

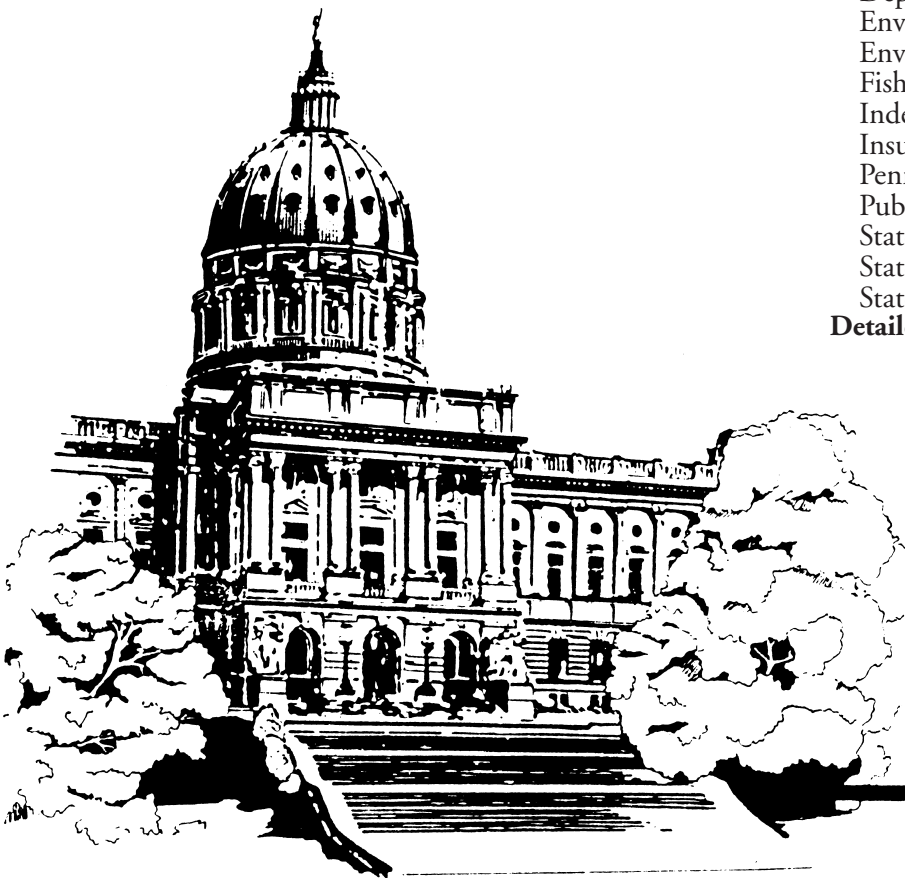
# PENNSYLVANIA BULLETIN

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

**No. 433, December 2010**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

*Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

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

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

### Fiscal Notes

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

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

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 5 ..... 222, 518  
 8 ..... 1073  
 11 ..... 222, 518  
 13 ..... 222  
 16 ..... 21

**Proposed Rules**

1 ..... 2245, 4742, 4910, 5562, 7029, 7038  
 2 ..... 4646, 7030, 7034  
 3 ..... 4646, 4742, 7030, 7034  
 4 ..... 4910, 7034  
 5 ..... 7030, 7034  
 6 ..... 7030  
 8 ..... 4742, 4910, 7034  
 11 ..... 2245  
 15 ..... 2245  
 16 ..... 2245

**246 Pa. Code (Minor Court Civil Rules)**

**Adopted Rules**

100 ..... 1146

**Proposed Rules**

300 ..... 5566  
 500 ..... 522, 5566

**249 Pa. Code (Philadelphia Rules)**

Unclassified . . . . 237, 1075, 1629, 1730, 2013, 3326, 4917, 6390

**252 Pa. Code (Allegheny County Rules)**

Unclassified . . . . . 838, 1399, 2934, 6641, 7040

**255 Pa. Code (Local Court Rules)**

Unclassified . . . . . 23, 24, 237, 238, 414, 415, 523, 701, 702, 838, 840, 969, 1079, 1080, 1147, 1403, 1490, 1498, 1629, 1630, 1632, 1633, 1730, 1731, 1732, 1733, 1893, 1896, 1897, 2014, 2254, 2257, 2414, 2416, 2418, 2419, 2420, 2531, 2635, 2636, 2742, 2743, 2745, 2934, 2935, 2938, 3083, 3087, 3089, 3327, 3493, 3661, 3822, 3823, 3824, 3943, 4153, 4248, 4249, 4250, 4251, 4384, 4648, 4745, 4749, 4752, 4754, 4918, 4923, 4924, 5063, 5064, 5065, 5128, 5129, 5130, 5293, 5453, 5567, 5568, 5569, 5570, 5762, 5764, 6079, 6080, 6259, 6260, 6261, 6262, 6397, 6515, 6516, 6641, 6643, 6645, 6778, 6933, 6934, 7041, 7042

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [ 204 PA. CODE CH. 83 ]

#### Amendment of Rule 514(b) of the Pennsylvania Rules of Disciplinary Enforcement; No. 92 Disci- plinary Rules Doc.

##### Order

*Per Curiam*

*And Now*, this 30th day of November, 2010, upon the recommendation of the Board of the Pennsylvania Lawyers Fund for Client Security; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of justice and efficient administration:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 514(b) of the Pennsylvania Rules of Disciplinary Enforcement is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in thirty days for awards approved by the Board of the Pennsylvania Lawyers Fund for Client Security on or after the effective date.

##### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart B. DISCIPLINARY ENFORCEMENT

#### CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

##### Subchapter E. PENNSYLVANIA LAWYERS FUND FOR CLIENT SECURITY

#### DISHONEST CONDUCT OF ATTORNEY

##### Rule 514. Reimbursable losses.

\* \* \* \* \*

(b) *Maximum recovery.* The maximum amount which may be disbursed from the Fund to any one Claimant with respect to the Dishonest Conduct of any one Covered Attorney shall be [ \$75,000 ] \$100,000.

\* \* \* \* \*

[Pa.B. Doc. No. 10-2394. Filed for public inspection December 17, 2010, 9:00 a.m.]

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

[ 210 PA. CODE CHS. 1, 9, 11 AND 15 ]

#### Proposed Amendments to Rules of Appellate Pro- cedure 121, 903, 1113 and 1512

The Appellate Court Procedural Rules Committee proposes to amend the Official Note to Pa.R.A.P. 121 and Pa.R.A.P.s 903, 1113 and 1512. These amendments are being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

Proposed new material is bold and deleted material is bracketed and bold.

All communications in reference to the proposed amendment should be sent no later than February 11, 2011 to:

Dean R. Phillips, Counsel  
D. Alicia Hickok, Deputy Counsel  
Scot Withers, Deputy Counsel  
Appellate Court Procedural Rules Committee  
Pennsylvania Judicial Center  
601 Commonwealth Ave., Suite 6200  
P. O. Box 62635  
Harrisburg, Pennsylvania 17106-2635  
or Fax to (717) 231-9551  
or E-Mail to [appellaterules@pacourts.us](mailto:appellaterules@pacourts.us)

An Explanatory Comment follows the proposed amendment and has been inserted by this Committee for the convenience of the bench and bar. It will not constitute part of the rule nor will it be officially adopted or promulgated.

*By the Appellate Court*

*Procedural Rules Committee*

HONORABLE MAUREEN LALLY-GREEN,  
*Chair*

##### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE I. PRELIMINARY PROVISIONS

#### CHAPTER 1. GENERAL PROVISIONS

#### DOCUMENTS GENERALLY

##### Rule 121. Filing and Service.

\* \* \* \* \*

##### *Official Note:*

\* \* \* \* \*

*Subdivision (e)*—Subdivision (e) of the rule does not apply to the filing of a notice of appeal, a petition for allowance of appeal, a petition for permission to appeal, or a petition for reconsideration or re-argument, since under these rules the time for filing such papers runs from the entry and service of the related order, nor to the

filing of a petition for review, which is governed by similar considerations. However, these rules permit the filing of such notice and petitions (except a petition for reconsideration or re-argument) in the local county (generally in the county court house; otherwise in a post office), thus eliminating a major problem under the prior practice. **The amendments to Rules 903(b), 1113(b) and 1512(a)(2) clarified that subdivision (e) does apply to calculating the deadline for filing cross-appals, cross-petitions for allowance of appeal and additional petitions for review.**

## ARTICLE II. APPELLATE PROCEDURE

### CHAPTER 9. APPEALS FROM LOWER COURTS

#### Rule 903. Time for Appeal.

\* \* \* \* \*

(b) *Cross appeals.* Except as otherwise prescribed in Subdivision (c) of this rule, if a timely notice of appeal is filed by a party, any other party may file a notice of appeal within 14 days of the date on which the first notice of appeal was [ **filed** ] **served**, or within the time otherwise prescribed by this rule, whichever period last expires.

\* \* \* \* \*

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

#### PETITION FOR ALLOWANCE OF APPEAL

#### Rule 1113. Time for Petitioning for Allowance of Appeal.

\* \* \* \* \*

(b) *Cross petitions.*—Except as otherwise prescribed in Subdivision (c) of this rule, if a timely petition for allowance of appeal is filed by a party, any other party may file a petition for allowance of appeal within 14 days of the date on which the first petition for allowance of appeal was [ **filed** ] **served**, or within the time otherwise prescribed by this rule, whichever period last expires.

\* \* \* \* \*

### CHAPTER 15. JUDICIAL REVIEW OF GOVERNMENTAL DETERMINATIONS

#### PETITION FOR REVIEW

#### Rule 1512. Time for Petitioning for Review.

(a) *Appeals authorized by law.*—Except as otherwise prescribed by Subdivision (b) of this rule:

\* \* \* \* \*

(2) If a timely petition for review of such an order is filed by a party, any other party may file a petition for review within 14 days of the date on which the first petition for review was [ **filed** ] **served**, or within the time otherwise prescribed by Subdivision (a)(1) of this rule, whichever period last expires.

\* \* \* \* \*

#### Explanatory Comment

This Recommendation proposes to amend the Official Note to Pa.R.A.P. 121 and Pa.R.A.P.s 903, 1113 and 1512 to make it clear that subdivision 121(e) does apply to calculating the deadline for filing cross appeals, cross petitions for allowance of appeal and additional petitions for review.

This Recommendation arises from an issue identified in *Malt Beverages Distribution Association v. PLCB*, No. 54 MM 2009, 2009 Pa. LEXIS 1613 (Pa. Aug. 6, 2009), where

the Supreme Court entered a *per curiam* order denying a party's petition to file a cross-petition for allowance of appeal *nunc pro tunc*. In a dissent, Justice Todd wrote that the issue before the Court was the timeliness of the cross-petition. A group of parties filed a petition for allowance of appeal, and cross petitioner did not file its cross-petition until 17 days later. Pa.R.A.P. 1113(b) requires that cross-petitions be filed within 14 days after the first petition for allowance of appeal was "filed." Cross petitioner argued that Pa.R.A.P. 121(e) allowed it an additional three days in addition to the 14 described in the rule.

The official comment to Rule 121 includes the following:

*Subdivision (e)*—Subdivision (e) of the rule does not apply to the filing of a notice of appeal, a petition for allowance of appeal, a petition for permission to appeal, or a petition for reconsideration or re-argument, since under these rules the time for filing such papers runs from the entry and service of the related order, nor to the filing of a petition for review, which is governed by similar considerations. However, these rules permit the filing of such notice and petitions (except a petition for reconsideration or re-argument) in the local county (generally in the county court house; otherwise in a post office), thus eliminating a major problem under the prior practice.

Justice Todd wrote that the interplay between Rule 121, its comment and Rule 1113 creates an ambiguity. She wrote that the comment does not expressly exclude cross-petitions for allowance of appeal, and the rationale for the exclusion (that each enumerated sort of filing is triggered by a court order rather than a filing by another party) is inapplicable.

Justice Todd also cited *Coney Island II, Inc. v. Pottsville Area School District*, 497 Pa. 373, 441 A.2d 747 (1982). In that case, the Court considered the timeliness of a cross-appeal under Pa.R.A.P. 903(b). Although Rule 903(b) uses the same language as Rule 1113(b) (*i.e.* a cross-appeal must be filed "within 14 days of the date on which the first notice of appeal was filed, or within the time otherwise prescribed by this rule, whichever period last expires"), the Court held that the three-day extension in Rule 121(e) applied.

*Coney Island II* does not discuss the fact that Rule 121(e) refers to "service" and Rule 903(b) (like Rule 1113(b)) refers to "filed." Rule 1512(a)(2), which relates to additional petitions for review, also uses the "filed" terminology.

The Committee believes that it is confusing to apply *Coney Island II's* holding narrowly to cross-appeals and that the three day extension provided in Rule 121(e) should be available to an aggrieved party filing a cross-petition for allowance of appeal or a cross-petition for review.

In order to obviate any potential ambiguity engendered by the interplay of Rules 903(b), 1113(b) and 1512(a)(2) and *Coney Island II*, the committee recommends simply amending those rules to make the triggering event the service rather than the filing of the notice of appeal, the petition for allowance of appeal or the petition for review. The additional time permitted by Rule 121(e) would then unambiguously be permitted in calculating the time for cross-appeals, cross-petitions for allowance of appeal and additional petitions for review. Because Rule 121(b) requires service at the time of filing, the amendment should have no material effect on practice.

[Pa.B. Doc. No. 10-2395. Filed for public inspection December 17, 2010, 9:00 a.m.]



**PART I. RULES OF APPELLATE PROCEDURE  
[ 210 PA. CODE CHS. 5 AND 21 ]**

**Proposed Amendments to Rules of Appellate Procedure 531, 2113 and 2185**

The Appellate Court Procedural Rules Committee proposes to amend Pennsylvania Rule of Appellate Procedure 2113, 2185 and 531. The amendment is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

Proposed new material is bold and deleted material is bracketed and bold.

All communications in reference to the proposed amendment should be sent no later than February 11, 2011 to:

Dean R. Phillips, Counsel  
D. Alicia Hickok, Deputy Counsel  
Scot Withers, Deputy Counsel  
Appellate Court Procedural Rules Committee  
Pennsylvania Judicial Center  
601 Commonwealth Ave., Suite 6200  
P. O. Box 62635  
Harrisburg, Pennsylvania 17106-2635  
or Fax to (717) 231-9555  
or E-Mail to appellaterules@pacourts.us

An Explanatory Comment follows the proposed amendments and has been inserted by this Committee for the convenience of the bench and bar. It will not constitute part of the rule nor will it be officially adopted or promulgated.

*By the Appellate Court  
Procedural Rules Committee*

HONORABLE MAUREEN LALLY-GREEN,  
*Chair*

**Annex A**

**TITLE 210. APPELLATE PROCEDURE  
ARTICLE I. PRELIMINARY PROVISIONS  
CHAPTER 5. PERSONS WHO MAY TAKE OR  
PARTICIPATE IN APPEALS  
AMICUS CURIAE**

**Rule 531. Participation by Amicus Curiae.**

(a) *Briefs.*—Anyone interested in the questions involved in any matter pending in an appellate court, excluding Petitions for Allowance of Appeal, although not a party, may, without applying for leave to do so, file a brief amicus curiae in regard to those questions.

(1) Unless otherwise ordered by the court, any amicus curiae shall file and serve its brief in the manner and number required and within the time allowed by these rules with respect to the party whose position as to affirmance or reversal the amicus brief will support, or with respect to the appellant, if the amicus brief does not support the position of any party.

(2) **In an appeal proceeding under Rules 2154(b), 2185(c) and 2187(b), any amicus curiae shall file and serve its brief within the time allowed by these rules for service of the advance text of the brief by the party whose position as to affirmance or reversal the amicus brief will support or, if the amicus brief does not support the position of any party, within the time allowed by these rules for service of the advance text by the appellant. Alternatively, the amicus curiae may, but is not required to, serve**

**an advance text and then file and serve a definitive copy of its brief. If the amicus curiae chooses to serve an advance copy and then file and serve a definitive copy, its deadlines for each are the same as for the party whose position as to affirmance or reversal the amicus brief supports or, if the amicus brief does not support the position of any party, as for the appellant.**

(b) *Oral argument.*—Oral argument may be presented by amicus curiae only as the appellate court may direct. Requests for leave to present oral argument shall be by application and will be granted only for extraordinary reasons.

**Official Note:** Where the amicus cannot comply with the requirements of this rule because of ignorance of the pendency of the question, relief may be sought under Rule 105(b). The last eight words of the rule are new. In *Piccirilli Bros. v. Lewis*, 282 Pa. 328, 336, 127 Atl. 832, 835 (1925) the court noted the applicability of this rule to public officers who are represented by official counsel with an adverse position.

**The 2011 amendment to the rule clarified when those filing amicus curiae briefs should serve and file their briefs when the appellant has chosen or the parties have been directed to proceed under the rules related to large records (Rule 2154(b)), advance text (Rule 2187(b)) and definitive copies (Rule 2185(c)). Under those rules, the appellant may defer preparation of the reproduced record until after the briefs have been served. The parties serve on one another (but do not file) advance texts of their briefs within the times required by Rule 2187. At the time they file their advance texts, each party includes certified record designations for inclusion in the reproduced record. The appellant must then prepare and file the reproduced record within 21 days of service of the appellee's advance text (Rule 2186(a)(2)). Within 14 days of the filing of the reproduced record, each party that served a brief in advanced text may file and serve definitive copies of their briefs. The definitive copy must include references to the pages of the reproduced record, but it may not otherwise include changes from the advance text other than correction of typographical errors. Those filing amicus curiae briefs may choose to serve an advanced text and then file and serve definitive copies according to the procedure required of the parties or they may choose to file a definitive brief without citations to the reproduced record.**

**ARTICLE II. APPELLATE PROCEDURE**

**CHAPTER 21. BRIEFS AND REPRODUCED RECORD**

**CONTENT OF BRIEFS**

**Rule 2113. Reply Brief.**

(a) *General rule.*—In accordance with Rule 2185(a) ([ service ] time for serving and filing [ of ] briefs), the appellant may file a brief in reply to matters raised by appellee's brief or in any amicus curiae brief and not previously addressed in appellant's brief. If the appellee has cross appealed, the appellee may file a similarly limited reply brief.

