #16A-427: Student Records and Curriculum (adds 49 Pa. Code § 3.71 and amends §§ 3.72, 3.87, 3.90 and 3.103)

Action Taken—Regulations Approved:

Pennsylvania Public Utility Commission #57-266: Licensing Requirements for Natural Gas Suppliers (amends 52 Pa. Code Chapter 62)

Department of General Services #8-14: State Metrology Laboratory Fee Schedule (amends 70 Pa. Code § 110.2)

State Board of Crane Operators #16A-7101: Crane Operators: Initial Rulemaking (amends 49 Pa. Code by adding Chapter 6)

Environmental Quality Board #7-437: Lead and Copper Rule Short Term Revisions (amends 25 Pa. Code Chapter 109)

Environmental Quality Board #7-447: Flat Wood Paneling Surface Coating Processes (amends 25 Pa. Code Chapters 121 and 129)

Environmental Quality Board #7-428: Adhesives, Sealants, Primers and Solvents (amends 25 Pa. Code Chapters 121, 129 and 130)

Approval Order

Public Meeting held
November 4, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fineman, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq.

*Pennsylvania Public Utility Commission—
Licensing Requirements for Natural Gas Suppliers;
Regulation No. 57-266 (#2754)*

On March 19, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking amends 52 Pa. Code Chapter 62. The proposed regulation was published in the April 4, 2009 *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on September 28, 2010.

This regulation revises the security requirements for licensing retail natural gas suppliers.

We have determined this regulation is consistent with the statutory authority of the PUC (66 Pa.C.S. §§ 2203(12) and 2208(c)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
November 4, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fineman, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq.

*Department of General Services—
State Metrology Laboratory Fee Schedule;
Regulation No. 8-14 (#2796)*

On September 29, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of General Services (Department). This rulemaking amends 70 Pa. Code § 110.2. The proposed regulation was published in the October 10, 2009 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 27, 2010.

The regulation increases 12 fees for calibration, type evaluation and other testing services performed by the State Metrology Laboratory.

We have determined this regulation is consistent with the statutory authority of the Department (3 Pa.C.S. §§ 4110, 4178 and 4190) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
November 4, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fine-
man, Esq.; Silvan B. Lutkewitte, III; John F. Mizner,
Esq.

*State Board of Crane Operators—
Crane Operators; Initial Rulemaking;
Regulation No. 16A-7101 (#2850)*

On May 25, 2010, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Crane Operators (Board). This rulemaking amends 49 Pa. Code by adding Chapter 6. The proposed regulation was published in the June 5, 2010 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 30, 2010.

This rulemaking implements the Crane Operators Licensure Act.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 2400.2102) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
November 4, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fine-
man, Esq.; Silvan B. Lutkewitte, III; John F. Mizner,
Esq.

*Environmental Quality Board—
Lead and Copper Rule Short Term Revisions;
Regulation No. 7-437 (#2790)*

On September 9, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapter 109. 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 October 1, 2010.

This final-form rulemaking amends the lead and copper rules of the Department of Environmental Protection's Safe Drinking Water regulations to incorporate federal requirements needed to maintain primary enforcement authority.

We have determined this regulation is consistent with the statutory authority of the Board (35 P. S. § 721.4(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
November 4, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fine-
man, Esq.; Silvan B. Lutkewitte, III; John F. Mizner,
Esq.

*Environmental Quality Board—
Flat Wood Paneling Surface Coating Processes;
Regulation No. 7-447 (#2801)*

On October 6, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapters 121 and 129. The proposed regulation was published in the October 17, 2009 *Pennsylvania Bulletin* with a 65-day public comment period. The final-form regulation was submitted to the Commission on October 1, 2010.

The final-form regulation limits volatile organic compound emissions from flat wood paneling surface coating operations.

We have determined this regulation is consistent with the statutory authority of the Board (35 P. S. §§ 4005(a)(1) and 4005(a)(8)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
November 4, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fine-
man, Esq.; Silvan B. Lutkewitte, III; John F. Mizner,
Esq.