(b) *Response to draft or plan.*—A reply brief may be filed as prescribed in Rule 2134 (drafts or plans).

(c) *Other briefs.*—No further briefs may be filed except with leave of court.

**Official Note:** An appellant now has a general right to file a reply brief. The scope of the reply brief is limited, however, in that such brief may only address matters raised by appellee and not previously addressed in appellant's brief. No subsequent brief may be filed unless authorized by the court.

The length of a reply brief is set by Rule 2135 (length of briefs). The due date for a reply brief is found in Rule 2185(a) (service and filing of briefs).

Where there are cross appeals, the deemed or designated appellee may file a similarly limited reply brief addressing issues in the cross appeal. See also Rule 2136 (briefs in cases involving cross appeals).

**The amendment to Rule 2113(a) authorized an appellant to address in a reply brief matters raised in amicus curiae briefs. Before the 2011 amendment, the rule permitted the appellant to address in its reply brief only matters raised in the appellee's brief. The 2011 amendment did not change the requirement that the reply brief must not address matters previously addressed in the appellant's principal brief.**

#### FILING AND SERVICE

##### Rule 2185. Time for Serving and Filing Briefs.

(a) *Time for serving and filing briefs.*

\* \* \* \* \*

**(3) Multiple briefs for appellants or appellees.**—If the time for filing a brief is established by reference to service of a preceding brief and more than one such preceding brief is filed, the deadline for filing the subsequent brief shall be calculated from the date on which the last timely filed preceding brief is served. If no such preceding brief is filed, the deadline for a subsequent brief shall be calculated from the date on which the preceding brief should have been filed.

\* \* \* \* \*

**Official Note:** The 2002 amendment recognizes that in cross appeals the deemed or designated appellant's second brief is more extensive than a reply brief and, therefore may require more than 14 days to prepare. See Rule 2136 (briefs in cases involving cross appeals).

**The addition of subsection (a)(3), clarified practice in an appeal in which there is more than one appellant or appellee and all appellants or all appellees do not file their briefs on the same date. For example, if there are two appellants and one files early or one is granted an extension of time to file, the two briefs for appellants will not be filed or served on the same date. Without subsection (a)(3), it was not clear when the appellee's 30-day period to file its brief began. The same issue can arise with respect to the appellant's time for filing its reply brief when there are two or more appellees. New Subsection (a)(3) clarified the point by starting the period on the date on which the latest, timely filed preceding brief is served.**

#### Explanatory Comment

The proposed amendment to subdivision (a) to Rule 2113 permits appellant to address in a reply brief matters raised in amicus curiae briefs. Currently, the Rule permits appellant to address in a reply brief only matters raised in the appellee's brief. The proposed amendment does not change the requirement that the appellant may not address in the reply brief matters previously addressed in appellant's principal brief.

The proposed addition of paragraph (a)(3) to Rule 2185 addresses two situations: when does appellee's time period to file appellee's brief begins to run when more than one appellant exists; and, when does appellant's time period to file a reply brief begin to run when more than one appellee exists.

The first situation occurs when there is more than one appellant and each appellant does not file its brief on the same date. For example, if there are two appellants and one appellant files early or one is granted an extension of time to file, the two briefs for appellants will not be filed or served on the same date. The proposed addition of paragraph (a)(3) clarifies that the time period begins to run on the date on which the latest, timely filed preceding brief is served (or when a relevant brief should have been filed).

The second situation occurs when there is more than one appellee and each appellee does not file its brief on the same date. The proposed addition of paragraph (a)(3) clarifies that the time period begins to run on the date on which the latest, timely filed preceding brief is served (or when a relevant brief should have been filed).

The proposed amendments contained in this recommendation will be submitted to the Supreme Court in 2011, following expiration of the comment period and further Committee review.

The final situation concerns the filing of amicus curiae briefs under Pa.R.A.P. 531. The proposed amendment to Pa.R.A.P. 531 adds paragraph (a)(2) and would clarify when those filing amicus curiae briefs should serve and file their briefs when the appellant has chosen or the parties have been directed to proceed under the rules related to large records (Rule 2154(b)), advance text (Rule 2187(b)) and definitive copies (Rule 2185(c)). Under those rules, the appellant may defer preparation of the reproduced record until after the briefs have been served. The parties serve on one another (but do not file) advance texts of their briefs within the times required by Rule 2187. At the time they file their advance texts, each party includes certified record designations for inclusion in the reproduced record. The appellant must then prepare and file the reproduced record within 21 days of service of the appellee's advance text (Rule 2186(a)(2)). Within 14 days of the filing of the reproduced record, each party that served a brief in advanced text may file and serve definitive copies of their briefs. The definitive copy must include references to the pages of the reproduced record, but it may not otherwise include changes from the advance text other than correction of typographical errors. Those filing amicus curiae briefs may choose to serve an advanced text and then file and serve definitive copies according to the procedure required of the parties or they may choose to file a definitive brief without citations to the reproduced record.

[Pa.B. Doc. No. 10-2396. Filed for public inspection December 17, 2010, 9:00 a.m.]



## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that Alake Johnson-Ford, having been disbarred from the practice of law in the District of Columbia by Opinion and Order of the District of Columbia Court of Appeals decided February 10, 2000, the Supreme Court of Pennsylvania issued an Order on December 6, 2010, disbaring Alake Johnson-Ford, from the Bar of this Commonwealth, effective January 5, 2011. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 10-2397. Filed for public inspection December 17, 2010, 9:00 a.m.]

### Notice of Suspension

Notice is hereby given that Michael L. Block having been suspended from the practice of law in the State of New Jersey for a period of 6 months by Order of the Supreme Court of New Jersey dated February 9, 2010, the Supreme Court of Pennsylvania issued an Order dated November 23, 2010, suspending Michael L. Block

from the practice of law in this Commonwealth for a period of 6 months. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 10-2398. Filed for public inspection December 17, 2010, 9:00 a.m.]

### Notice of Suspension

Notice is hereby given that David W. Boyer having been suspended from the practice of law in the State of New Jersey for a period of 3 months by Order of the Supreme Court of New Jersey dated March 2, 2010, the Supreme Court of Pennsylvania issued an Order dated November 23, 2010, suspending David W. Boyer from the practice of law in this Commonwealth for a period of 3 months, effective December 23, 2010. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 10-2399. Filed for public inspection December 17, 2010, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CH. 109 ]

#### Lead and Copper Rule Short Term Revisions

The Environmental Quality Board (Board) amends Chapter 109 (relating to safe drinking water) to read as set forth in Annex A. The amendments incorporate provisions of the Federal Lead and Copper Rule: Short Term Regulatory Revisions to retain primary enforcement authority (primacy). These amendments will provide for increased protection against, and consumer awareness of, exposure to lead in public water systems. The Lead and Copper Rule Short Term Revisions (LCRSTR) build upon the existing Lead and Copper Rule (LCR) and strengthen implementation of the monitoring, public education, customer awareness and lead service line (LSL) replacement provisions.

This order was adopted by the Board at its meeting of September 21, 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 Lisa Daniels, Chief, Division of Operations Monitoring and Training, P. O. Box 8467, Rachel Carson State Office Building, Harrisburg, PA 17105-8467, (717) 772-4018; or William Cummings, 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). The final-form rulemaking is available on the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.pa.us>.

#### C. *Statutory Authority*

This final-form rulemaking is being made under the authority of section 4 of the Pennsylvania Safe Drinking Water Act (35 P. S. § 721.4), which grants the Board the authority to adopt rules and regulations governing the provision of drinking water to the public, and sections 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-7 and 510-20).

#### D. *Background and Purpose*

This final-form rulemaking amends the LCR in §§ 109.1102—109.1104 and 109.1107. The final-form LCR was published at 24 Pa.B. 6404 (December 24, 1994). The primary goal of the LCR is to reduce lead and copper levels at consumers' taps, thereby reducing the health risks associated with lead and copper. The pervasiveness of lead contamination in public drinking water systems is well documented. Lead and copper leach into the drinking water from solder, pipes and fixtures. The severity of contamination depends on the amount of lead or copper in the distribution system and the consumers' home plumbing and the corrosiveness of the water. The original LCR established comprehensive monitoring requirements for lead and copper at the consumer's tap and treatment

technique requirements for optimal corrosion control, which include public education and LSL replacement.

This final-form rulemaking incorporates the provisions of the Federal Lead and Copper Rule: Short Term Regulatory Revisions that was promulgated by the United States Environmental Protection Agency (EPA) at 72 FR 57781 (October 10, 2007). This final-form rulemaking amends the Department's safe drinking water regulations as follows:

- Clarify the definition of "tap" for lead and copper sampling to be a tap that provides water for drinking.
- Rescind the provision that allows water systems to remain on a reduced monitoring frequency if either the lead or copper action level is exceeded. Water systems must meet both water quality parameter ranges and the lead and copper action levels to remain on a reduced monitoring schedule.
- Require water suppliers to provide a "consumer tap notice" to consumers whose taps are sampled. This notice must include the lead results for the tap that was sampled, an explanation of the health effects of lead and a list of steps consumers can take to reduce exposure to lead in drinking water.
- Revise the public education and Consumer Confidence Report (CCR) provisions (with respect to lead) to clarify the mandatory language, expand delivery requirements and require an informational statement in all CCRs.
- Require water systems to reevaluate LSLs previously deemed "replaced" through testing if the system resumes an LSL replacement program.

One provision of the expanded delivery requirements for a public education program is that water suppliers are required to contact the local public health agency even if the agency is located outside of the water system's service area. The local public health agency is the local board or department of public health that has jurisdiction over the water system's service area. To assist public water systems in identifying the local public health agencies that they shall contact as part of a public education program, following is a list of the individual county health departments (CHD) and the Department of Health district offices.

#### *CHD Offices*

##### *Allegheny CHD*

Public Drinking Water Program  
Frank B. Clack Health Center  
3901 Penn Avenue, Building 5  
Pittsburgh, PA 15224-1318  
(412) 578-8047

##### *Bucks CHD*

1282 Almshouse Road  
Doylestown, PA 18901  
(215) 345-3318

##### *Chester CHD*

Government Services Center  
601 Westtown Road, Suite 090  
P. O. Box 2747  
West Chester, PA 19380-0990  
(610) 344-6225

*Erie CHD*  
606 West 2nd Street  
Erie, PA 16507  
(814) 451-6700

*Montgomery CHD*  
Human Services Building  
P. O. Box 311  
1430 DeKalb St.  
Norristown, PA 19404  
(610) 278-5117

*Philadelphia CHD*  
1101 Market St.  
Philadelphia, PA 19107  
(215) 685-5670

*Department of Health district offices*

*Southeast District*  
Berks, Delaware, Lancaster, Montgomery, Philadelphia,  
Schuylkill  
442 Reading State Office Building  
625 Cherry Street  
Reading, PA 19602  
(610) 378-4352

*Northeast District*  
Carbon, Lackawanna, Lehigh, Luzerne, Monroe, North-  
ampton, Pike, Susquehanna, Wayne, Wyoming  
665 Carey Avenue, Suite 5  
Wilkes Barre, PA 18706-5485  
(570) 826-2062

*Southcentral District*  
Adams, Bedford, Blair, Cumberland, Dauphin, Franklin,  
Fulton, Huntingdon, Juniata, Lebanon, Mifflin, Perry,  
York  
30 Kline Plaza  
Harrisburg, PA 17104  
(717) 787-8092

*Northcentral District*  
Bradford, Centre, Clinton, Columbia, Lycoming, Montour,  
Northumberland, Potter, Snyder, Sullivan, Tioga, Union  
Water Tower Square, Suite 109  
1000 Commerce Park Drive  
Williamsport, PA 17701-5475  
(570) 327-3400

*Southwest District*  
Armstrong, Beaver, Butler, Cambria, Fayette, Greene,  
Indiana, Somerset, Washington, Westmoreland  
514 Pittsburgh State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15222  
(412) 565-5101

*Northwest District*  
Cameron, Clarion, Clearfield, Crawford, Elk, Forest, Jef-  
ferson, Lawrence, McKean, Mercer, Venango, Warren  
19 McQuiston Drive  
Jackson Center, PA 16133  
(724) 662-6068

The draft final-form rulemaking was submitted to the Small Water Systems Technical Assistance Center Advisory Board (TAC) for review and discussion on June 18, 2010. The TAC's only comment was to support the final-form rulemaking.

*E. Summary of Changes to the Proposed Rulemaking*

Although no comments were received during the official public comment period, the Independent Regulatory Review Commission (IRRC) did comment on the proposed rulemaking. IRRC requested additional justification for

the provision that is more stringent and clarification on the term "local public health agency" and the requirement for water systems to contact organizations outside the water system's service area.

Lead and copper in drinking water is usually the result of corrosion of household plumbing. Treatment options for lead are often different than those for copper. When water suppliers adjust treatment to reduce the levels of one parameter, they may actually increase the levels of the other parameter. Additionally, treatment for other regulated contaminants will often cause simultaneous compliance issues with corrosion control treatment. Therefore, a lead or copper action level exceedance is a good indication that the treatment system is not operating effectively and should be re-evaluated to determine whether the current treatment system is the most appropriate. Additional lead and copper monitoring will ensure that any adjustments made to the treatment system will not adversely affect lead and copper levels in the water.

The public education delivery requirements are consistent with, and no more stringent than, the Federal provisions of the LCRSTR. The EPA believes that the local health agencies play an important role in making sure consumers who are most vulnerable receive the information they need to reduce their exposure to lead in drinking water. If the local public health agency can identify organizations that potentially serve target populations, then a water system should deliver public education materials to this organization even if it is not within the water system's service area. Additional language has been added to clarify the term "local public health agency" and the CHDs and Department of Health offices have been identified in Section D.

Following is a list of the specific changes that were made to the proposed rulemaking.

Section 109.1103(d)(2) (relating to monitoring requirements), regarding water quality parameter performance monitoring, was amended to correct a cross-reference.

Section 109.1103(d)(3), regarding source water monitoring, was amended to correct a cross-reference.

Section 109.1103(e)(1)(ii)(B)(I) was amended to clarify that 3 consecutive years of monitoring is required to qualify for a reduced triennial frequency. This phrase was inadvertently deleted during proposed rulemaking.

Section 109.1103(e)(1)(iii), regarding sample site and timing, was amended to clarify that the Department will approve an alternate 4-month sampling period in writing for systems on a reduced monitoring frequency that do not operate from June 1 to September 30.

Section 109.1103(e)(3)(ii)(A)(I) and (II) was amended to be consistent with the Legislative Reference Bureau's language rules.

Section 109.1103(g)(2)(iii), regarding site selection for community and nontransient noncommunity water systems that have fewer than five taps, was amended for clarity.

Section 109.1103(g)(2)(iv), regarding site selection for community and nontransient noncommunity facilities that operate continuously, was amended in response to a comment from IRRC to clarify where nonfirst-draw samples should be collected and that the Department will approve, in writing, nonfirst-draw sample sites.

Section 109.1104(a)(2)(i)(B) and (D) (relating to public education and notification) was amended in response to a

comment from IRRC and to clarify the public education delivery requirements to local health departments.

Section 109.1104(a)(2)(i)(J)(III) was amended to be consistent with the Legislative Reference Bureau's language rules.

Section 109.1104(b)(1)(v), regarding content, was added to be consistent with 40 CFR 141.85(d)(3) (relating to public education and supplemental monitoring requirements).

Section 109.1104(b)(3), regarding delivery, was amended to be consistent with the Legislative Reference Bureau's language rules.

Section 109.1107(a)(1)(i) (relating to system management responsibilities) was edited because it referenced language that was deleted in a 2002 rulemaking and is no longer necessary.

#### F. Benefits, Costs and Compliance

##### Benefits

The intent of this final-form rulemaking is to improve implementation of the lead and copper regulations by clarifying monitoring requirements, improving customer awareness and modifying LSL "test-out" procedures. The increase in the administrative activities resulting from these amendments will generate new information which may prompt public water systems to take measures to further abate lead and copper exposure and thus reduce the associated risk, resulting in additional health benefits to consumers.

Because the precise impact of this final-form rulemaking on the behavior of individual consumers and public water systems is not known, the EPA has not quantified the changes in associated health benefits for these amendments. However, the overall benefits from the LCR will increase as a result of the indirect effects of these revisions on public water systems and individual consumers.

##### Compliance Costs

Some of the cost increases estimated by the EPA will not apply to public water systems in this Commonwealth because they already implement similar provisions under the existing LCR. However, there are four provisions of the LCRSTR included in this final-form rulemaking that are likely to increase costs for public water systems in this Commonwealth:

- (1) Return to routine monitoring frequency if an action level is exceeded (larger systems will have higher costs because more samples are required than for the smaller systems).
- (2) Consumer tap notice requirements.
- (3) Public education content and delivery requirements.
- (4) CCR content requirements.

The number of systems in this Commonwealth affected by this final-form rulemaking is based on the total number of community and nontransient, noncommunity water systems as well as LCR monitoring information from 2007. Not all systems will need to implement each provision each year, so the number of systems likely to be affected by each provision and an average cost per system have been estimated. There is an additional one-time, up-front cost for reviewing, training and implementing the LCRSTR that will be incurred by all water systems affected by this final-form rulemaking. The cost estimates per system for each of these provisions are based on costs estimated by the EPA for public water systems Nationwide.

The direct annual costs to implement each of these provisions for public water systems in this Commonwealth, based on estimates from the EPA, are as follows.

Provision No.	No. of Systems Affected	Annual Cost/System	Total Annual Costs
1	140	(up to) \$2,930	\$410,200
2	3,226	\$20	\$64,520
3	107	(average of) \$134.47	\$14,388
4	2,069	\$6.79	\$14,049
		<i>Total</i>	\$503,157

The one-time, upfront cost for public water systems is estimated to be \$152.33 for each of the 3,226 public water systems, for a total cost of \$491,417.

For this Commonwealth, there are costs associated with oversight and costs to State-owned public water systems. Of the 3,226 public water systems affected by this final-form rulemaking, 42 (or 1.3%) are State-owned facilities, so 1.3% of the public water system costs previously detailed could be incurred by this Commonwealth if all 42 systems implement all of these provisions each year. The details for the Commonwealth costs are as follows:

	One-Time Cost	Annual Costs	Total
Oversight costs	\$28,948	\$5,404	\$34,352
State-owned water systems costs	\$6,388	\$6,543	\$12,931
<i>Total</i>	\$35,336	\$11,947	\$47,283

##### Compliance Assistance Plan

The final-form rulemaking clarifies and strengthens existing regulations. As a result, financial assistance should not be necessary.

The Bureau of Water Standards and Facility Regulation has staff dedicated to providing both training and outreach support services to public water system operators. The Department web site contains the Drinking Water and Wastewater Treatment System Operator Information Center, which provides a bulletin board of timely, useful information for treatment plant operators. Additionally, Department staff will provide educational, technical and compliance assistance through newsletters, guidance documents, training sessions and surveillance activities.

##### Paperwork Requirements

The requirements of the existing LCR include monitoring, reporting, public education and public notice. The only additional requirement of the LCRSTR is for water suppliers to provide a notice of the monitoring results to those consumers whose taps were sampled and a certification to the Department that this notice was delivered.

##### G. 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.

##### H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 9, 2009, the Department submitted a copy of the notice of proposed rulemaking,



published at 39 Pa.B. 5581 (September 26, 2009), 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 November 3, 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 November 4, 2010, and approved the final-form rulemaking.

**I. 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 39 Pa.B. 5581.

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

**J. Order**

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

(a) The regulations of the Department, 25 Pa. Code Chapter 109, are amended by amending §§ 109.1102—109.1104 and 109.1107 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 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. 6752 (November 20, 2010).)*

**Fiscal Note:** Fiscal Note 7-437 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 II. WATER RESOURCES**

**CHAPTER 109. SAFE DRINKING WATER**

**Subchapter K. LEAD AND COPPER**

**§ 109.1102. Action levels and treatment technique requirements.**

\* \* \* \* \*

(b) *Treatment technique requirement for corrosion control.*

(1) *Optimal corrosion control treatment.* A community water system or nontransient noncommunity water system shall provide optimal corrosion control treatment which minimizes the lead and copper concentrations at users' taps while ensuring that the treatment does not cause the system to violate a primary MCL. Water systems deemed to have optimized corrosion control treatment under this subsection shall operate in compliance with Department designated water quality parameters and continue to conduct lead and copper tap monitoring. A system may achieve optimal corrosion control treatment in one of the following ways:

(i) A small or medium water system is deemed to have optimized corrosion control if the system does not exceed either the lead or copper action level during each of two consecutive 6-month monitoring periods conducted in accordance with § 109.1103. If the system thereafter exceeds an action level during a monitoring period, the system shall complete applicable compliance activities under paragraph (2). The Department may require a system to repeat compliance activities previously completed when the Department determines that this is necessary for the system to achieve optimal corrosion control treatment.

(ii) A water system is deemed to have optimized corrosion control if the system demonstrates to the Department that for two consecutive 6-month monitoring periods conducted in accordance with § 109.1103 that the system does not exceed a lead or copper action level and the difference between the 90th percentile tap water lead level and the highest source water lead concentration is less than 0.005 mg/L, which is the Practical Quantitation Level for lead.

(A) To make this demonstration, the system shall collect one sample for lead from each entry point during a monitoring period prior to initiation of construction or modification of corrosion control treatment facilities. If the system thereafter exceeds an action level during a monitoring period, the system shall complete applicable compliance activities under paragraph (2). The Department may require a system to repeat compliance activities previously completed when the Department determines that this is necessary for the system to achieve optimal corrosion control treatment.

(B) A water system deemed to have optimized corrosion control in accordance with this subparagraph shall continue monitoring for lead and copper at the tap no less frequently than once every 3-calendar years using the

reduced number of sites specified in § 109.1103(e), and collecting the samples at times and locations specified in § 109.1103(e)(1)(iii).

(iii) A system is deemed to have optimized corrosion control if the system installs new corrosion control treatment facilities or modifies existing treatment in accordance with paragraph (2) and operates in compliance with water quality parameter performance requirements specified by the Department in a permit issued under § 109.1105(c) (relating to permit requirements).

(2) *Corrosion control treatment compliance schedule.* A system shall comply with the following schedule unless the system achieves optimal corrosion control treatment under paragraph (1)(i) or (ii) prior to initiation of construction or modification of corrosion control treatment facilities.

(i) An existing large water system shall:

(A) Submit a corrosion control treatment feasibility study that complies with paragraph (3) by June 30, 1994.

(B) Submit a permit application for construction or modification of corrosion control treatment facilities by March 31, 1995.

(C) Initiate construction or modification of corrosion control treatment facilities by December 31, 1995.

(D) Complete construction or modification of corrosion control treatment facilities and begin operation of these facilities by January 1, 1997.

(E) Submit a request for a Department designation of optimal corrosion control treatment performance requirements by January 31, 1998.

(ii) A large water system triggered into corrosion control because it is no longer deemed to have optimized corrosion control under paragraph (1), or any medium or small water system that exceeds an action level shall:

(A) Submit a corrosion control treatment feasibility study that complies with paragraph (3) within 18 months of the end of the monitoring period in which the action level was exceeded.

(B) Submit a permit application or otherwise comply with the permit application requirements under § 109.1105(b) for construction or modification of corrosion control treatment facilities within 30 months of the end of the monitoring period in which the action level was exceeded.

(C) Initiate construction or modification of corrosion control treatment facilities within 48 months of the end of the monitoring period in which the action level was exceeded.

(D) Complete construction or modification of corrosion control treatment facilities and begin operation of these facilities within 60 months of the end of the monitoring period in which the action level was exceeded.

(E) Submit a request for Department designation of optimal corrosion control treatment performance requirements within 30 days of the end of the second follow-up monitoring period required under § 109.1103(c)(1)(ii) following completion of construction or modification of corrosion control treatment facilities.

\* \* \* \* \*

§ 109.1103. **Monitoring requirements.**

(a) *Initial monitoring.*

\* \* \* \* \*

(3) *Initial source water monitoring.* A system which exceeds either the lead or copper action level shall collect one source water sample from each entry point within 6 months after the end of the monitoring period in which the action level was exceeded. Monitoring is required only for the parameter for which the action level was exceeded.

(b) *Special lead and copper tap monitoring.*

(1) After completing initial monitoring and prior to initiation of construction or modification of corrosion control treatment facilities, a system may collect special lead and copper tap samples at its option.

(2) Special lead and copper tap monitoring shall be conducted in accordance with subsection (a), including compliance with the requirements resulting from an action level exceedance.

(3) If a medium or small water system meets the lead and copper action levels during two consecutive 6-month special monitoring periods, the system is deemed to have optimized corrosion control and may discontinue the compliance activities under § 109.1102(b)(2) and proceed directly to reduced monitoring in accordance with subsection (e).

(4) If a medium or small water system exceeds an action level during a monitoring period after discontinuing compliance activities under paragraph (3), the system shall complete the applicable compliance activities under § 109.1102(b)(2).

(5) If a system meets the lead action level during a special monitoring period, the system may discontinue public education in accordance with § 109.1104(a)(3) (relating to public education and notification).

(c) *Follow-up monitoring after construction or modification of corrosion control treatment facilities.* A system which completes construction or modification of corrosion control treatment facilities in accordance with § 109.1102(b)(2) shall conduct the applicable monitoring specified in this subsection. A system which exceeds the lead action level after construction or modification of corrosion control treatment facilities shall begin lead service line replacement in accordance with § 109.1107(d) (relating to system management responsibilities).

\* \* \* \* \*

(3) *Source water monitoring.* A system which installs source water treatment under § 109.1102(b)(4) shall monitor the source water at source water treatment entry points for the parameters for which the source water treatment was installed. The system shall monitor source water during the two consecutive 6-month monitoring periods specified in paragraph (1). Other systems which exceed either the lead or copper action level while conducting lead and copper tap monitoring in accordance with paragraph (1) shall collect one source water sample from each entry point within 6 months after the end of the monitoring period in which the action level was exceeded for the parameters exceeding the action level.

(d) *Monitoring after performance requirements are established.* A system shall conduct the applicable monitoring under this subsection beginning no later than the next 6-month monitoring period that begins on January 1 or July 1 following the Department's designation of optimal corrosion control treatment water quality parameter performance requirements under § 109.1102(b)(5) or source water performance requirements under § 109.1102(b)(4).



(1) *Lead and copper tap monitoring.* A system shall monitor for lead and copper at the tap during each monitoring period at the number of sample sites specified in subsection (a)(1)(v) until the system qualifies for reduced monitoring under subsection (e)(1).

(2) *Water quality parameter performance monitoring.* A system shall measure the applicable water quality parameters specified in subsection (c)(2)(iii) in the distribution system during each monitoring period at the number of sites specified in subsection (a)(2)(ii) and at each entry point at least once every 2 weeks. The results of this monitoring will be used by the Department in determining compliance with the water quality parameter performance requirements established under § 109.1102(b)(5). A system that is not in compliance with the water quality parameter performance requirements established under § 109.1102(b)(5) shall provide public notification in accordance with § 109.1104(c)(2).

(i) A large water system shall conduct the monitoring during each monitoring period until the system qualifies for reduced monitoring under subsection (e)(2).

(ii) A small or medium water system which is conducting lead and copper tap monitoring in accordance with paragraph (1), shall measure the water quality parameters during each 6-month monitoring period in which the system exceeds either the lead or copper action level. Distribution system monitoring shall be conducted at least once during the monitoring period and biweekly entry point monitoring shall continue as long as the system exceeds the action level.

(iii) A system is out of compliance with the requirements of § 109.1102(b)(5) for a 6-month period if it has excursions for any Department specified water quality parameter on more than any 9 days during the 6-month monitoring period. An excursion occurs whenever the daily value for one or more of the water quality parameters is below the minimum value or outside the range of values designated by the Department. The Department has the discretion to delete results of sampling errors from this calculation. Daily values are calculated as follows:

(A) On days when more than one sample for the water quality parameter is collected at a sampling location, the daily value shall be the average of all results collected during the day including continuous monitoring or grab samples, or both.

(B) On days when only one sample for the water quality parameter is collected at a sampling location, the daily value shall be the result of that sample.

(C) On days when no sample is collected for the water quality parameter at a sampling location, the daily value shall be the most recent calculated daily value for which a water quality parameter was sampled at a sample location.

(3) *Source water monitoring.* A system which is conducting lead and copper tap monitoring in accordance with paragraph (1) shall monitor for the parameters exceeding the action level at each entry point within 6 months of the end of the monitoring period in which the action level was exceeded. For systems which have installed source water treatment, the results of this monitoring will be used by the Department in determining compliance with source water treatment performance requirements established under § 109.1102(b)(4). The Department may require additional source water monitoring if the Department determines that the additional monitoring is necessary to assure compliance with the source

water treatment performance requirements. A system that is not in compliance with the source water treatment performance requirements established under § 109.1102(b)(4) shall provide public notification in accordance with § 109.1104(c)(2).

(e) *Reduced monitoring.*

(1) *Reduced lead and copper tap monitoring.* A system conducting reduced lead and copper tap monitoring shall collect one sample from the number of sample sites listed in the following column.

<i>System size (# of people served)</i>	<i># of Sample Sites</i>
> 100,000 .....	50
10,001 to 100,000 .....	30
3,301 to 10,000 .....	20
501 to 3,300 .....	10
500 or fewer .....	5

(i) *Annual lead and copper tap monitoring.*

(A) A small or medium water system that does not exceed the lead and copper action levels during each of two consecutive 6-month monitoring periods or a system which has optimized corrosion control treatment under § 109.1102(b)(1)(ii) may reduce the number of sample sites and reduce the frequency of sampling to once per year.

(B) A system that has installed or modified corrosion control treatment facilities in accordance with § 109.1102(b)(2) may reduce the number of lead and copper sample sites and reduce the frequency of monitoring to once per year if the following conditions are met:

(I) The system does not exceed the lead and copper action levels during each of two consecutive 6-month monitoring periods.

(II) The system maintains the range of values for the optimal corrosion control treatment water quality parameter performance requirements specified by the Department under § 109.1102(b)(5) during each of two consecutive 6-month monitoring periods in accordance with subsection (d)(2).

(C) Annual monitoring shall begin during the calendar year immediately following the end of the second consecutive 6-month monitoring period.

(ii) *Triennial lead and copper tap monitoring.*

(A) A small or medium water system that does not exceed the lead and copper action levels during 3 consecutive years of monitoring, including initial monitoring, may reduce the frequency of monitoring for lead and copper to once every 3 years.

(B) A system that has installed or modified corrosion control treatment facilities in accordance with § 109.1102(b)(2) may reduce the frequency of lead and copper tap monitoring from annually to once every 3 years if the following conditions are met:

(I) The system does not exceed the lead and copper action levels during 3 consecutive years of 6-month or annual monitoring.

(II) The system maintains the range of values for the optimal corrosion control treatment water quality parameter performance requirements specified by the Department under § 109.1102(b)(5) during 3 consecutive years of monitoring.

(C) Triennial monitoring shall be conducted during the last year of each 3-year compliance period—for example 1998, 2001, 2004 and so forth.

(D) A system that demonstrates for two consecutive 6-month monitoring periods that the tap water lead level as determined under § 109.1102(a)(3) is less than or equal to 0.005 mg/L and the tap water copper level as determined under § 109.1102(a)(3) is less than 0.65 mg/L may reduce the number of samples in accordance with § 109.1103(e)(1) and reduce the frequency of sampling to once every 3 years.

(iii) *Sample sites and timing.* A system that reduces the number of sample sites and frequency of sampling shall collect samples from sample sites included in the pool of targeted sampling sites identified in subsection (g)(2). Systems sampling annually or less frequently shall conduct the lead and copper tap sampling between June 1 and September 30. The Department may approve, in writing, a different period for conducting lead and copper tap monitoring sampling for systems on annual or less frequent monitoring. The period may be no longer than 4 consecutive months and shall represent a time of normal operation when the highest levels of lead are most likely to occur.

(2) *Reduced water quality parameter monitoring for large water systems.* A large water system conducting reduced water quality parameter monitoring shall collect two sets of distribution samples from the following reduced number of sample sites. The sets of samples shall be collected from the same sample sites on different days and analyzed for the applicable water quality parameters.

<i>System size (# of people served)</i>	<i># of Sample Sites</i>
> 100,000 .....	10
50,001 to 100,000 .....	7

(i) *Reduced sites.* A large water system that maintains the range of values for water quality parameter performance requirements reflecting optimal corrosion control treatment specified by the Department under § 109.1102(b)(5) during each of two consecutive 6-month monitoring periods conducted in accordance with subsection (d)(2) may collect distribution samples from the reduced number of sites during subsequent 6-month monitoring periods until the system qualifies for reduced frequency under subparagraph (ii). The system shall continue monitoring at each entry point as specified in subsection (d)(2).

(ii) *Reduced water quality parameter monitoring.*

(A) A large water system that maintains the range of values for water quality parameter performance requirements reflecting optimal corrosion control treatment specified by the Department under § 109.1102(b)(5) during 3 consecutive years of monitoring at the reduced number of sites under subparagraph (i) may reduce the frequency with which it collects sets of water quality parameter distribution samples from every 6 months to annually. Annual monitoring begins during the next calendar year. A system conducting annual sampling shall collect these sets of samples evenly throughout the year to reflect seasonal variability. The system shall continue monitoring at each entry point as specified in subsection (d)(2).

(B) A large water system may reduce the frequency with which it collects tap water samples for applicable water quality parameters specified in § 109.1102(b)(5) to every 3 years if it demonstrates during two consecutive monitoring periods that its tap water lead level at the 90th percentile is less than or equal to the PQL for lead of 0.005 mg/L, that its tap water copper level at the 90th percentile is less than or equal to 0.65 mg/L, and that it also has maintained the range of values for the water

quality parameters reflecting optimal corrosion control treatment specified by the Department under § 109.1102(b)(5). Triennial monitoring shall be conducted during the last year of each 3-year compliance period—for example 1998, 2001, 2004 and so forth.

(3) *Reduced monitoring revocation.*

(i) *Reduced monitoring revocation for large water systems.* A large water system authorized to conduct reduced monitoring under this subsection that fails to meet the lead or copper action level during any 4-month monitoring period or that fails to operate within the range of performance requirements for the water quality parameters specified by the Department under § 109.1102(b)(5) on more than any 9 days in a 6-month period shall comply with the following:

(A) The water supplier shall resume lead and copper tap monitoring in accordance with subsection (d)(1).

(B) The water supplier shall resume water quality parameter distribution sampling in accordance with the number and frequency requirements specified in subsection (d)(2).

(I) A large system may resume annual monitoring for water quality parameters at the tap at the reduced number of sites specified in paragraph (2) after it has completed two subsequent consecutive 6-month rounds of monitoring that meet the criteria of paragraph (2)(i).

(II) A large system may resume triennial monitoring for water quality parameters at the tap at the reduced number of sites specified in paragraph (2) after it demonstrates through subsequent rounds of monitoring that it meets the criteria of paragraph (2)(ii).