*Environmental Quality Board—
Adhesives, Sealants, Primers and Solvents;
Regulation No. 7-428 (#2755)*

On March 20, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapters 121, 129 and 130. The proposed regulation was published in the April 4, 2009 *Pennsylvania Bulletin* with a 65-day public comment period. The final-form regulation was submitted to the Commission on October 1, 2010.

The regulation adds volatile organic compound emission limits for the use and application of 37 categories of products that are currently unregulated in this Common-

wealth, including adhesives, sealants, adhesive and sealant primers, and adhesive or sealant products applied to particular substrates.

We have determined this regulation is consistent with the statutory authority of the Board (35 P. S. §§ 4005(a)(1) and (a)(8)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 10-2243. Filed for public inspection November 19, 2010, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the dates 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.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
15-450	Department of Revenue Amendments to Pennsylvania Gaming Cash Flow Management	11/03/10	12/16/10
12-74	Department of Labor and Industry Unemployment Compensation; Employee Provisions	11/09/10	12/16/10
12-78	Department of Labor and Industry Unemployment Compensation; Administration	11/09/10	12/16/10
11-240	Insurance Department Education and Training for Applicants and Insurance Producers	11/09/10	12/16/10
11-245	Insurance Department Property and Casualty Actuarial Opinion	11/09/10	12/16/10
11-244	Insurance Department Actuarial Opinion and Memorandum	11/09/10	12/16/10
11-246	Insurance Department Recognition of the 2001 CSO Mortality Table and the 2001 CSO Preferred Class Structure Mortality Table For Use in Determining Minimum Reserve Liabilities	11/09/10	12/16/10
11-247	Insurance Department Valuation of Life Insurance Policies	11/09/10	12/16/10

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 10-2244. Filed for public inspection November 19, 2010, 9:00 a.m.]

INSURANCE DEPARTMENT

Capital BlueCross Co. Rate/Rule Filing; Individual Medically Underwritten Comprehensive Major Medical Preferred Provider Organization Benefit Contract (PersonalBlue PPO) (Form No. IA-MU-PPO); Capital Filing No. 10-UUUU

On November 4, 2010, the Insurance Department (Department) received from Capital Advantage Insurance Co. a filing for a rate increase for its medical-surgical/major medical supp. portion of its Individual Medically Underwritten Comprehensive Major Medical Preferred Provider Organization Benefit Contract (PersonalBlue PPO) (Form No. IA-MU-PPO).

The company requests a rate increase of 9% for medical only coverage and 5.1% for medical and drug coverage per contract per month on average. This will affect about 465 contract holders and will produce additional income of about \$23,000 annually. The requested effective date of the change is January 1, 2011.

Unless formal administrative action is taken prior to February 3, 2011, 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. To access the filing, under "How to Find..." click on "View Current Rate Filings."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Sabater, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jsabater@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. 10-2245. Filed for public inspection November 19, 2010, 9:00 a.m.]

[Correction]

Erie Insurance Exchange; Private Passenger Automobile; Rate and Rule Revisions; Rate Filing

An error occurred in the notice which appeared at 40 Pa.B. 6618 (November 13, 2010). The e-mail address in the last paragraph of the notice was printed incorrectly. The correct version of the e-mail address is as follows. The remainder of the text remains unchanged.

On October 21, 2010, the Insurance Department (Department) received from Erie Insurance Exchange a rate and rule filing for its new Rate Protection Endorsement.

This endorsement is available only on Erie Insurance Exchange policies which provide coverage for at least one private passenger type vehicle with a model year of at least 1990. If the Rate Protection Endorsement is added to the policy, the policy's premium will be modified and the modified premium will only change if one or more of the following changes occur:

1. Change to the location where an insured vehicle is principally garaged.
2. Addition, deletion or replacement of an auto.
3. Addition or deletion of a licensed driver in the household.
4. Addition or deletion of coverage.
5. Changes to a limit, deductible, tort selection, multi-policy status, accident prevention course status or payment plan.

If none of the previously listed changes occur, the modified annual policy premium will remain the same. An effective date of February 1, 2011, is requested.