(C) The water supplier shall conduct source water monitoring in accordance with subsection (d)(3). Monitoring is required only for the parameter for which the action level was exceeded. For systems on annual or less frequent monitoring, the end of the monitoring period is September 30 of the calendar year in which sampling occurs, or, if the Department has designated an alternate monitoring period, the end of the monitoring period is the last day of the 4-month period in which sampling occurs.

(ii) *Reduced monitoring revocation for small or medium water systems.* A small or medium water system authorized to conduct reduced lead and copper tap monitoring under this subsection that fails to meet the lead or copper action level during any 4-month monitoring period, or a small or medium system that has installed corrosion control treatment in compliance with § 109.1102(b)(2) and that fails to operate within the range of performance requirements for the water quality parameters specified by the Department under § 109.1102(b)(5) on more than any 9 days in a 6-month period, shall comply with the following:

(A) The water supplier shall conduct water quality parameter monitoring during the monitoring period in which the action level is exceeded. The start of the 6-month monitoring period for the water quality parameter monitoring required under this clause must coincide with the start of the annual or triennial tap monitoring period in which the action level was exceeded.

(I) If the system has installed corrosion control treatment in compliance with § 109.1102(b)(2), water quality parameter monitoring shall be conducted in accordance with subsection (c)(2).

(II) If the system has not installed corrosion control treatment, water quality parameter monitoring shall be

conducted in accordance with subsection (a)(2) and the system shall conduct corrosion control treatment activities in accordance with § 109.1102(b)(1)(i).

(B) The water supplier shall collect one source water sample from each entry point within 6 months of the end of the monitoring period in which the action level was exceeded. Monitoring is required only for the parameter for which the action level was exceeded. For systems on annual or less frequent monitoring, the end of the monitoring period is September 30 of the calendar year in which sampling occurs, or, if the Department has designated an alternate monitoring period, the end of the monitoring period is the last day of the 4-month period in which sampling occurs.

(C) If a system has installed corrosion control treatment in compliance with § 109.1102(b)(2), the water supplier shall resume lead and copper tap monitoring in accordance with subsection (d)(1).

(f) *Additional monitoring by systems.* The results of monitoring conducted at specified sites during specified monitoring periods in addition to the minimum requirements of this section shall be considered by the system and the Department in making determinations—such as calculating the 90th percentile lead or copper action level or determining concentrations of water quality parameters—under this subchapter.

(g) *Sample site location plan.* The water supplier shall complete a sample site location plan which includes a materials evaluation of the distribution system, lead and copper tap sample site locations, water quality parameter sample site locations, and certification that proper sampling procedures are used. The water supplier shall complete the steps in paragraphs (1)—(3) by the applicable date for commencement of lead and copper tap monitoring under subsection (a)(1) and the step in paragraph (4) following completion of the monitoring. The water supplier shall keep the sample site location plan on record and submit the plan to the Department in accordance with § 109.1107(a)(1).

(1) *Materials evaluation.* A system shall review the following sources of information in order to identify a sufficient number of lead and copper tap sampling sites.

(i) Plumbing codes, permits and records in the files of the building departments of each municipality served by the system which indicate the plumbing materials that are installed within structures connected to the distribution system.

(ii) Inspections and records of the distribution system that indicate the material composition of the service connections that connect a structure to the distribution system.

(iii) Existing water quality information, which includes the results of prior analyses of the system or individual structures connected to the system, indicating locations that may be particularly susceptible to high lead or copper concentrations.

(2) *Lead and copper tap sample site selection.* Lead and copper tap sampling sites are classified as tier 1, tier 2 or tier 3. Tier 1 sites are the highest priority sample sites.

(i) *Site selection for community water systems.* The water supplier shall select all tier 1 sample site locations, if possible. A community water system with an insufficient number of tier 1 sampling sites shall complete its sampling pool with tier 2 sites. Tier 3 sites shall be used to complete the sampling pool if the number of tier 1 and tier 2 sites is insufficient. If the system has an insuffi-

cient number of tier 1, tier 2 and tier 3 sites, the water supplier shall sample from other representative sites throughout the distribution system in which the plumbing materials used at the site would be commonly found at other sites served by the system.

(A) Tier 1 sampling sites shall consist of single family structures that have one or more of the following:

- (I) Copper pipes with lead solder installed after 1982.
- (II) Lead pipes.
- (III) Lead service line.

(B) When multiple-family residences comprise at least 20% of the structures served by a water system, the system may consider a representative number of these types of structures as tier 1 sites in its sampling pool, if they meet the other criteria in clause (A).

(C) Tier 2 sampling sites shall consist of buildings, including multifamily residences, that have one or more of the following:

- (I) Copper pipes with lead solder installed after 1982.
- (II) Lead pipes.
- (III) Lead service line.

(D) Tier 3 sampling sites shall consist of single family structures, constructed as a single family residence and currently used as either a residence or business, that contain copper pipes with lead solder installed before 1983.

(ii) *Site selection for nontransient noncommunity water systems.*

(A) The water supplier shall select all tier 1 sample site locations, if possible. A nontransient noncommunity water system with an insufficient number of tier 1 sampling sites shall complete its sampling pool with sampling sites that contain copper pipes with lead solder installed before 1983. If additional sites are needed to complete the sampling pool, the system shall use representative sites throughout the distribution system in which the plumbing materials used at the site would be commonly found at other sites served by the system.

(B) Tier 1 sampling sites shall consist of buildings that have one or more of the following:

- (I) Copper pipes with lead solder installed after 1982.
- (II) Lead pipes.
- (III) Lead service line.

(iii) *Site selection for community and nontransient noncommunity water systems that have fewer than five taps.* A system that has fewer than five taps that can be used for drinking water that meet the sample site criteria specified in this paragraph shall collect at least one sample from each tap and then collect additional samples from those taps on different days during the monitoring period to meet the required number of sites.

(iv) *Site selection for community and nontransient noncommunity facilities that operate continuously.* A community water system meeting the conditions in § 109.1104(a)(2)(i)(I) (relating to public education and notification), or a nontransient noncommunity water system, that operates continuously and that has an insufficient number of taps commonly used for drinking water to take each first-draw sample from a different tap, may apply to the Department, in writing, to substitute nonfirst-draw samples. Upon approval by the Department in writing, these systems shall collect as many first-draw



samples as possible from taps that can be used for drinking water that meet the sample site criteria specified in this paragraph. The remaining samples shall be collected at the times and from the sites identified with the longest standing times. Nonfirst-draw samples must be 1-liter in volume and collected from an interior tap that is typically used to provide water for human consumption.

(v) *Sample sites with lead service lines.* A system that has a distribution system containing lead service lines shall draw 50% of the samples it collects during each monitoring period from sites that contain lead pipes or copper pipes with lead solder, and 50% of those samples from sites served by a lead service line. If a water system cannot identify a sufficient number of sampling sites served by a lead service line, the system shall collect first draw samples from each site identified as being served by a lead service line.

(vi) *Sample sites with point-of-use or point-of-entry devices.* Samples may not be taken from taps that have point-of-use or sites that have point-of-entry treatment devices designed to remove inorganic contaminants.

(3) *Water quality parameter sample site selection.*

(i) *Water quality parameter distribution samples.* Water quality parameter distribution samples shall be representative of water quality throughout the distribution system taking into account the number of persons served, the different sources of water, the different treatment methods employed by the system and seasonal variability. Distribution sampling is not required to be conducted at sites targeted for lead and copper tap sampling under subsection (a)(1). Systems may find it convenient to conduct distribution sampling for water quality parameters at sites used for coliform sampling under § 109.303(a) (relating to sampling requirements).

(ii) *Water quality parameter entry point samples.* Samples collected at entry points shall be from locations representative of each source after treatment. If a system draws water from more than one source and the sources are combined before distribution, the system shall sample at an entry point during periods of normal operating conditions—that is, when water is representative of all sources being used.

(4) *Sample procedure certification.* A water supplier shall certify that sample collection methods identified in subsection (h)(1) were used to collect lead and copper tap samples. This certification shall be included in the sample site location plan. When a water supplier allows the residents to collect the samples, a copy of the material distributed to residents explaining the proper collection methods, and a list of the residents who performed sampling shall be included in the sample site location plan.

(h) *Sample collection methods.*

(1) *Lead and copper tap samples.* Tap samples for lead and copper collected in accordance with this subchapter, with the exception of lead service line samples collected under § 109.1107(d)(3) and tap monitoring samples collected under § 109.1103(g)(2)(iv), shall be first-draw samples and the following sample collection methods shall be used:

(i) Each first-draw tap sample for lead and copper shall be 1 liter in volume and have stood motionless in the plumbing system of each sampling site for at least 6 hours.

(ii) First-draw samples from residential housing shall be collected from the cold water kitchen tap or bathroom sink tap. First-draw samples from a nonresidential building shall be collected at an interior tap from which water is typically drawn for drinking.

\* \* \* \* \*

(k) *Monitoring waivers for small systems.* A small system that meets the criteria of this subsection may apply to the Department to reduce the frequency of monitoring for lead and copper under this section to once every 9 years if it meets all of the materials criteria specified in paragraph (1) and all of the monitoring criteria specified in paragraph (2). A system that meets the criteria in paragraphs (1) and (2) only for lead, or only for copper, may apply to the Department for a waiver to reduce the frequency of tap water monitoring to once every 9 years for that contaminant only.

\* \* \* \* \*

(4) *Monitoring frequency for systems with waivers.*

(i) A system shall conduct tap water monitoring for the contaminant waived in accordance with subsection (e)(1)(iii) at the reduced number of sites identified in subsection (e) at least once every 9 years and provide the materials certification specified in paragraph (1) for the contaminants waived along with the monitoring results. Monitoring shall be conducted during the last year of each 9-year compliance cycle—for example 2010, 2019, 2028 and so forth.

\* \* \* \* \*

§ 109.1104. **Public education and notification.**

(a) *Public education program.* The water supplier for a system that exceeds the lead action level based on tap monitoring conducted under § 109.1103 (relating to monitoring requirements) shall implement a public education program in accordance with this section. The public education program must remain in effect until the system qualifies for discontinuation under paragraph (3).

(1) *Content.* The water supplier shall include mandatory language established by the EPA under 40 CFR 141.85 (relating to public education and supplemental monitoring requirements), which is incorporated by reference, in all of the printed and broadcast materials distributed through the lead public education program. Additional information presented by a system must be consistent with the information specified in this section and be in plain English that can be understood by laypersons. If appropriate or as designated by the Department, public education materials must be bilingual or multilingual. Systems may delete information pertaining to lead service lines, upon approval by the Department, if no lead service lines exist in the system's service area.

(i) *Content of written materials.* Community water suppliers and nontransient noncommunity water suppliers shall include the mandatory language and other content requirements established under 40 CFR 141.85(a)(1) and (2), which is incorporated by reference.

(ii) *Information for non-English-speaking populations.* For each non-English-speaking group that exceeds 10% of the residents for systems serving at least 1,000 people or 100 residents for systems serving less than 1,000 people, and speak the same language other than English, the written materials must contain information in the appropriate languages regarding the importance of the materials or contain a telephone number or address where

persons served may contact the water system to obtain a translated copy of the materials or to request assistance in the appropriate language.

(iii) *Submission of written materials.* Water systems shall submit copies of all written public education materials to the Department prior to delivery.

(2) *Delivery.*

(i) *Community water system requirements.* Within 60 days after the end of the monitoring period in which the lead action level was exceeded, unless it is already repeating public education tasks under this subsection, the water supplier for a community water system shall deliver the public education materials to its customers in accordance with clauses (A)—(G). The water supplier shall repeat the tasks contained in clauses (A)—(D) and (H) every 12 months, and in clause (G) every 6 months for as long as the system exceeds the lead action level. For systems that are required to conduct monitoring annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which sampling occurs, or, if the Department has designated an alternate monitoring period, the end of the monitoring period is the last day of the 4-month period in which sampling occurs.

(A) The water supplier shall deliver printed materials meeting the content requirements of paragraph (1) to all bill paying customers.

(B) The water supplier shall deliver education materials meeting the content requirements of paragraph (1) to the local board or department of public health that has jurisdiction over the water system's service area, along with an informational notice that encourages distribution to all the potentially affected consumers. The water supplier shall contact the local board or department of public health directly by phone or in person. The local board or department of public health may provide a specific list of additional community based organizations serving target populations which may include organizations outside the service area of the water system. If a list is provided, the water supplier shall deliver education materials that meet the content requirements of paragraph (1) to all the organizations on the list.

(C) The water supplier shall deliver education materials meeting the content requirements of paragraph (1) to the organizations listed in subclauses (I)—(VI) that are located within the water system's service area, along with an informational notice that encourages distribution to all the organization's potentially affected customers or water system's users:

- (I) Public and private schools or local school boards, or both.
- (II) Women, Infants, and Children or Head Start Programs whenever available.
- (III) Public and private hospitals and medical clinics.
- (IV) Pediatricians.
- (V) Family planning clinics.
- (VI) Local welfare agencies.

(D) The water supplier shall make a good faith effort to locate the following organizations within the water system's service area and deliver education materials meeting the content requirements of paragraph (1) to them along with an informational notice that encourages distribution to all the organization's potentially affected customers or users. The good faith effort to contact at-risk customers must include requesting a specific contact list of the organizations in subclauses (I)—(III) from the local

board or department of public health that has jurisdiction over the water system's service area:

- (I) Licensed childcare centers.
- (II) Public and private preschools.
- (III) Obstetricians-gynecologists and midwives.

(E) The water supplier shall provide information on or in each water bill at least quarterly. The message on the water bill must include the following statement exactly as written except for the text in brackets for which the water system must include system-specific information:

"[INSERT WATER SYSTEM NAME] found high levels of lead in drinking water in some homes. Lead can cause serious health problems. For more information please call [INSERT WATER SYSTEM NAME] (or visit [INSERT WEB SITE ADDRESS])."

(F) The water supplier shall post education materials meeting the content requirements of paragraph (1) on the water system's web site if the system serves a population greater than 100,000 for as long as the system exceeds the lead action level.

(G) The water supplier shall submit a press release to newspaper, radio and television stations.

(H) In addition to the requirements of clauses (A)—(F), community water suppliers shall implement at least three activities from the categories listed in subclauses (I)—(IX). The educational content and selection of these activities shall be determined in consultation with the Department.

- (I) Public service announcements.
- (II) Paid advertisements.
- (III) Public area information displays.
- (IV) E-mails to customers.
- (V) Public meetings.
- (VI) Household deliveries.
- (VII) Targeted individual customer contact.

(VIII) Direct distribution of education materials to all multifamily homes and institutions.

(IX) Other methods approved by the Department.

(I) A community water system may apply to the Department, in writing, to omit the text required in 40 CFR 141.85(a)(2) and to perform the tasks listed under subparagraph (ii) in lieu of the tasks under clauses (A)—(H) if the following apply:

(I) The system is a facility, such as a prison or a hospital, where the population served is not capable of or is prevented from making improvements to the plumbing or installing point-of-use treatment devices.

(II) The system provides water as part of the cost of services provided and does not charge for water consumption.

(J) A community water system serving 3,300 or fewer persons may modify its public education program as follows:

(I) The system may limit distribution of public education materials required under clauses (B) and (C) to facilities and organizations served by the system that are most likely to be visited by pregnant women and children.

(II) The system may omit the task in clause (G) if notices meeting the content requirements of paragraph (1) are distributed to every household served by the system.

(III) The system shall implement at least one of the tasks specified in clause (H).

(ii) *Nontransient noncommunity water system requirements.* Within 60 days after the end of the monitoring period in which the lead action level was exceeded, the water supplier for a nontransient noncommunity water system shall deliver the public education materials contained in paragraph (1) to its consumers, unless it is already repeating public education tasks under this subsection. For systems that are required to conduct monitoring annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which sampling occurs, or, if the Department has designated an alternate monitoring period, the end of the monitoring period is the last day of the 4-month period in which sampling occurs.

(A) The water supplier shall post informational posters on lead in drinking water in a public place or common area in each of the buildings served by the system and distribute informational pamphlets or brochures, or both, on lead in drinking water to each person routinely served by the nontransient noncommunity water system. Systems may use electronic transmission in lieu of or combined with printed materials as long as it achieves at least the same coverage.

(B) The water supplier shall repeat the tasks contained in clause (A) at least once during each calendar year in which the system exceeds the lead action level.

(iii) *Extension of the 60-day delivery deadline.* Water systems may request an extension of the 60-day delivery deadline, but the water system must receive written approval from the Department prior to the 60-day deadline.

(3) *Discontinuation of public education program.* A water supplier may discontinue delivery of public education materials if the system does not exceed the lead action level during the most recent 6-month monitoring period conducted under § 109.1103. The system shall resume public education in accordance with this section if it exceeds the lead action level at any time during a future monitoring period.

(4) *Notification of customer monitoring.* A water supplier that fails to meet the lead action level on the basis of tap monitoring conducted in accordance with § 109.1103 shall provide information regarding laboratories certified by the Department for lead and copper testing to any customer who requests it.

(b) *Notification of results.* Water systems shall deliver a consumer tap notice of lead tap water monitoring results to persons served by the water at sites that are sampled under § 109.1103.

(1) *Content.* The consumer notice must include the following:

(i) The results of lead tap water monitoring for the tap that was sampled.

(ii) An explanation of the health effects of lead.

(iii) A list of steps consumers can take to reduce exposure to lead in drinking water.

(iv) Contact information for the water system.

(v) The maximum contaminant level goal and the action level for lead and the definitions for these two terms specified by the EPA in 40 CFR 141.153(c) (relating to content of the reports).

(2) *Timing.* Water systems shall provide the consumer notice within 30 days after the system learns of the tap monitoring results.

(3) *Delivery.* The consumer notice shall be delivered to persons served at the tap that was sampled either by mail or by another method approved by the Department. The system shall provide notice to all persons served by the tap that was sampled, including consumers who do not receive water bills.

(c) *Public notification requirements.* A water supplier shall give public notification in accordance with Subchapter D (relating to public notification) when one of the following occurs:

(1) The water supplier fails to perform monitoring and analyses as required by § 109.1103.

(2) The water supplier is not in compliance with a treatment technique established under § 109.1102(b) (relating to action levels and treatment technique requirements).

#### § 109.1107. System management responsibilities.

(a) *Reporting and recordkeeping.* Systems shall comply with the following requirements and otherwise comply with § 109.701 (relating to reporting and recordkeeping):

(1) *Sample site location plan.* The system shall prepare a sample site location plan in accordance with § 109.1103(g) (relating to monitoring requirements), maintain the plan on record and submit the plan to the Department prior to conducting initial lead and copper tap monitoring or upon request. The water supplier shall update the following information in the plan within the first 10 days following the end of each applicable monitoring period:

(i) Selection of different lead and copper tap sample sites from sites sampled during previous monitoring periods.

\* \* \* \* \*

(3) *Corrosion control treatment reporting requirements.*

(i) A water supplier demonstrating optimal corrosion control treatment under § 109.1102(b)(1)(ii) (relating to action levels and treatment technique requirements) shall submit information in writing sufficient for the Department to evaluate and determine whether optimal treatment has been achieved.

\* \* \* \* \*

(5) *Consumer notice of lead tap monitoring results reporting requirements.* The water supplier shall submit to the Department within 3 months of the end of the monitoring period in which lead tap monitoring was conducted a sample copy of the consumer notice of lead tap monitoring results along with a certification that the notices were distributed in accordance with § 109.1104(b).

(6) *Lead service line replacement reporting.*

(i) A water system that is required to initiate lead service line replacement in accordance with subsection (d) shall, within the first 3 months of the first year of lead service line replacement, submit to the Department the following:

(A) Evidence that a materials evaluation of the system has been conducted in accordance with § 109.1103(g)(1).



(B) A schedule for replacing at least 7% of the lead service lines identified in the materials evaluation.

(C) The initial number of lead service lines in its distribution system and the portions owned by the system based on a materials evaluation, including the evaluation required under § 109.1103(g) and relevant legal authorities regarding the portion owned by the system.

(ii) For a system which is conducting lead service line replacement, the water supplier shall notify the Department in writing that the system has replaced at least 7% of the lead service lines identified in the materials evaluation, or that the results of lead sampling from individual lines scheduled for replacement do not exceed 0.015 mg/L. The notification shall be given by the end of each year of lead service line replacement and contain the following information:

(A) The name, address and public water system identification number of the public water system.

(B) The number of lead service lines scheduled for replacement during the previous year.

(C) The number and location of lead service lines actually replaced during the year.

(D) The date, location, the results of this sampling and method of sampling used, if lead service line sampling is completed in individual lead service lines.

(7) *Record maintenance.* The water supplier shall retain on the premises of the system or at a convenient location near the premises the following:

(i) Records of all monitoring results, which shall be kept for at least 12 years.

(ii) A copy of a current sample site location plan, which shall be kept for the life of the facility.

(iii) Copies of written correspondence with the Department relating to lead service line replacement, which shall be kept for at least 12 years after the completion of the replacement of applicable lead service lines.

(iv) Copies of written correspondence with the Department relating to the implementation of a public education program, which shall be kept for at least 12 years after the completion of the public education program.

(v) Copies of written correspondence with the Department relating to permitting, construction and operation of corrosion control treatment, including source water treatment, if applicable, which shall be kept for at least 12 years.

(vi) Plans, specifications and permits for water system facilities, which shall be kept for the life of the facility.

\* \* \* \* \*

(d) *Lead service line replacement.*

(1) *Initiation of lead service line replacement.* A system that exceeds the lead action level when conducting lead and copper tap monitoring in accordance with § 109.1103(c)(1) or (d)(1) after construction or modification of corrosion control treatment facilities shall initiate lead service line replacement. The first year of lead service line replacement begins on the first day following the end of the monitoring period in which the action level was exceeded. If monitoring is required annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which sampling occurred. If the Department has designated an alternate monitoring period in writing, the end of the monitoring period is the last day of the designated alternate monitoring period.

(2) *Replacement schedule.* The water supplier shall replace annually at least 7% of the initial number of lead service lines in place at the beginning of the first year of replacement. The number of lead service lines shall be based on the materials evaluation conducted in accordance with § 109.1103(g)(1). The Department may require a system to replace lead service lines on a shorter schedule where, because of the number of lead service lines in the system, a shorter replacement schedule is feasible. The Department will notify the water supplier in writing within 6 months of the initiation of lead service line replacement of its decision to require a shorter replacement schedule.

(3) *Lead service line sampling.* The water supplier may sample an individual lead service line to determine whether the line is contributing sufficient lead to warrant its replacement. Lead service lines shall be sampled in accordance with § 109.1103(h)(5). The water supplier is not required to replace a lead service line if none of the lead concentrations in any service line samples from that line exceeds 0.015 mg/L.

(4) *Conditions of replacement.* The water supplier shall replace the portion of the lead service line that it owns. In cases where the system does not own the entire lead service line, the system shall notify the owner of the line, or the owner's authorized agent, that the system will replace the portion of the service line that the system owns and shall offer to replace the owner's portion of the line. A system is not required to replace the line if the owner refuses to pay for the cost of replacement of the privately owned portion of the line, or if any laws prohibit this replacement. A system that does not replace the entire length of service line shall complete the following tasks:

(i) The system shall provide notice to residents of all buildings served by the line at least 45 days prior to commencing partial line replacement. The Department may allow a shorter time period for notification in the case of emergency repairs. The notice must explain that residents may experience a temporary increase of lead levels in their drinking water, along with information on measures consumers can take to minimize their exposure to lead. Residents shall be informed that the system will, at the system's expense, collect a sample from each partially-replaced lead service line that is representative of the water in the service line for analysis of lead content in accordance with § 109.1103(h)(5) within 72 hours after the completion of the partial replacement of the service line.

(ii) The system shall collect the partial lead service line replacement sample and report the results of the analysis to the owner and the residents served by the line within 3 business days of receiving the results.

(iii) Information required under subparagraphs (i) and (ii) shall be provided by mail to the residents of individual dwellings. Systems have the option to post this information in a conspicuous location in those instances where multifamily dwellings are served by the line.

(5) *Discontinuation of lead service line replacement.* A water supplier may cease replacing lead service lines if the system meets the lead action level during two consecutive 6-month monitoring periods when conducting lead and copper tap monitoring. Thereafter, if the system exceeds the lead action level, the water supplier shall recommence replacing lead service lines in accordance with paragraph (6).

(6) *Resumption of lead service line replacement.* Water systems that resume a lead service line replacement

program shall update their lead service line inventory to include those sites that were previously excluded under paragraph (3). Systems shall divide the updated number of remaining lead service lines by the number of remaining years in the replacement program to determine the number that must be replaced each year. If the system has completed a 15-year lead service line replacement program, the Department will determine a schedule for replacing or retesting lead service lines that were previously tested out under the replacement program (when the system reexceeds the lead action level).

[Pa.B. Doc. No. 10-2400. Filed for public inspection December 17, 2010, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CHS. 121 AND 129 ]

### Flat Wood Paneling 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 flat wood paneling surface coating processes. The final-form rulemaking adds § 129.52c (relating to control of VOC emissions from flat wood paneling surface coating processes) and amends §§ 129.51 and 129.66 (relating to general; and compliance schedules and final compliance dates). The final-form rulemaking also amends § 121.1 (relating to definitions).

This order was adopted by the Board at its meeting on September 21, 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 through the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://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 flat wood paneling surface coating

processes. 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 (NO<sub>x</sub>) 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) 2006 Control Techniques Guidelines (CTG) for flat wood paneling 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, NO<sub>x</sub>, 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 necessary 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 parts per million (ppm) averaged over 8 hours. See 62 FR 38855 (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. This 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, on January 19, 2010, proposed 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 2011.

There are no Federal statutory or regulatory limits for VOC emissions from flat wood paneling surface coating processes. State regulations to control VOC emissions from flat wood paneling surface coating processes 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. See *Consumer and Commercial Products, Group II: Control Techniques Guidelines in Lieu of Regulations for Flexible Packaging Printing Materials, Lithographic Printing Materials, Letterpress Printing Materials, Industrial Cleaning Solvents, and Flat Wood Paneling Coatings*, 71 FR 58745, 58747 (October 5, 2006).

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 this Com-

monwealth, 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 "substantially as effective as regulations" in reducing emissions of VOC in ozone nonattainment areas.

In 1995, the EPA listed flat wood paneling coatings on its § 183(e) list and, in 2006, issued a CTG for flat wood paneling coatings. See 60 FR 15264 (March 23, 1995) and 71 FR 58745 (October 5, 2006). In the 2006 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 71 FR 58745.

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 2006 CTG for flat wood paneling coatings for their applicability to the ozone reduction measures necessary for this Commonwealth. The Department determined that the measures provided in the CTG for flat wood paneling 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 flat wood paneling surface coating processes 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 Citizens Advisory Council (CAC) on June 30, 2010, and the Small Business Compliance Advisory Committee (SBCAC) on July 28, 2010. Neither the CAC nor the SBCAC had concerns.

#### E. *Summary of Regulatory Requirements and Changes to the Proposed Rulemaking*

The final-form rulemaking adds definitions of the following terms to § 121.1 to support the addition of § 129.52c: "Class II hardboard paneling finish," "decora-



tive interior panel,” “engineered wood panel product,” “exterior siding,” “exterior trim,” “flat wood paneling coating,” “flat wood paneling product,” “hardboard,” “hardwood plywood,” “MDF—medium density fiberboard,” “natural-finish hardwood plywood panel,” “particleboard,” “premium interior wall paneling product,” “plywood,” “printed interior panel,” “thin particleboard,” “tileboard” and “waferboard.”

The final-form rulemaking amends § 129.51(a) to extend its coverage to flat wood paneling 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 adds § 129.52c to regulate VOC emissions from flat wood paneling 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 flat wood paneling surface coating process if the total actual VOC emissions from all flat wood paneling surface coating operations in Table I (relating to emission limits of VOCs for flat wood paneling surface coatings), including related cleaning activities, at the facility are equal to or greater than 15 pounds (6.8 kilograms) per day, before consideration of controls. Subsection (a) specifies that § 129.52c does not apply to the following: (1) field-applied coating processes, because these are regulated under Chapter 130, Subchapter C (relating to architectural and industrial maintenance coatings); coating processes regulated under §§ 129.101—129.107 (relating to wood furniture manufacturing operations); and (3) coating processes regulated under §§ 129.52(f) and 129.52, Table I, Category 11 (relating to surface coating processes; and wood furniture manufacturing operations).

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

Subsection (c) establishes VOC emission limits. The compliance date was changed based on the anticipated publication date of the final-form rulemaking. Beginning January 1, 2012, a person may not cause or permit the emission into the outdoor atmosphere of VOCs from a flat wood paneling surface coating process, unless one of two limitations is met. The first limitation is that the VOC content of each as applied coating is equal to or less than the limit specified in Table I in § 129.52c. The final-form rulemaking adds that the VOC content requirement of Table I for all materials used on a single process line may be met by using a daily, weighted-average approach. The final-form rulemaking includes an equation for calculating the weighted average. The second limitation is that 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). This limitation also addresses the overall efficiency of a control system, as determined through the use of the sampling and testing methods in Chapter 139 (relating to sampling and testing).

Subsection (d) identifies daily records that shall be kept to demonstrate compliance with § 129.52c, including records of 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.

Subsection (e) contains a change to the proposed recordkeeping and reporting requirements. 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, final-form § 129.52c(e) has been amended to clarify that records shall be submitted to the Department upon receipt of a written request.

Under subsection (f), an owner or operator subject to § 129.52c may not cause or permit the emission into the outdoor atmosphere of VOCs from the application of flat wood paneling surface coatings, unless the coatings are applied using the methods listed in this subsection, except that 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 approved in writing by the Department prior to use. Three coating application methods have been added to the list for clarity: airless spray coating, air-assisted airless spray coating and electrostatic coating. The other methods listed are rotogravure coating, curtain coating, direct roll coating, reverse roll coating, hand brush or hand roller coating, or high volume-low pressure spray coating.

Subsection (g) exempts coatings used exclusively for determining product quality and commercial acceptance and other small quantity coatings from the VOC coating content limits in § 129.52c, Table I, 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.

Subsection (h) establishes work practices that an owner or operator of a flat wood paneling surface coating process subject to § 129.52c shall comply with for coating-related activities.

Subsection (i) establishes work practices that an owner or operator of a flat wood paneling surface coating process subject to § 129.52c shall comply with for cleaning materials.

Table I establishes emission limits for VOCs for flat wood paneling surface coatings, expressed in weight of VOC per volume of coating solids, as applied.

This final-form rulemaking also amends § 129.66 to extend its coverage to this rulemaking and the two other recently published surface coating CTG rulemakings namely the large appliance and metal furniture surface coating processes final-form rulemaking published at 40 Pa.B. 5132 (September 11, 2010) and the paper, film and foil surface coating processes rulemaking published at 40 Pa.B. 6646 (November 20, 2010). The section will be similarly updated in later CTG rulemakings. Existing § 129.66 establishes a 1-year compliance date for owners or operators of a source newly subject to § 129.52, the existing surface coatings regulation, as a result of revised applicability requirements. The amendment in the final-form rulemaking is intended to ensure that this flexibility is extended to owners and operators of sources newly



subject to the expanding collection of surface coating regulations resulting from these CTG rulemakings. The amendment will allow compliance for sources newly subject to the requirements because of revised applicability requirements within 1 year or by the compliance date specified in the new regulation, whichever is later.

#### F. Summary of Major 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. 6061 (October 17, 2009). Three hearings were held on November 17, 19 and 20, 2009, in Harrisburg, Norristown and Pittsburgh, respectively. The public comment period closed on December 21, 2009.

Public comments were received from one commentator, CraftMaster Manufacturing, Inc. (CraftMaster). The Independent Regulatory Review Commission (IRRC) also provided comments.

#### Other regulatory programs

CraftMaster submitted several comments regarding concurrent applicability of the EPA's 2003 Wood Building Products (WBP) National Emission Standard for Hazardous Air Pollutants (NESHAP). The Board responds that the final-form rulemaking is based on the 2006 EPA CTG for Flat Wood Paneling Coatings; the WBP NESHAP does not guide or override this rulemaking, nor do the Maximum Available Control Technology (MACT), Best Available Technology (BAT) or the Commonwealth's New Source Review (NSR) programs. While there may be overlapping regulation of certain product subcategories, a facility's surface coating processes will be subject to the final-form rulemaking if the operation is for one of the product types that is defined in § 121.1 and has a limit set in § 129.52c, Table I. State regulations to control VOC emissions from flat wood paneling surface coating processes with RACT are required under the CAA. The EPA's WBP NESHAP is applicable only to major sources of hazardous air pollutants (HAP), and this final-form rulemaking is applicable to processes that have actual VOC emissions of 15 lbs/day or more from all flat wood paneling operations in Table I, including cleaning operations. Therefore, smaller facilities would be subject to the final-form rulemaking and, by reducing VOCs, may also be reducing a significant amount of HAPs.

CraftMaster also suggested that surface coating operations already subject to the MACT or BAT programs, or to the emissions offset provisions of the NSR program, should not be subject to the final-form rulemaking. The Board responds that MACT regulations are for controlling HAPs and VOCs that are HAPs, not for controlling all VOCs as precursors of ground-level ozone, as the final-form rulemaking does. With regard to BAT, surface coating operations that have been subject to BAT may also meet the requirements of the final-form rulemaking because the BAT determined at the time of the review may be as stringent as, or more stringent than, the requirements of this final-form rulemaking. However, if the BAT is less stringent than the requirements of this final-form rulemaking, the surface coating operation must comply with the more stringent requirements. With regard to NSR, the EPA accepts the Commonwealth's BAT determinations and recent NSR applicability determinations as fulfillment of RACT for facilities that are not covered by a CTG, for which controls are installed after December 9, 1997 (62 FR 64722), the date that the EPA approved the Department's NSR program, because this date draws the line between an existing source subject to RACT and a new source subject to NSR.

#### VOC content limit

CraftMaster commented that the "as applied" VOC limit in Table I should be applicable to an entire surface coating operation or category of Flat Wood Paneling Product processed on a surface coating operation, on a weighted-average basis of all coatings applied, rather than to each individual coating. The Board agrees that the weighted-average approach is acceptable. The final-form rulemaking has been revised to add a provision in § 129.52c(c)(1) that allows for calculating a daily weighted average within a single surface coating process line. Also, demonstrating equivalency with the requirements in § 129.52c is allowed under § 129.51(a) in the final-form rulemaking. This weighted-average approach could be specified in a plan approval application and memorialized in a permit under the equivalency provision if a company desires to proceed in that fashion and obtains permit approval.

CraftMaster commented that a facility should be able to use "as purchased" VOC data instead of calculating "as applied" data to demonstrate compliance with the VOC content limits of Table I. Calculation of "as applied" should be limited to a situation where one or more components of a blend are not a "complying coating" on its own. The Board agrees that "as purchased" VOC data can be used under specific circumstances instead of "as applied" data. If there is no thinning or mixing of additional regulated VOCs with the "as purchased" material, but only blending of two or more compliant coatings (each less than 2.9 lbs VOC/gal coating solids), the company could make a statement in its recordkeeping documents to this effect and not provide additional calculations. However, if mixing of thinners or other noncompliant VOC-containing coatings with the "as purchased" material occurs, the "as applied" coating content must be calculated. The Department reserves its right, of course, to sample a coating, even if the company has provided a written statement that the coating is compliant as mixed.