Unless formal administrative action is taken prior to December 20, 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. 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 Michael McKenney, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120,

mmckenney@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. 10-2165. Filed for public inspection November 12, 2010, 9:00 a.m.]

Keystone Health Plan Central; Individual Direct Pay HMO Conversion Contract; Rate Filing

By filing No. 10-BB, Capital Blue Cross, on behalf of its wholly owned subsidiary Keystone Health Plan Central, requests approval of rates for the Individual Direct Pay HMO Conversion contract. The requested rate increases are 25.2% for the high option and 25.6% for the low option. The proposed rate increases would affect approximately 195 contracts and would produce additional income of about \$289,800 annually. The requested effective date of the change is January 1, 2011.

Unless formal administrative action is taken prior to February 3, 2011, 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. 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 within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

ROBERT L. PRATTER,
Acting Insurance Commissioner

[Pa.B. Doc. No. 10-2246. Filed for public inspection November 19, 2010, 9:00 a.m.]

Liberty Mutual Insurance Company and The First Liberty Insurance Company; Homeowners Rate Revisions; Rate Filing

On October 29, 2010, the Insurance Department (Department) received from Liberty Mutual Insurance Company and The First Liberty Insurance Company a filing for rate level changes for homeowners insurance.

Liberty Mutual Insurance Company requests an overall 2.3% increase amounting to \$1.24 million annually, to be effective February 12, 2011, for new business and March 19, 2011, for renewal business.

The First Liberty Insurance Company requests an overall 2.3% increase amounting to \$1.22 million annually, to be effective February 12, 2011, for new business and March 19, 2011, for renewal business.

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 Department's web site at 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 within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

ROBERT L. PRATTER,
Acting Insurance Commissioner

[Pa.B. Doc. No. 10-2247. Filed for public inspection November 19, 2010, 9:00 a.m.]

The Travelers Home and Marine Insurance Company; Private Passenger Automobile; Rate Revisions; Rate Filing

On November 5, 2010, the Insurance Department (Department) received from The Travelers Home and Marine Insurance Company a filing for rate level changes for private passenger automobile insurance.

The company requests an overall 1.70% increase amounting to \$3.129 million annually, to be effective February 20, 2011.

Unless formal administrative action is taken prior to January 4, 2011, 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. 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 Eric Zhou, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, gzhou@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. 10-2248. Filed for public inspection November 19, 2010, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during

the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Executive Board

Resolution No. CB-10-008, Dated August 16, 2010. Authorizes the side letter of agreement between the Commonwealth and the PSRA, which provides for the creation of the new job, Department of Conservation and Natural Resources Ranger Trainee, assigned to Pay Scale Group RG28. Since Pay Scale Group RG28 does not exist, this resolution authorizes its establishment.

Resolution No. CB-10-011, Dated September 8, 2010. The Executive Board Resolution which authorizes the side letter for Pennsylvania Doctors Alliance regarding the Quality Assurance Program Payment for contract year July 1, 2009, through June 30, 2010, to be paid to all eligible members of the T4 bargaining unit employed in agencies under the Governor's jurisdiction.

Resolution No. CB-10-012, Dated September 3, 2010. The Executive Board Resolution which authorizes the side letter for Pennsylvania Doctors Alliance regarding the Quality Assurance Program Payment for contract year July 1, 2009, through June 30, 2010, to be paid to all eligible members of the T5 memorandum of understanding unit employed in agencies under the Governor's jurisdiction.

Governor's Office

Management Directive No. 215.9—Contractor Responsibility Program, Amended October 25, 2010.

Management Directive No. 310.19—Accounting for Disbursement of Funds for Interagency Agreements, Memorandums of Understanding, and Notifications of Subgrant, Amended October 27, 2010.

MARY JANE PHELPS,
Director
Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 10-2249. Filed for public inspection November 19, 2010, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule for All Milk Marketing Areas; Over-Order Premium

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on December 1, 2010, at 9:30 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the level and duration of the Class I over-order premium to be effective January 1, 2011.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 1 p.m. on November 22, 2010, a notice of

appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 1 p.m. on November 22, 2010, notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to deberly@state.pa.us.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on November 22, 2010, the petitioners shall file with the Board, in person or by mail, one original and six copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the petitioner, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on November 29, 2010, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 3 p.m. on November 30, 2010, parties shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 12 p.m. on November 23, 2010.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 10-2250. Filed for public inspection November 19, 2010, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Proposal of Verizon Pennsylvania, Inc. and Verizon North Retain Co. to Modify Residential White Pages Directory Distribution Process

Public Meeting held
November 4, 2010

Commissioners Present: James H. Cawley, Chairperson, Concurring in Result Only; Tyrone J. Christy, Vice Chairperson; John F. Coleman, Jr.; Wayne E. Gardner; Robert F. Powelson

Proposal of Verizon Pennsylvania, Inc. and Verizon North Retain Co. to Modify Residential White Pages Directory Distribution Process; P-2010-2198820

Order

By the Commission:

On September 2, 2010, Verizon Pennsylvania, Inc. and Verizon North Retain Co. ("Verizon PA" and "Verizon North" individually and "Verizon" collectively) advised this Commission that, effective January 1, 2011, Verizon intends to cease routinely providing paper copies of Verizon's residential White Pages directories absent a specific request for the directories in that format. On September 22, 2010, this Commission opened a comment period on the Verizon proposal. On October 18, 2010, the Office of Consumer Advocate (OCA) filed comments generally in support of the proposal but requested that certain conditions be imposed. No other comments or answers were received. On October 25, 2010, Verizon filed reply comments addressing OCA's comments.

Upon review, we determine that a waiver of 52 Pa. Code § 63.21 is not required in order for Verizon to implement the proposal. However, prior to implementing the change, Verizon must provide adequate notice, pursuant to Sections 102 and 1501 of the Public Utility Code, 66 Pa.C.S. §§ 102 and 1501, to customers and others that rely on the paper copy residential White Pages directories.

Background

On September 2, 2010, Verizon advised this Commission by letter that, effective January 1, 2011, it intends to cease routinely providing paper copies of Verizon's residential White Pages directories. Verizon intends to provide the residential listing information primarily through its website but alternatively will provide paper copies of the residential White Pages directories or CD-ROMs with the residential listing information, free of charge, upon request. Thus, customers and other entities that want paper copies of residential White Pages listing information will need to opt-in to delivery of the paper copy residential White Pages directories or the CD-ROMs. Under the proposal, Verizon will significantly reduce the nearly 12 million yearly paper copies of Pennsylvania residential White Pages directories. Verizon characterizes this as an environmentally friendly initiative desired or favored by its customers. On September 22, 2010, our Secretarial Letter opened a comment period on the Verizon proposal.

On October 18, 2010, OCA filed comments generally in support of the proposal, subject to certain conditions that OCA requested the Commission to impose. In particular, OCA requested a one-year delay in implementation and

that non-delivery of the directories be on an opt-out basis. OCA also requested additional information regarding details of customer notice. No other comments or answers were received. On October 25, 2010, Verizon filed reply comments addressing OCA's comments. Verizon and OCA have both noted that telecommunications entities in several neighboring states (including Delaware, New Jersey, and New York) have implemented or proposed implementing similar programs.

Thus, the issues before us are:

- Whether a waiver of Section 63.21 is required for Verizon to implement the proposal which will significantly reduce or eliminate delivery of residential White Pages listings in paper copy format; and

- Whether the customer notice planned by Verizon is adequate to advise consumers regarding this change to their service.

Discussion

Verizon asserts in its October reply comments that Section 63.21 does not mandate delivery of paper copy residential White Pages directories and that, therefore, no waiver or approval from this Commission is required prior to implementation of the proposal. Verizon notes that OCA did not suggest in its comments that a waiver of Section 63.21 or permission from the Commission was required. According to Verizon, OCA's comments focused on customer notification without implying that there were any requirements that a paper copy residential White Pages directory be delivered.

Section 63.21¹ of our regulations provides as follows:

§ 63.21. Directories.

(a) When a directory is provided by the public utility, it shall be revised and reissued at sufficiently frequent intervals to avoid serious inconvenience to the public. A satisfactory length for a directory period shall be determined by the volume of changes and new listings and the facilities available for supplying new numbers to calling parties and for intercepting calls to numbers which have been changed.