#### Recordkeeping

Both CraftMaster and IRRC commented on the daily recordkeeping requirement. CraftMaster stated that it is an unnecessary burden with no known benefit and that the company should be allowed to continue on its monthly recordkeeping basis. IRRC requested that the Board explain the basis and need for requiring daily recordkeeping. Both commented on the cost of daily recordkeeping. The Board disagrees with the commentators' comments regarding recordkeeping. The Board is requiring daily recordkeeping because the applicability for the final-form rulemaking is based on emissions equal to or greater than 15 lbs/day of VOC before control. Therefore, to demonstrate inclusion or exemption from the regulation, and to enable the Department to ascertain compliance at any time, daily records must be kept. Furthermore, since daily records will be necessary to satisfy the requirements for monthly records, the recordkeeping burden should be minimal. The Board disagrees that there are any additional costs associated with daily recordkeeping.

IRRC commented that subsection (e) is unclear as to what format the records should be maintained, and that this should be clarified in the final-form rulemaking. The Board respectfully disagrees. Requiring regulated facilities to maintain records is a standard requirement. This requirement is found in many Board-approved regulations, including § 129.52(g), for instance. The owners and operators of regulated sources have not had difficulty understanding or complying with this requirement. No

changes have been made to the final-form rulemaking concerning format in response to this comment.

IRRC commented that the Board should clarify whether submission of the records required under § 129.52c(e) will be requested by the Department in writing or orally. Final-form § 129.52c(e) has been revised to specify that the records shall be submitted to the Department upon receipt of a written request.

#### *Compliance methods and related costs*

CraftMaster stated that airless sprays are used in many instances and that, therefore, the requirements regarding coating application methods should be removed. IRRC requested that the Board consider adding airless sprays to the list of acceptable coating application methods. The Board agrees that airless sprays can be used for flat wood paneling surface coating processes. The proposed rulemaking would have allowed other coating application methods to be approved under § 129.52c(f)(7) with written requests, if the method would achieve an equivalent or better transfer efficiency than those in paragraphs (1)—(6); however, for ease of permitting and enforcement, the Board added airless, air-assisted airless and electrostatic coating methods to § 129.52c(f) in the final-form rulemaking.

CraftMaster estimated that for one surface coating operation the capital costs to install a regenerative thermal oxidizer (RTO) control device would be \$3.46 million, with annual costs of \$1.51 million. CraftMaster commented that the cost per ton of VOCs controlled is \$43,000, which they state is far greater than any known RACT cost-effectiveness criteria and that NOx emissions associated with operating the RTO are estimated at 4.7 tons per year. IRRC asked that the Board address in the preamble to the final-form rulemaking the fiscal impact concerns raised by CraftMaster. The Board appreciates the work CraftMaster staff undertook to determine the exact cost of installation of a control device. The 2006 flat wood paneling CTG does not address costs for RTOs or other add-on control devices, only costs for lower VOC-content coatings. The estimated annual cost for the owners or operators of CraftMaster for changing the company's noncomplying interior flat wood paneling coating operations over to compliant material would be \$10,070 (5.3 tons VOC emissions reduced x \$1,900/ton), using the emission reductions provided by CraftMaster in its comment letter and costs provided by the EPA in the CTG. The final-form rulemaking allows, but does not require, the installation of an add-on control device to meet the emission limitations. It is a facility owner or operator's choice whether to use compliant coatings or add-on controls. Compliant coatings are available. The Board notes that if CraftMaster should average the VOC contents of all materials used within a single surface coating process line, the facility might not have any noncompliant surface coating lines and no additional emission reductions would be required at the facility.

CraftMaster commented that the requirement to fully enclose coatings, coating-related wastes and coating-related clean-up materials handling systems should not be applicable in all instances. CraftMaster asserts that it is not technically feasible or cost effective to enclose materials when coatings are water-based "complying coatings," the cleaning material is limited to water and wastes are treated onsite. IRRC commented that the Board should explain why it is necessary to fully enclose all coatings and coating-related waste materials. The Board is not requiring a facility owner or operator to fully enclose all coatings, coating-related wastes and coating-

related clean-up materials handling systems. Neither the proposed nor the final-form rulemaking requires this. The requirements are as follows: (1) store VOC-containing materials in closed containers; (2) minimize spills of VOC-containing materials and clean up spills immediately; (3) convey VOC-containing materials from one location to another in closed pipes or containers; (4) ensure that mixing and storage containers used for VOC-containing materials are kept closed at all times, except when depositing or removing these materials; and (5) minimize VOC emissions during cleaning of storage, mixing and conveying equipment. The work practice requirements for coating-related activities and for cleaning materials in the final-form rulemaking are taken from the 2006 CTG. The Board does not anticipate increased cost due to the implementation of work practice standards for cleaning materials. The implementation of the work practices 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 or waste. The EPA did not estimate any costs associated with work practice standards in the CTG. On page 7 of the CTG, the EPA states: "To provide structure and consistency to their work practices, facilities can develop and implement a work practice plan. *The work practice plan is a proven and traditional approach for cleaning that is easily adopted and managed by various industries, including flat wood paneling coatings.*" (Emphasis added.)

#### *Definitions*

IRRC commented on the second sentences in the definitions of the terms "decorative interior panel," "exterior siding" and "exterior trim." IRRC stated that these sentences contained nonregulatory language and would be more appropriate in the preamble to the final-form rulemaking than in the definition. The Board respectfully disagrees. The sentences provide useful information that will help the regulated community, environmental community and Department staff be better able to identify the type of product they are dealing with. No changes were made to the final-form rulemaking as a result of this comment.

IRRC commented on the definitions of "MDF—medium density fiberboard," which contains the phrase "engineered wood panel product," and "tileboard," which contains the phrase "premium interior wall paneling product." IRRC recommended that the Board define these terms in the final-form rulemaking to improve clarity. The Board agrees and amended final-form § 121.1 to include definitions for these terms.

#### *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 HAP emissions, which are also a serious health threat.

The final-form rulemaking provides as one compliance option that inks, coatings and adhesives used on or applied to flat wood paneling 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 flat wood paneling 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.

The EPA estimates that implementation of the recommended control options for noncomplying flat wood paneling surface coating processes will result in additional reductions of VOC emissions of approximately 20% for interior flat wood paneling coating processes and 80% for exterior siding processes.

In this Commonwealth, approximately ten flat wood paneling surface coating operations combined to emit an estimated total of 248 tons of VOCs in 2009. The highest emitting of these facilities indicated in its comments on the proposed rulemaking that it potentially has five flat wood paneling surface coating operations subject to the regulation that emitted 99.4 tons of VOC in 2008. This company also reported 78 tons of VOCs to the Department in 2009. The remaining nine facilities emitted a total of 26 tons of VOCs in 2009. This highest-emitting facility indicated that its anticipated reductions from possibly noncomplying surface coating operations would range from 5.3 to 9 tons per year. Should this company average the VOC contents within a single surface coating process line, the facility might not have any noncompliant surface coating process lines and no additional emission reductions would be required at the facility. Based upon that assumption, and assuming all emissions at the remaining nine facilities are from noncomplying flat wood paneling surface coating processes, the maximum anticipated additional annual VOC emission reductions as a result of this final-form rulemaking are approximately 5 tons (26 tons  $\times$  20%) if all subject processes are for interior paneling to 21 tons (26 tons  $\times$  80%) if all subject processes are for exterior siding.

#### *Compliance Costs*

The costs of complying with the new requirements in the final-form rulemaking include the cost of using alternative product formulations, including low VOC-content or water-based inks, coatings and adhesives, and low VOC-content or water-based cleanup solvent products, and the cost of using add-on controls. Based on information provided by the EPA in the CTG, the cost effectiveness of reducing VOC emissions from flat wood paneling surface coating processes is estimated to range from \$1,900 for interior paneling coating processes to \$2,600 for exterior siding coating processes per additional ton of VOC emissions reduced. This range is based on the use of low VOC-content coatings for control.

The total estimated anticipated annual costs to noncomplying facilities ranges from \$9,500 (5 tons VOC emissions reduced  $\times$  \$1,900/ton reduced) to \$54,600 (21 tons VOC emissions reduced  $\times$  \$2,600/ton reduced). These costs are negligible compared to the improved public health and environmental benefits that will be gained from this measure.

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 new 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 flat wood paneling surface coating processes 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 shall be maintained for at least 2 years and, in some cases, 5 years and be 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 specified in Chapter 139.

#### *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 the owners and operators of facilities that permanently achieve or move beyond compliance. This final-form rulemaking incorporates 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 flat wood paneling 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 flat wood paneling 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 flat wood paneling 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 6, 2009, the Department submitted a copy of the notice of proposed rulemaking, published at 39 Pa.B. 6061, 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 November 3, 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 November 4, 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. 6061.

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

(5) These regulations are 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 129.66, and adding § 129.52c to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(Editor's Note: The amendment of § 129.66 was not included in the proposed rulemaking published at 39 Pa.B. 6061.)

(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 House and Senate 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. 6752 (November 20, 2010).)

Fiscal Note: Fiscal Note 7-447 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:

\* \* \* \* \*

*Class II hardboard paneling finish*—A finish that meets the specifications of Voluntary Product Standard PS-59-73 as approved by the American National Standards Institute.

\* \* \* \* \*

*Decorative interior panel*—Interior wall paneling that is usually grooved, frequently embossed and sometimes grain printed to resemble various wood species. Interior panels are typically manufactured at the same facilities as tileboard, although in much smaller quantities. The substrate can be hardboard, plywood, MDF or particleboard.

\* \* \* \* \*

*Engineered wood panel product*—A derivative wood product that is manufactured by binding together the strands, particles, fibers or veneers of wood with adhesives, resins, other coatings or additives, or a combination of these, to form a composite material. The manufacturing process may also use heat or pressure, or both, to form the product. The product is manufactured to precise design specifications which are tested to meet National or international standards.

\* \* \* \* \*

*Exterior siding*—

(i) Siding made of solid wood, hardboard or waferboard. Siding made of solid wood or hardboard is typically primed at the manufacturing facility and finished in the field, although some finishing may be performed during manufacturing.

(ii) The term includes exterior trim.

*Exterior trim*—Material made out of siding panels and used for edges and corners around the siding. Exterior trim is typically manufactured at the same facility as exterior siding and coated with the same coatings as siding.

\* \* \* \* \*



CHAPTER 129. STANDARDS FOR SOURCES  
SOURCES OF VOCs

§ 129.51. General.

(a) *Equivalency.* Compliance with §§ 129.52, 129.52a, 129.52b, 129.52c 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, 129.52c, 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, § 129.52c, § 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 shall 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.

§ 129.52c. Control of VOC emissions from flat wood paneling surface coating processes.

(a) *Applicability.* Except as specified in paragraphs (1)—(3), this section applies to the owner and operator of a flat wood paneling surface coating process if the total actual VOC emissions from all flat wood paneling surface coating operations listed in Table I (relating to emission

*Flat wood paneling coating*—A protective, decorative or functional material applied to a flat wood paneling product, including a decorative interior panel, exterior siding or tileboard.

\* \* \* \* \*

*Hardboard*—A panel manufactured primarily from interfelted lignocellulosic fibers that are consolidated under heat and pressure in a hot-press.

*Hardwood plywood*—Plywood on which the surface layer is a veneer of hardwood.

\* \* \* \* \*

*MDF—Medium density fiberboard*—An engineered wood panel product manufactured from individual wood fibers combined with wax and resin and consolidated under extreme heat and pressure.

\* \* \* \* \*

*Natural-finish hardwood plywood panel*—A panel on which the original grain pattern is enhanced by an essentially transparent finish frequently supplemented by filler and toner.

\* \* \* \* \*

*Particleboard*—A manufactured board made of individual wood particles that have been coated with a binder and formed into flat sheets by pressure.

\* \* \* \* \*

*Premium interior wall paneling product*—A product that has more stringent product performance requirements (namely, adhesion and hardness standards; and household stain, scrub and moisture resistance, while maintaining a relatively smooth appearance) compared to standard interior wall paneling.

\* \* \* \* \*

*Plywood*—A structural material made of layers of laminated plies of veneers or layers of wood glued together, usually with the grains of adjoining layers at right angles to each other.

\* \* \* \* \*

*Printed interior panel*—A panel on which the grain or natural surface is obscured by filler and basecoat upon which a simulated grain or decorative pattern is printed.

\* \* \* \* \*

*Thin particleboard*—Particleboard that has a thickness of 1/4 inch or less.

\* \* \* \* \*

*Tileboard*—A premium interior wall paneling product made of hardboard that is used in high moisture areas of the home, including kitchens and bathrooms, and which meets the specifications for Class I hardboard approved by the American National Standards Institute.

\* \* \* \* \*

*Waferboard*—A structural material made from rectangular wood flakes of controlled length and thickness bonded together with waterproof phenolic resin under extreme heat and pressure. The layers of flakes are not oriented.

\* \* \* \* \*

limits of VOCs for flat wood paneling surface coatings), including related cleaning activities, at the facility are equal to or greater than 15 pounds (6.8 kilograms) per day, before consideration of controls. This section does not apply to the following:

(1) A field-applied coating process. Field-applied coatings are regulated under Chapter 130, Subchapter C (relating to architectural and industrial maintenance coatings).

(2) A coating process regulated under §§ 129.101—129.107 (relating to wood furniture manufacturing operations).

(3) A coating process regulated under §§ 129.52(f) and 129.52, Table I, Category 11 (relating to surface coating processes; and wood furniture manufacturing operations).

(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 flat wood paneling 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 this section may not cause or permit the emission into the outdoor atmosphere of VOCs from a flat wood paneling 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.

(i) The VOC content of each 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.

(ii) The VOC content limits in Table I may be met by calculating a weighted average of the VOC content of all coatings used on a single flat wood paneling surface coating process line each day. The daily weighted average shall be calculated using the following equation:

$$\text{VOC}_w = \frac{\sum_{i=1}^n C_i V_i}{V_t}$$

Where:

$\text{VOC}_w$  = The daily weighted average VOC content, as applied, of all coatings used on a single flat wood paneling surface coating process line, in lb VOC/gal of coating solids.

$n$  = The number of different coatings used each day on the single flat wood paneling surface coating process line.

$V_i$  = The volume solids for each coating, as applied, used each day on the single flat wood paneling surface coating process line, in gallons.

$C_i$  = The VOC content of each coating, as applied, used each day on the single flat wood paneling surface coating process line, in lb VOC/gal coating solids.

$V_t$  = The total volume of solids for all coatings combined, as applied, used each day on the single flat wood paneling surface coating process line, in gallons.

(iii) 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 oxidation or solvent recovery 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 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/gal of coating solids.

$E$  = The Table I 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 with this section. The owner or operator shall maintain daily records of:

(1) The following parameters for each coating, thinner, other component or cleaning solvent as supplied:

(i) Name and identification number of the coating, thinner, other 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) Volume percent of solids for each coating used in the flat wood paneling coating process.

(vii) VOC content.

(2) 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 this section may not cause or permit the emission into the outdoor atmosphere of VOCs from a flat wood paneling surface coating process unless the coatings are applied using one or more of the following coating application methods:

(1) Offset rotogravure coating.

(2) Curtain coating.

- (3) Direct roll coating.
- (4) Reverse roll coating.
- (5) Hand brush or hand roller coating.
- (6) High volume-low pressure (HVLP) spray coating.
- (7) Airless spray coating.
- (8) Air-assisted airless spray coating.
- (9) Electrostatic coating.
- (10) Other coating application method, if approved in writing by the Department prior to use.

(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)—(9).

(ii) The request for approval must be submitted in writing.

(g) *Exempt coatings.* The VOC coating content standards in Table I 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 coating-related activities.* The owner or operator of a flat wood paneling surface coating process subject to this section shall comply with the following work practices for coating-related activities:

(1) Store all VOC-containing coatings, thinners and coating-related waste materials in closed containers.

(2) Minimize spills of VOC-containing coatings, thinners and coating-related waste materials and clean up spills immediately.

(3) Convey VOC-containing coatings, thinners and coating-related waste materials from one location to another in closed containers or pipes.

(4) Ensure that mixing and storage containers used for VOC-containing coatings, thinners and coating-related waste materials are kept closed at all times, except when depositing or removing these materials.

(i) *Work practice requirements for cleaning materials.* The owner or operator of a flat wood paneling surface coating process subject to this section shall comply with the following work practices for cleaning materials:

(1) Store all VOC-containing cleaning materials, waste cleaning materials and used shop towels in closed containers.

(2) Minimize spills of VOC-containing cleaning materials and waste cleaning materials and clean up spills immediately.

(3) Convey VOC-containing cleaning materials and waste cleaning materials from one location to another in closed containers or pipes.

(4) Ensure that mixing vessels and storage containers used for VOC-containing cleaning materials and waste cleaning materials are kept closed at all times, except when depositing or removing these materials.

(5) Minimize VOC emissions during cleaning of storage, mixing and conveying equipment.

**Table I**  
**Emission Limits of VOCs for Flat Wood Paneling Surface Coatings**  
**Weight of VOC per Volume of Coating Solids, as Applied**

<i>Surface Coatings, Inks or Adhesives Applied to the Following Flat Wood Paneling Categories</i>	<i>lbs VOC per gallon coating solids</i>	<i>grams VOC per liter coating solids</i>
Printed interior panels made of hardwood plywood or thin particleboard	2.9	350
Natural-finish hardwood plywood panels	2.9	350
Class II finishes on hardboard panels	2.9	350
Tileboard	2.9	350
Exterior siding	2.9	350

**§ 129.66. Compliance schedules and final compliance dates.**

The owner or operator of a source newly subject to the requirements of §§ 129.52—129.52c, §§ 129.59—129.61 or §§ 129.67—129.69 as a result of revised applicability requirements of this title relating to the control of VOC shall achieve compliance with the applicable emission limitations within 1 year of the date of publication of the notice of final adoption of this requirement in the *Pennsylvania Bulletin*. Newly subject sources or facilities are those which were not subject to the emission limitations because they emitted less than the cutoff levels or operated at de minimis production levels prior to the date of publication of the limitation in the *Pennsylvania Bulletin*, but are now subject to the standard because they meet or exceed the cutoff levels contained in § 129.52(a), § 129.52a(a), § 129.52b(a), § 129.52c(a) or § 129.69. The date of adoption of the applicable emission standard for these previously unregulated sources will be determined to be the date that the applicable cutoff levels contained in § 129.52, § 129.52a, § 129.52b, § 129.52c or § 129.69 are published in the *Pennsylvania Bulletin*.