(b) One copy of each new directory issue shall be furnished to each subscriber and one copy sent to the Commission by the issuing public utility at the time of its distribution to subscribers.

(c) A directory shall contain the following:

(1) The name of the issuing public utility.

(2) The month and year issued.

(3) A statement of the area covered by the directory.

(4) Necessary instructions to enable users to place calls efficiently, including, but not limited to, telephone company local, toll, emergency and operator-assistance calls. Necessary instructions to transact business with the telephone company, such as payment of bills, ordering changes in service and reporting service difficulties.

(5) A separate section containing social service organization, school and government listings.

(d) A name shall be listed in a directory only if the following conditions are met:

(1) It leads to a positive and particular identification of a party.

(2) It is a name the party legally is authorized to use.

(3) It is a name used by the party in the community.

(4) It is a name which is not misleading, deceptive or confusing.

(e) Upon receiving a customer complaint alleging misleading, deceptive or confusing directory listings, a public utility shall investigate the complaint under § 63.15 (relating to complaint procedures). If the utility determines that a directory listing is misleading, deceptive or confusing, the utility shall delete the listing from future directories. After reaching its decision the public utility shall advise interested parties in writing of its opinion and shall inform them of the right to file a complaint with the Commission.

Upon review, we determine that a waiver of Section 63.21 is not required in order for Verizon to implement the proposal.² Section 63.21 does not specify a method for the delivery of the residential White Pages listing information. There is no prescription that the listing information be in paper copy format. Absent such a prescription, there is no need for a waiver should a carrier wish to alter its method of providing white pages information so long as the alternate method is reasonable, safe, adequate, and efficient, subject to adequate notice to its customers. Accordingly, the Commission finds that providing White Pages directory information through Verizon's web site and, if requested, by providing paper copies of the residential White Pages directories or CD-ROMs with the listings, at no charge, is a reasonable, adequate, and efficient means of providing White Pages information to customers.

However, because residential White Pages listings information has been an element of the jurisdictional service³ provided by Verizon to its customers for decades and because Verizon proposes to substantially alter the means by which the residential White Pages listings information is to be provided, Verizon is obligated to provide adequate customer notice regarding that change in service and the options available to customers who wish to continue to receive residential White Pages in the printed format. Under Section 1501 of the Public Utility Code, Verizon is obligated to provide reasonable, efficient and adequate service. The provision of White Pages directory information is a long-standing component of Verizon's service, and, as such, Verizon must provide adequate notice of this change to customers and others that rely on the paper copy residential White Pages directories. Indeed, while many customers now rely on web-based or other electronic means to obtain the information contained in the residential White Pages directories, not all customers desire or have access to those alternative electronic means of accessing the directory.

Accordingly, having previously provided paper copy residential White Pages directories to all of its customers

² If a waiver had been warranted, we find that Verizon has demonstrated adequate justification for a waiver of Section 63.21. Consumers have numerous and varied means to obtain White Pages directory information. Verizon will continue to provide this information on its web site and, upon request, via a paper copy of the White Pages directory or on a CR-ROM. Under these circumstances, continuing to provide White Pages directories in paper format to customers that may not want them would be wasteful. Moreover, as explained by Verizon, it has provided for customers to nevertheless receive paper copies of the directory if so desired at no charge.

³ Section 102 of the Public Utility Code provides that "[s]ervice, used in its broadest and most inclusive sense, includes any and all acts done, rendered, or performed, and any and all things furnished or supplied . . . by public utilities . . . in the performance of their duties under this part to their patrons . . . and the public . . ." The provision of alphabetical white pages directories has long been an element of the telephone public utility service provided to customers by Verizon and its corporate predecessors. *Felix v. Pa. PUC*, 146 A.2d 347 (Pa. Super. 1959).

¹ The provisions of 52 Pa. Code § 63.21 were adopted March 25, 1946; amended through June 30, 1969; amended January 29, 1988, effective July 30, 1988, 18 Pa.B. 466; amended July 17, 1998, effective July 18, 1998, 28 Pa.B. 3394.

as part of its telephone public utility service, Verizon may not substantially change that element of its service without reasonable and adequate notice to its customers and the Commission. Therefore, the Commission will review OCA's comments and determine whether Verizon's plans for customer notice in regard to the discontinuance of the paper copy residential White Pages directories are adequate.

OCA suggested a number of modifications to the customer notification that Verizon described in its September 2, 2010 letter. See OCA Comments at 11. Verizon asserts that many of OCA's suggestions are already covered in Verizon's plans. Verizon will utilize various media in its notification process, including press releases, bill messages, printed messages on the front cover of the yellow pages directories, a letter from SuperMedia⁴ at the front of the yellow pages directories explaining how to request a free paper copy residential White Pages directory or a CD-ROM with the residential listings, and a notice on SuperMedia's web site.⁵ Citing the significant environmental benefits of eliminating the tons of unused directories, Verizon has further requested that this Commission utilize its own web site and public relations department to educate customers on the plans as a supplement to Verizon's own efforts.

Verizon's plans for notifying its customers and others of the proposed change include customer bill inserts and for notices to be included with the paper copies of the business listings directories that will continue to be delivered. Having reviewed the proposed bill insert, the notices, and the letter from SuperMedia, we are not persuaded that the content of the insert and notices/letter is sufficient. We do not believe that the notice of this change should be used as a vehicle for advertising the ease of access to or the use of commercial yellow pages. Further, the message should come from (or at least significantly mention) Verizon; a message from SuperMedia could be easily overlooked. Accordingly, Verizon will be directed to consult with the Commission's Bureau of Consumer Services (BCS), the Office of Communications, and the Law Bureau to develop appropriate language and placement of notices and inserts.⁶

In its comments, OCA also expressed concern about ensuring the continued paper distribution of emergency numbers, government listings and various customer education materials. See OCA comments at 4. Verizon responds that this information will be contained in the "Consumer Guide Pages"⁷ and governmental listing pages of the yellow pages directory that will still be distributed to all customers by SuperMedia.

We note that Section 64.191(g) of our regulations also requires that certain information be included in directories. In particular, Section 64.191(g)⁸ specifies that

In addition to the notice requirements set forth in this chapter, . . . each LEC [(local exchange carrier)]

⁴ SuperMedia is a third-party, independent directory publisher and will handle the order-taking and delivery of the paper copy White Pages directories and CD-ROMs.

⁵ Verizon provided copies of the notices with its October 25, 2010, reply comments.

⁶ The Verizon proposal will stop distribution of Verizon directories to customers of rural LECs (RLECs) and competitive LECs (CLECs). If customers of RLECs and CLECs wish to continue to receive paper copies of Verizon residential White Pages directories, those customers will need to call SuperMedia. These RLECs and CLECs will need to provide notice to their customers of the cessation of paper copies and the procedure of alternate access to listings as well for reinstating delivery of paper copies of the directories. These customer notices and bill inserts will be subject to review by Commission staff.

⁷ Verizon has not proposed any changes to the Customer Guide Pages. Verizon intends to include it, in its entirety, in paper copies of the business White Pages directories that Verizon will continue to deliver routinely to customers and other persons.

⁸ Initially promulgated in 1985, 14 Pa.B. 4354, 52 Pa. Code § 64.191 was amended in 1995, 25 Pa.B. 2887, and in 1998, 28 Pa.B. 3394 and 30 Pa.B. 2028.

shall prepare a summary of the rights and responsibilities of the LEC and its customers under this chapter. This written information shall be subject to Commission review and approval and shall be reproduced by the LEC, displayed prominently, available at LEC locations open to the general public, printed in each telephone directory, and made available to each customer. Thereafter, the information shall be delivered or mailed to each new customer when service begins and shall be available at all times upon request. The written information shall indicate conspicuously that it is being provided in accordance with this chapter and shall contain information including, but not limited to, the following:

- (1) Billing procedures.
- (2) Methods of customer verification of billing accuracy.
- (3) Payment requirements and procedures.
- (4) Security deposit and guarantee requirements.
- (5) Procedures for suspension, termination and reconnection of service.
- (6) Dispute, informal complaint and formal complaint procedures.
- (7) Third-party notification procedures.
- (8) Telephone numbers and addresses of the LEC and of the nearest Regional Office of the Commission where further inquiries may be made.
- (9) Definitions of terms or abbreviations used by the telephone company on its bills.