[Pa.B. Doc. No. 10-2401. Filed for public inspection December 17, 2010, 9:00 a.m.]

**Title 58—RECREATION**

**FISH AND BOAT COMMISSION**

**[ 58 PA. CODE CHS. 61 AND 69 ]**

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

The Fish and Boat Commission (Commission) amends Chapters 61 and 69 (relating to seasons, sizes and creel limits; and fishing in Lake Erie and boundary lakes). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

**A. Effective Date**

The final-form rulemaking will go into effect on January 1, 2011.



### B. Contact Person

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

### C. Statutory Authority

The amendments to §§ 61.1—61.3 and 69.12 are published under the statutory authority of section 2102 of the code (relating to rules and regulations).

### D. Purpose and Background

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

### E. Summary of Changes

Because mussels, sometimes referred to as clams in slang, have declined greatly in their populations and their ranges both Nationally and within this Commonwealth, the conservation of mussels faces many challenges. Nearly 82% (54 species) of the native mussels in this Commonwealth are considered endangered, extirpated or of special concern (PABS, 2008). Nationally, mussels are declining; 70% of the 297 native species have an endangered, threatened, special concern or extinct status (Williams and Neves, 1995).

Under §§ 61.1(d), 61.2(d) and 69.12 (relating to Commonwealth inland waters; Delaware River, West Branch Delaware River and River Estuary; and seasons, sizes and creel limits—Lake Erie and Lake Erie tributaries), harvest of up to 50 fish bait is permitted per day with no seasons or size limits. Inland seasons, sizes and creel limits for fish bait apply to the Susquehanna River and Lehigh River under §§ 61.7 and 61.8 (relating to Susquehanna River and tributaries; and Lehigh River, Schuylkill River and tributaries). Under § 61.3(c) (relating to Pymatuning Reservoir), there are no season, size or creel restrictions on fish bait. Section 102 of the code (relating to definitions) defines "fish bait" as "Unless otherwise provided by commission regulation, crayfish or crabs, mussels, clams and the nymphs, larvae and pupae of all insects spending any part of their life cycle in the water."

Harvest of endangered and threatened mussels is prohibited under §§ 75.1 and 75.2 (relating to endangered species; and threatened species). Since mussels as a group are severely threatened, additional reduction of mussel populations by harvest as fish bait should be prohibited. Specifically, with the existing laws, the Commission is concerned that:

(1) Rare species will be harvested because they are difficult to identify correctly. Unless mussels are prohibited from bait use, anglers or other collectors could inadvertently collect rare or protected species. Additionally, enforcement of laws prohibiting harvest of protected species will not be effective if the Commission's waterways conservation officers are not well trained in the identification of mussels.

(2) Commercial pressure for mussel harvest for the pearl industry could decimate populations. Mussel shells are collected and pieces of nacre are used to seed pearl-producing oysters. At this time, a commercial harvester can legally take large quantities of mussels, removing many thousands of pounds of mussels a year. With a legal limit of 50 mussels per day and no season, 10

commercial collectors could legally take 500 mussels per day (182,500 mussels per year) as fishbait under existing Commission regulations. Commercial mussel poachers have been convicted for illegal harvest in West Virginia, Ohio, Illinois, Indiana, Michigan and in the southeastern United States. By prohibiting a legal possession limit of mussels as fishbait, the Commonwealth can better protect its mussel resource.

(3) The transportation of aquatic invasive mussels could result in the introduction to additional waterways. Discharged zebra mussel and quagga mussels used for bait present significant risk for invasive mussel infestation. Although it is unlawful to possess the exotic zebra mussel and the closely related quagga mussel, they may be inadvertently transported to otherwise uninfested waters as fishbait.

The Pennsylvania Biological Survey's Bivalve Subcommittee and the Mollusk Committee have requested that the current mussel harvest with a Pennsylvania fishing license be disallowed. Other states, such as West Virginia, Ohio, Maryland, New Jersey, New York, Indiana and Illinois, have laws making mussel harvest illegal.

For the previous reasons, the Commission proposed that the harvest of live mussels in this Commonwealth be prohibited by amending §§ 61.1—61.3. After the publication of the proposed rulemaking, however, the Commission discovered that § 69.12 was not among the sections proposed to be amended to prohibit the harvest of live mussels. This omission was inadvertent. Because the amendment of § 69.12 does not enlarge the original purpose of the proposed rulemaking (which is to protect declining populations of native mussels by prohibiting harvest on a Statewide basis), the Commission amends this section as set forth in Annex A. The Commission amends §§ 61.1—61.3 to read as set forth in the proposed rulemaking published at 40 Pa.B. 3669 (July 3, 2010).

### F. Paperwork

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

### G. Fiscal Impact

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will not impose new costs on the private sector or the general public, except to the degree there is commercial harvest of mussels in this Commonwealth.

### H. Public Involvement

Notice of proposed rulemaking was published at 40 Pa.B. 3669 (July 3, 2010). During the formal public comment period, the Commission received two comments supporting the proposed rulemaking. One of the commentators, however, noted that there are individuals who collect non-native species of *Corbicula* for consumption and who will be prohibited from doing so if the proposed amendments are adopted. Copies of all public comments were provided to the Commissioners.

### Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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



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

*Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 61 and 69, are amended by amending §§ 61.1—61.3 to read as set forth at 40 Pa.B. 3669 and by amending § 69.12 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Executive Director will submit this order, 40 Pa.B. 3669 and Annex A to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order, 40 Pa.B. 3669 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on January 1, 2011.

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-219 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart B. FISHING**

**CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES**

**Subchapter B. SPORT FISHING AND ANGLING**

**§ 69.12. Seasons, sizes and creel limits—Lake Erie and Lake Erie tributaries.**

\* \* \* \* \*

(f) Subject to the provisions of subsections (d) and (e), the following seasons, sizes and creel limits apply to Lake Erie, Lake Erie tributaries and Presque Isle Bay, including peninsula waters:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
MUSKELLUNGE and MUSKELLUNGE HYBRIDS	Inland seasons apply. See § 61.1 (relating to Commonwealth inland waters).	40 inches	1
PIKE Northern	Inland seasons apply. See § 61.1 (relating to Commonwealth inland waters).	24 inches	2
WALLEYE	January 1 to midnight March 15 and 12:01 a.m. the first Saturday in May to December 31.	15 inches	6
BASS Largemouth Smallmouth	January 1 to first Saturday after April 11 and first Saturday after June 11 until December 31.	15 inches	4 (combined species)
	First Saturday after April 11 until first Saturday after June 11.*	20 inches	1
TROUT and SALMON	First Saturday after April 11 until midnight Labor Day.	9 inches	5 (combined species only 2 of which may be lake trout).
	12:01 a.m. the day after Labor Day until midnight on the Friday before the first Saturday after April 11.	15 inches	3 (combined species only 2 of which may be lake trout).
STURGEON	No open season	ENDANGERED SPECIES	
YELLOW PERCH	From December 1 through March 31	7 inches	30
	From April 1 through November 30	None	30
SUNFISH, CRAPPIES, CATFISH, ROCK BASS, SUCKERS, EELS, CARP, WHITE BASS	Open year-round	None	50 (combined species)
BURBOT (when taken by hook and line)	Open year-round	None	5
BURBOT (when taken by scuba divers by use of nonmechanical spears or gigs at a depth of at least 60 feet)	June 1 to September 30	None	5
SMELT (when taken by hook and line)	Open year-round	None	None

## RULES AND REGULATIONS

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
BAIT FISH FISH BAIT, except mussels/clams	Open year-round	None	50 (combined species)
MUSSELS/CLAMS	Closed year-round		0
ALL OTHER SPECIES	Inland Regulations apply. (See § 61.1.)		

\* It is unlawful to conduct or participate in a fishing tournament (as defined in § 63.40 (relating to fishing tournaments and fishing derbies)) for bass on Lake Erie, Lake Erie tributaries or Presque Isle Bay during the period from the first Saturday after April 11 until the first Saturday after June 11.

[Pa.B. Doc. No. 10-2402. Filed for public inspection December 17, 2010, 9:00 a.m.]

# PROPOSED RULEMAKING

## FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 63 ]

### Fishing; General Fishing Regulations

The Fish and Boat Commission (Commission) proposes to amend Chapter 63 (relating to general fishing regulations) to read as set forth in Annex A. The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

#### A. Effective Date

The proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2012.

#### B. Contact Person

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

#### C. Statutory Authority

The proposed amendment to § 63.6 (relating to authorized devices for game fish, baitfish and fishbait) is published under the statutory authority of section 2102 of the code (relating to rules and regulations).

#### D. Purpose and Background

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

#### E. Summary of Proposal

Under § 63.6, no more than two lines may be used at one time when fishing, except while ice fishing under § 63.10 (relating to ice fishing). This restriction dates back to at least the 1930s. Recently, several anglers have expressed interest in having this regulation amended to allow for the use of three lines. Because harvest is primarily controlled through the use of season, size limit and creel limit regulations, a change in the number of devices from two to three should have little effect on managing the fisheries of this Commonwealth. Any concerns about this change are likely to be social. The Commission proposes that § 63.6 be amended to read as set forth in Annex A.

#### F. Paperwork

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

#### G. Fiscal Impact

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

#### H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within

60 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

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

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** 48A-224. No fiscal impact; (8) recommends adoption.

### Annex A

### TITLE 58. RECREATION

### PART II. FISH AND BOAT COMMISSION

### Subpart B. FISHING

### CHAPTER 63. GENERAL FISHING REGULATIONS

### § 63.6. Authorized devices for game fish, baitfish and fishbait.

(a) It is unlawful to fish for game fish with more than [ **two** ] **three** lines of any description, whether fished by rod or by hand, at one time except while ice fishing in accordance with § 63.10 (relating to ice fishing). No more than three hooks may be attached to line used in fishing for game fish. Rods, lines and hooks shall be under the immediate control of the person using them. A fishing device shall be deemed to be under the immediate control of the person using it if, when the terminal device (hook, bait or lure) is taken by a fish, the person using the device has direct control over it and it is not connected at that point to a casting or depth placement aid such as a casting boat or downrigger. Casting or depth placement aids such as downriggers or small remote controlled boats are not prohibited by this chapter.

(b) It is unlawful to fish for baitfish with more than [ **two** ] **three** lines of any description, whether fished by rod or by hand, at one time with not more than three hooks attached to each line; a dip-net or minnow seine not over 4 feet square or 4 feet in diameter, and a minnow trap, with not more than two openings, which may not exceed 1 inch in diameter. Rods, lines, hooks, nets and seines used in fishing for fishbait and baitfish shall be under the immediate control of the person using the same. For the purposes of this subpart, gizzard shad (*Dorosoma cepedianum*) 8 inches or less in length are considered baitfish.

\* \* \* \* \*

(d) It is unlawful to use more than [ **two** ] **three** lines at any time, except while ice fishing in accordance with § 63.10, when fishing for game fish, baitfish or both.

\* \* \* \* \*

[Pa.B. Doc. No. 10-2403. Filed for public inspection December 17, 2010, 9:00 a.m.]

[ 58 PA. CODE CH. 65 ]  
**Fishing; Special Fishing Regulations**

The Fish and Boat Commission (Commission) proposes to amend Chapter 65 (relating to special fishing regulations) to read as set forth in Annex A. The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

*A. Effective Date*

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

*B. Contact Person*

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

*C. Statutory Authority*

The proposed amendments to § 65.24 (relating to miscellaneous special regulations) are published under the statutory authority of section 2102 of the code (relating to rules and regulations).

*D. Purpose and Background*

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

*E. Summary of Proposal*

In recent years, annual Commission biological assessment catch rates of smallmouth bass in the lower Susquehanna River (below Sunbury, PA) and in the Juniata River have fallen below the catch rates of the middle to late 1990s. This has not been the case for other rivers or river reaches in this Commonwealth, including the West Branch of the Susquehanna River and the North Branch of the Susquehanna River. These decreases in catch rates have been attributed, in part, to decreases in young-of-year recruitment.

Historically, reductions in smallmouth bass young-of-year recruitment could be explained, in part, by late spring river discharge. High late spring discharges tend to lead to reduced densities of young smallmouth bass, whereas lower spring discharges tend to lead to higher densities of young in summer assessments. Since 2002, while this pattern continued on the North Branch of the Susquehanna River, recruitment on the mainstem has been consistently below average. Since 2005, the Commission has documented that low flows and relatively warm water temperatures have been associated with high incidences of *Columnaris* bacterial disease in young-of-year bass. *Columnaris* is a common soil bacterium that typically does not appear unless fish are under some type of stress. Studies conducted by the United States Geological Survey in 2008 and 2009 have documented that low stream flows and warmer water temperatures are associated with relatively low dissolved oxygen levels in near shore nursery habitat for young-of-year bass. These conditions are typically associated with relatively high plant growth and point to possible nutrient loading concerns. Work continues to identify the causes of low recruitment and disease, with immediate solutions challenging a broad spectrum of scientists from State and Federal resource management agencies.

Reduced densities of smallmouth bass are likely to continue until and unless survival of above average year classes persists through adulthood in the lower Susquehanna River and Juniata River. To preserve good quality fishing in the face of declining smallmouth bass abundance and provide for enhanced preservation of young fish recruiting to the population, the Commission proposes to amend § 65.24 to impose catch and release regulations on smallmouth and largemouth bass in portions of the Susquehanna River and Juniata River that are currently regulated under § 65.9 (relating to big bass special regulations). Tournaments will be prohibited during the bass spawning period in the spring. During the remainder of the year, catch-measure-immediate release tournaments only will be permitted. The proposed amendments will apply to all species of black bass residing in the Susquehanna and Juniata Rivers to remain consistent with the way that black bass historically have been managed in these rivers.

Preliminary modeling has demonstrated anticipated increases in smallmouth bass density (4 years of age or older) in association with these regulations of 15% or less in the near term versus no regulatory change. Although these anticipated changes are relatively small, the Commission believes that action is necessary now since improvements in recruitment indices in the lower Susquehanna and lower Juniata Rivers have not been evident and are impossible to forecast in advance.

The Commission remains steadfast in its commitment to improving and sustaining high quality black bass fishing in the Susquehanna drainage and throughout this Commonwealth. Commission staff will continue monitoring the abundance of all sizes of smallmouth bass and continue indexing production of young. The Commission may revisit these regulations in the future depending on the condition of the fishery.

The Commission proposes that § 65.24 be amended to read as set forth in Annex A. If adopted on final-form rulemaking, these amendments will go into effect upon publication in the *Pennsylvania Bulletin*, which likely will not occur until late spring of 2011. In the interim, it is important to preserve good quality fishing and to provide for enhanced preservation of young fish recruiting to the population. Accordingly, the Executive Director has exercised his authority under § 65.25 (relating to temporary changes to fishing regulations) to make these changes effective on January 1, 2011, by publication of a notice at 40 Pa.B. 6366 (October 30, 2010). These temporary modifications will go into effect on January 1, 2011, and will remain in effect until the Commission, by appropriate action, amends § 65.24.

*F. Paperwork*

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

*G. Fiscal Impact*

The proposed rulemaking will not have direct adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will not impose new direct costs on the general public. Some members of the private sector and regulated community have asserted that the proposed rulemaking will have a negative financial impact on bass fishing tournament organizers and bait and tackle merchants.

*H. Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed rule-



making to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 90 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not re-

ceived by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** 48A-223. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart B. FISHING**

**CHAPTER 65. SPECIAL FISHING REGULATIONS**

**§ 65.24. Miscellaneous special regulations.**

The following waters are subject to the following miscellaneous special regulations:

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
	* * * * *	
Cumberland, Dauphin, Juniata, Lancaster, Northumberland, Perry, Snyder, York	Susquehanna River (98.0 miles) from the inflatable dam near Sunbury downstream to Holtwood Dam	Bass (smallmouth and largemouth)—No harvest year-round—catch and immediate release only; From 12:01 a.m. the first Saturday after April 11 to 12:01 a.m. the first Saturday after June 11—No tournaments; Remainder of the year—Catch-measure-immediate release tournaments only
Dauphin, Juniata, Perry	Juniata River (31.7 miles) from SR0075 bridge at Port Royal downstream to the mouth	Bass (smallmouth and largemouth)—No harvest year-round—catch and immediate release only; From 12:01 a.m. the first Saturday after April 11 to 12:01 a.m. the first Saturday after June 11—No tournaments; Remainder of the year—Catch-measure-immediate release tournaments only
	* * * * *	

[Pa.B. Doc. No. 10-2404. Filed for public inspection December 17, 2010, 9:00 a.m.]

**[ 58 PA. CODE CHS. 53, 95 AND 111 ]**  
**General Provisions and Boating**

The Fish and Boat Commission (Commission) proposes to amend Chapters 53, 95 and 111 (relating to Commission property; manufacturer installed equipment; and special regulations counties) to read as set forth in Annex A. The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed amendments modify and update the Commission's boating regulations.

**A. Effective Date**

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

**B. Contact Person**

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

**C. Statutory Authority**

The proposed amendment to § 53.16 (relating to special use) is published under the statutory authority of section 741 of the code (relating to control of property). The proposed amendment to § 95.3 (relating to lights for boats) is published under the statutory authority of section 5123 of the code (relating to general boating regulations). The proposed addition of § 111.16 (relating to Clarion County) and the proposed amendment to § 111.20 (relating to Crawford County) are published under the statutory authority of section 5124 of the code (relating to particular areas of water).