Verizon's plan to curtail the automatic delivery of paper copies of residential White Pages directories does not relieve it of the obligation imposed by Section 64.191(g). With the cessation of routine delivery of paper copies of residential White Pages directories, this information will now also need to be on Verizon's web site and in the CD-ROMs and the paper copies of the White Pages directories that it delivers on request. Additionally, the information will need to be included in the business White Pages directories that Verizon will continue to deliver routinely.

OCA also asked about multi-year distributions. OCA comments at 3 and 12. Verizon responds that it plans to treat a request for a printed directory as a "standing order" to get a new paper directory each year without requiring yearly follow-up requests. We find this to be sufficient.

Additionally, OCA queried how new customers will be informed. OCA comments at 3 and 12. Verizon plans to educate new customers on the option to request a free paper copy residential White Pages directory or CD-ROM with the listings. Verizon does not, however, plan to automatically provide a new customer with a paper copy residential White Pages directory as the customer will have had the option to request a paper copy residential White Pages directory or CD-ROM when the service was ordered. We find this to be sufficient.

Verizon does not agree with all of OCA's suggestions. Most notably, OCA would delay implementation until January 1, 2012. See OCA Comments at 3 and 9. OCA would also prefer delivery (rather than non-delivery) to be standard practice. According to Verizon, either approach would be "wasteful in the extreme." Verizon contends that OCA did not offer any legal justification or factual support for either condition.

We agree with Verizon that there is no need to delay implementation until January 1, 2012. We also are persuaded that the ability to request paper copy residential White Pages directories or CD-ROMs is adequate and will not mandate that directories be delivered unless an entity specifies “no delivery.”

Any jurisdictional telecommunications entity that wishes to implement a similar plan must provide notice to the Commission detailing its proposed process to eliminate distribution of paper copies of its residential directories. Such proposals will be reviewed by Commission and will be subject to the conditions and considerations of this order.

This matter does not involve a change in statute or regulation, nor does it constitute a waiver of Commission regulations. Thus, this order does not have the effect of a change in law. Therefore, any existing contracts, such as interconnection agreements, between Verizon and other carriers or entities will not be affected by the terms of this order, and such contracts will remain in full force and effect with regard to any contract terms related to White Pages distribution.

Conclusion

Under these facts, the Commission finds, pursuant to its authority under 66 Pa.C.S. § 3019(b)(2), that Verizon’s proposal to eliminate automatic delivery of residential White Page directories in paper copy format, concurrent with the commitments that it has made in conjunction with the proposal, does not require a waiver of 52 Pa. Code § 63.21. We further find that the commitments that Verizon has made in conjunction with the proposal constitute adequate, efficient, safe, and reasonable service consistent with 66 Pa.C.S. §§ 102 and 1501. We do note some inadequacies in the language of the customer notice that Verizon has proposed and shall direct Verizon to consult with BCS and the Law Bureau to develop appropriate language for the bill inserts and notice to customers regarding the planned change in service. Should other jurisdictional telephone entities wish to propose changing their directory distribution procedures similar to the changes proposed by Verizon, they should provide notice to this Commission, OCA, and OSBA. Additionally, they should conform to the applicable ordering paragraphs of this Order relative to notice and compliance with Section 64.191; *Therefore,*

It Is Ordered That:

1. The plan of Verizon Pennsylvania, Inc. and Verizon North Retain Co. to cease routinely providing paper copies of residential White Pages directories, absent a specific request for the directories, and to provide White Pages information by alternative means does not require a waiver of 52 Pa. Code § 63.21.

2. If a waiver were deemed to be required, Verizon Pennsylvania, Inc. and Verizon North Retain Co. have presented adequate notice and justification to support a waiver of 52 Pa. Code § 63.21.

3. The methods detailed by Verizon Pennsylvania, Inc. and Verizon North Retain Co. for informing customers regarding the planned change in service and the options available to customers are consistent with their obligations under 66 Pa.C.S. §§ 102 and 1501 relative to service and adequate customer notice.

4. Verizon Pennsylvania, Inc. and Verizon North Retain Co. shall consult with the Commission’s Bureau of Consumer Services, the Office of Communications, and the

Law Bureau to develop appropriate language for the customer notice and bill inserts.

5. Verizon Pennsylvania, Inc. and Verizon North Retain Co. shall provide the information required by 52 Pa. Code § 64.191(g) consistent with this order.

6. Should other jurisdictional telephone entities propose to change their directory distribution procedures similar to the changes proposed herein, they should provide notice to this Commission, the Office of Consumer Advocate, and the Office of Small Business Advocate and conform to Ordering Paragraphs 4 and 5 of this Order.

7. A copy of this order be provided to the Pennsylvania Telephone Association (PTA) and to the Pennsylvania Emergency Management Authority (PEMA).

8. A copy of this order be published in the *Pennsylvania Bulletin*.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-2251. Filed for public inspection November 19, 2010, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by December 6, 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 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-2010-2198623. Millennium Limousine Group, Inc. (111 Argyll Court, Downingtown, Chester County, PA 19335)—a corporation of the Commonwealth—in limousine service, from points in the Counties of Chester, Delaware and Montgomery, to points in Pennsylvania, and return; excluding that service which is under the jurisdiction of the Philadelphia Parking Authority, which is to be a transfer of all rights authorized under the certificate issued at A-00123710 to Mohamad Shoiab Dehyar, subject to the same limitations and conditions.

A-2010-2209182. A-1 Limousine, Inc. (2 Emmons Drive, Princeton, Mercer County, NJ 08450)—a corporation of the State of New Jersey—groups and parties of persons, and persons on special excursions and tours or sightseeing trips, in vehicles with a seating capacity not

exceeding 14 persons, not including the driver, between points in the Counties of Lehigh and Northampton, and from points in said Counties to points within an airline distance of 75 statute miles of the limits of said Counties, which is to be a transfer of all rights authorized under the certificate issued at A-00110212 to Corporate Livery, Inc., subject to the same limitations and conditions. *Attorney:* Barnett Satinsky, 2000 Market Street, 20th Floor, Philadelphia, PA 19103-3222.

Application of the following for the approval of the transfer of stock as described under the application.

A-2010-2209143. Corporate Livery, Inc. (4458 Commerce Drive, Whitehall, Lehigh County, PA 18052)—a corporation of the State of New Jersey, for the approval of the transfer of 100 shares of the issued stock, from Jeffrey S. Transportation, Inc. to A-1 Limousine, Inc. *Attorney:* Barnett Satinsky, 2000 Market Street, 20th Floor, Philadelphia, PA 19103-3222, (215) 299-2088.

Applications 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 each application.

A-2010-2204260. Adams Limousine and Livery Service, Inc. (8500 West Chester Pike, Upper Darby, Delaware County, PA 19082)—to discontinue service as a common carrier by motor vehicle, at A-00097358, authorizing the transportation, as a common carrier, by motor vehicle, persons in limousine service, between points in Pennsylvania.

A-2010-2208896. Discount Movers, Inc., t/a SBI/Discount Movers, Inc. (3258 Main Street, P. O. Box 789, Manchester, Carroll County, MD 21102)—for the discontinuance of service and cancellation of its certificate as a common carrier, by motor vehicle, authorizing the transportation of household goods in use service, from points in the Counties of York, Adams and Lancaster, to points in Pennsylvania, and vice versa.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-2252. Filed for public inspection November 19, 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. 10-137.2, Server Room Air Conditioning, PRPA Administration Building, until 2 p.m. on Thursday, December 16, 2010. Information concerning this project can be obtained from the PRPA web site www.philaport.com under Procurement, or call the Procurement Department at (215) 426-2600.

JAMES T. MCDERMOTT, Jr.,
Executive Director

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