**D. Purpose and Background**

The proposed rulemaking is designed to improve, enhance and update the Commission's administrative and boating regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposal. On June 15, 2010, the Commission's Boating Advisory Board considered each of the proposals and recommended that the Commission approve the publication of a notice of proposed rulemaking containing the amendments.

### E. Summary of Proposal

(1) Section 53.16 currently restricts the number of watercraft that may be launched or retrieved by livery operators at a Commission access to eight watercraft or less in a 1-hour period except with the advance written approval of the Commission's Executive Director. Livery operators typically introduce new boaters to recreational boating and routinely provide new and existing boaters with safety instruction. The Commission therefore proposes that this section be amended to allow less restrictive use of its accesses by livery operators and their customers. The Commission does not anticipate that user conflicts will result from this change. The Commission therefore proposes that § 53.16 be amended to read as set forth in Annex A.

(2) Section 95.3 currently provides boaters with detailed information on the requirements for types, configurations and locations of navigation lights on boats. Section 95.3(a) states, in part, that "A boat from sunset to sunrise and during periods of restricted visibility shall carry and exhibit the lights prescribed by the Inland Navigation Rules. . . ." Inland Navigation Rule 20, Part C—Lights and Shapes states that "The rules concerning lights shall be complied with from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for the lights specified in these Rules do not impair their visibility or distinctive character, or interfere with the keeping of a proper look-out."

Many boaters assume that docking lights may be used while a vessel is underway (when lights are required). Since docking lights can easily be mistaken for stern lights or all-round white lights, docking lights may not be displayed while a vessel is underway. However, it is clear that there is a need for boaters to use docking lights to safely approach a dock, a mooring buoy or even the shoreline. The Commission proposes that the existing section be modified to clarify when it is illegal to use docking lights. The Commission proposes that § 95.3 be amended to read as set forth in Annex A.

(3) The Commission proposes creating a slow, no-wake zone for just over 2 miles at the very uppermost limit to power boating and skiing activities created by the Piney Dam on the Clarion River. The Commission received input from anglers that boats have been traveling at high speeds through the indicated section of the Clarion River causing problems with angling on this narrow section. Parts of the Clarion River in this stretch are less than 200 feet across and, therefore, in essence, are already slow, no-wake. The Commission's Northwest Region Manager reports that the proposed area is upstream of the very uppermost limit to where unlimited horse power boating is appropriate. Proposed § 111.16 makes it clear to the boating public that this section is in fact slow, no-wake and makes enforcement of the restriction feasible by Commission law enforcement personnel. The Commission proposes that § 111.16 be added to read as set forth in Annex A.

(4) Section 111.20 currently prohibits the anchoring of boats in the area along the western shoreline of Conneaut Lake commonly referred to as the "sand bar" and further provides that the no anchor zone will extend along the shoreline to a line of buoys approximately 75 feet out from the end of the steel cribs at either end of the zone. Over the years there have been changes to the shoreline on Conneaut Lake. Waterways conservation officers are concerned about enforcing the existing regulation because the contours of the shoreline vary in the designated area

and the end parameters (steel cribs) referred to in the regulation are no longer visible or present. The Commission proposes that § 111.20 be amended to read as set forth in Annex A.

### F. Paperwork

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

### G. Fiscal Impact

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

### H. Public Comments

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

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

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** 48A-222. No fiscal impact; (8) recommends adoption.

## Annex A

### TITLE 58. RECREATION

#### PART II. FISH AND BOAT COMMISSION

##### Subpart A. GENERAL PROVISIONS

#### CHAPTER 53. COMMISSION PROPERTY

### § 53.16. Special use.

\* \* \* \* \*

(d) Commission-owned and -controlled access areas are for the use of the fishing and boating public and may not be converted to a commercial use that impairs free public use of the areas. [ **The Commission finds that the commercial practice of renting or loaning large numbers of watercraft, including boats, canoes, kayaks and other devices, for launching and retrieval at Commission access areas does impair general free public use of the public facilities. It is unlawful for a commercial enterprise to use Commission-owned or -controlled access areas for the launch or retrieval of more than eight watercraft rented, loaned or supplied from one source within a 1 hour period except with the advance written approval of the Executive Director. The commercial enterprise that rents, loans or otherwise provides watercraft for launch or retrieval at Commission-owned or -controlled access areas shall be responsible to ensure that the watercraft are not used in violation of this subsection. This subsection does not apply to persons who operate an authorized concession at Commission-owned or -controlled access areas. As used in this subsection, the term "commercial enterprise" means a business that rents or loans watercraft for consideration. ]**

Limited commercial use relating to fishing and boating that does not interfere with free public use of the access will be permitted subject to the following conditions:

(1) Boats launched or retrieved from Commission-owned and -controlled access areas must be currently registered or display current launch permit decals.

(2) The commercial enterprise may not interfere in any way with the free public use of the ramp, parking or other facilities at the access area.

(i) For Commission-owned and -controlled access areas with eight parking spaces or less, no more than one of the available parking spaces may be used by the commercial enterprise.

(ii) For Commission-owned and -controlled access areas with nine to 20 parking spaces, no more than three of the available parking spaces may be used by the commercial enterprise.

(iii) For Commission-owned and -controlled access areas of 21 parking spaces or more, no more than five of the available parking spaces may be used by the commercial enterprise.

(iv) Pretrip instructions provided by the commercial enterprise to its customers shall be conducted in an area at the access area away from the launch ramp so as to not interfere with other parties launching boats.

(3) The commercial enterprise shall yield at all times to other public users of the boat ramp when launching or retrieving boats.

(4) The use of a Commission-owned and -controlled access area shall be based on the facility in its current condition. The Commission will not add amenities or make improvements at the access based on increased commercial use of the access.

(5) This subsection does not apply to persons who operate an authorized concession at Commission-owned or -controlled access areas.

(6) This subsection does not apply to accesses on the upper Delaware River where Commercial Use Authorization Provisions for Guides are in force by the National Park Service.

(7) As used in this subsection, the term "commercial enterprise" means a business that rents or loans boats for consideration.

Subpart C. BOATING

CHAPTER 95. MANUFACTURER INSTALLED EQUIPMENT

§ 95.3. Lights for boats.

\* \* \* \* \*

(g) *Docking lights.* It is unlawful for a boat operator to use docking lights while underway except when docking and the boat is traveling at slow, no wake speed and is within 100 feet of approaching a dock, a mooring buoy or the shoreline. For purposes of this subsection, a docking light is a flood or spotlight type of light permanently installed or permanently mounted on a motorboat that is used to illuminate a boat's forward course of travel.

CHAPTER 111. SPECIAL REGULATIONS COUNTIES

§ 111.16. Clarion County.

*Clarion River.* Boats are limited to slow, no-wake speed from the mouth of McGourvey Run to the mouth of Blyson Run.

§ 111.20. Crawford County.

\* \* \* \* \*

(b) *Conneaut Lake.* The anchoring of boats is prohibited in the area along the western shoreline of the lake commonly referred to as the "sand bar." The no anchor zone will extend along the shoreline to a line of buoys [ approximately 75 feet out from the end of the steel cribs at either end of the zone ].

\* \* \* \* \*

[Pa.B. Doc. No. 10-2405. Filed for public inspection December 17, 2010, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Revision of Quarantine and Program Orders Relating to Plum Pox Virus

#### *Recitals*

A. The Plant Pest Act (act) (3 P.S. §§ 258.1—258.27) empowers the Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests in this Commonwealth.

B. The powers granted to the Department under section 21 of the act (3 P.S. § 258.21) include the power to establish quarantines to prevent the dissemination of plant pests within this Commonwealth.

C. Plum Pox Virus (PPV) is a serious plant pest, indigenous to Europe. It injures and damages stone fruits such as peaches, nectarines, plums and apricots by drastically reducing the fruit yields from these stone fruit trees and by disfiguring the fruit to the point that it is unmarketable.

D. PPV has the potential to cause serious damage to the stone fruit production industry within this Commonwealth. It is transmitted from infected trees by aphids and by budding or grafting and can be spread into new areas by movement of infected nursery stock. The movement of PPV-infected fruit trees poses a danger to stone fruit trees in noninfected areas. There is no known control for PPV other than destruction of infected trees.

E. Since 1999, the Department has issued a series of orders addressing the presence of PPV in several townships and boroughs. The orders established quarantines and programs relating to the detection, containment and eradication of PPV.

F. By Quarantine Order of January 5, 2005, published at 35 Pa.B. 552 (January 22, 2005), Monaghan Township, York County, was made subject to a PPV-related Nursery Quarantine, which applied to all sellers and propagators of PPV-susceptible plant stock within that township.

G. By Order of October 22, 2007, published at 37 Pa.B. 5902 (November 3, 2007), the Department rescinded a broader PPV-related quarantine with respect to Monaghan Township. In the 3-plus years since that General Quarantine was rescinded, the Department has conducted monitoring surveys within Monaghan Township and has not detected PPV. In light of this, the Department believes it is appropriate to rescind the remaining PPV-related Nursery Quarantine with respect to that Township.

H. The Department believes it is reasonable to: (1) revise the PPV Nursery Quarantine restrictions established in previous orders to release Monaghan Township, York County, from these restrictions; (2) confirm those areas that remain under PPV Nursery Quarantines; and (3) provide a single reference to the various programs that remain in effect to help address PPV.

#### *Order*

Under authority of section 21 of the act, and with the foregoing recitals incorporated herein, the Department hereby orders the following:

1. Monaghan Township, York County, is hereby released from the PPV Nursery Quarantine Area established by Order of January 5, 2005, published at 35 Pa.B. 552.

2. The following areas remain within the referenced PPV Nursery Quarantine Area:

#### *In Adams County*

- That portion of Menallen Township described in the Order of November 9, 2005, published at 35 Pa.B. 6543 (December 3, 2005), establishing the PPV Nursery Quarantine Area.

- That portion of Franklin Township described in the Order of September 21, 2006, published at 36 Pa.B. 6108 (October 7, 2006), adding that land to the PPV Nursery Quarantine Area.

#### *In Cumberland County*

- That portion of South Middleton Township, located to the north of State Highway 174, as described in the Order of October 22, 2007, published at 37 Pa.B. 5902, adding that land to the PPV Nursery Quarantine Area.

3. The Department provides notice that the following PPV-related programs remain in effect:

The Commercial Orchard and Fruit Tree Nursery Indemnity Program, as established by Order of January 1, 2000, published at 30 Pa.B. 48 (January 1, 2000).

The Plum Pox Virus Commercial Orchard Fruit Tree Indemnity Program, as established by Order of August 5, 2000, published at 30 Pa.B. 4014 (August 5, 2000), as amended by subsequent Orders.

The Plum Pox Virus Commercial Nursery Fruit Tree Indemnity Program, as established by Order of September 9, 2000, published at 30 Pa.B. 4737 (September 9, 2000), as amended by subsequent Orders.

The Plum Pox Virus Noncommercial Prunus Tree and Landscape Nursery Prunus Tree Indemnity Program, as established by Order of June 9, 2001, published at 31 Pa.B. 2936 (June 9, 2001).

The Plum Pox Virus Untended Stone Fruit Orchard Indemnity Program, as established by Order of January 4, 2003, published at 33 Pa.B. 41 (January 4, 2003), as amended by subsequent orders.

4. This quarantine is effective as of December 3, 2010, and shall remain in effect until terminated by subsequent order.

RUSSELL C. REDDING,  
*Secretary*

[Pa.B. Doc. No. 10-2406. Filed for public inspection December 17, 2010, 9:00 a.m.]



# DEPARTMENT OF BANKING

## Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending November 30, 2010.

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

### BANKING INSTITUTIONS

#### Interim Incorporations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
11-19-2010	FR Interim Savings Bank Plymouth Meeting Montgomery County  The purpose of FR Interim Savings Bank, Plymouth Meeting, was to facilitate the proposed merger of First Resource Bank, Exton, with and into Continental Bank, Plymouth Meeting.	Withdrawn

#### Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
11-23-2010	<i>From:</i> Cambria County Federal Savings & Loan Association Cresson Cambria County  <i>To:</i> Cresson Community Bank Cresson Cambria County  Application for approval to convert from a Federally-chartered mutual savings association to a Pennsylvania State-chartered mutual savings bank.	Filed
11-29-2010	<i>From:</i> Peoples National Bank Hallstead Susquehanna County  <i>To:</i> Peoples Neighborhood Bank Hallstead Susquehanna County  Application for approval to convert from a national banking association to a Pennsylvania State-chartered bank.	Approved

#### Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
11-30-2010	James Wang, individually; and James Wang, Ellen Ruth Kao Wang, Tony Yi Ping Wang, Michelle Yichun Yang, Elliot Hong Wai Wong, Josephine Wang, Aubrey Hui-Ju Wang, and Janet Wang Calilung  Application for approval to acquire up to 70.0% of the common stock of Asian Financial Corporation, Philadelphia, the parent bank holding company of Asian Bank, Philadelphia.	Filed

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
11-19-2010	Continental Bank Holdings, Inc. Plymouth Meeting Montgomery County  Application for approval to acquire 100% of First Resource Bank, Exton.	Withdrawn

**Consolidations, Mergers, and Absorptions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
11-19-2010	First Resource Bank Exton Chester County	Withdrawn
	Application for approval to merge FR Interim Savings Bank, Plymouth Meeting, with and into First Resource Bank, Exton, to facilitate the proposed merger of First Resource Bank, Exton, with and into Continental Bank, Plymouth Meeting.	

**Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-8-2010	Fidelity Savings Bank Pittsburgh Allegheny County	617 Duncan Avenue Pittsburgh Allegheny County	Opened
11-22-2010	VIST Bank Wyomissing Berks County	One Belmont Avenue Bala Cynwyd Montgomery County	Opened
11-22-2010	VIST Bank Wyomissing Berks County	190 East DeKalb Pike King of Prussia Montgomery County	Opened
11-22-2010	VIST Bank Wyomissing Berks County	2946 Skippack Pike Worcester Montgomery County	Opened
11-22-2010	VIST Bank Wyomissing Berks County	564 Lancaster Avenue Berwyn Chester County	Opened
11-22-2010	VIST Bank Wyomissing Berks County	36 North Third Street Philadelphia Philadelphia County	Opened
11-23-2010	Centric Bank Harrisburg Dauphin County	1625 Market Street Camp Hill Cumberland County	Approved
11-23-2010	Graystone Tower Bank Lancaster Lancaster County	330 York Road Carlisle Cumberland County	Approved
11-23-2010	New Century Bank Phoenixville Chester County	2419 Nottingham Way Hamilton Mercer County, NJ	Approved
11-23-2010	Penn Liberty Bank Wayne Chester County	654 West Lincoln Highway Exton Chester County	Approved
11-23-2010	Penn Security Bank and Trust Company Scranton Lackawanna County	Birney Avenue and Davis Street Scranton Lackawanna County	Approved
11-24-2010	Monument Bank Doylestown Bucks County	Newtown Plaza 33 Swamp Road Newtown Bucks County	Filed

**Branch Consolidations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-23-2010	Susquehanna Bank Lititz Lancaster County	<i>Into:</i> 1300 West Main Street Ephrata Lancaster County  <i>From:</i> 1001 Sharp Avenue Ephrata Lancaster County	Approved

**Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-5-2010	Fidelity Savings Bank Pittsburgh Allegheny County	6000 Babcock Boulevard Pittsburgh Allegheny County	Closed
11-5-2010	Fidelity Savings Bank Pittsburgh Allegheny County	1701 Duncan Avenue Allison Park Allegheny County	Closed
11-19-2010	Susquehanna Bank Lititz Lancaster County	8000 Sagemore Drive Marlton Burlington County, NJ	Closed

**SAVINGS INSTITUTIONS**

No activity.

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

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
7-12-2010	TruMark Financial Credit Union Trevose Bucks County	984 Second Street Pike Richboro Bucks County	Opened

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

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 10-2407. Filed for public inspection December 17, 2010, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of January 2011**

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of January, 2011, is 5 3/4%.

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

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 3.29 to which was added 2.50 percentage points for a total of 5.79 that by law is rounded off to the nearest quarter at 5 3/4%.

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 10-2408. Filed for public inspection December 17, 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.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0030139 (Sewage)	PA Department of Corrections— State Institution at Dallas 1000 Follies Rd. Dallas, PA 18612	Luzerne County Jackson Township	East Fork Harveys Creek (5-B) CWF	N

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0029866— Sew	Cumberland Valley School District— Green Ridge Elementary School 6746 Carlisle Pike Mechanicsburg, PA 17050	Cumberland County / Silver Spring Township	Conodoguinet Creek / 7-B	Y
PA0246581 CAFO	Richard R. Hissong Mercer Vu Farms, Inc. 12275 Mt. Pleasant Road Mercersburg, PA 17236	Franklin County / Montgomery Township	Conococheague Creek / 13-C	Y
PA0088722 (IW)	John F. Martin & Sons, Inc. (Martin's Meats) 55 Lower Hillside Road Stevens, PA 17578	Lancaster County / West Cocalico Township	Indian Run / 7-J	Y



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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0103675 (Sewage)	Miracle Mountain Ranch Road 101 Rodeo Drive Spring Creek, PA 16436	Warren County Spring Creek Township	Unnamed tributary to Brokenstraw Creek 16-B	Y

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

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

**PA0037737**, Sewage, SIC Code 4952, **Elizabethville Borough Area Authority**, 4154 N Route 225, Elizabethville, PA 17023-9704. Facility Name: Elizabethville STP. This existing facility is located in Washington Township, **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), Wiconisco Creek, is located in State Water Plan watershed 6-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.4 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>	83	133	XXX	25	40	50
Total Suspended Solids	100	Wkly Avg 150	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
Ammonia-Nitrogen May 1 - Oct 31	36	XXX	XXX	11	XXX	22
Ammonia-Nitrogen Nov 1 - Apr 30	Report	XXX	XXX	Report	XXX	Report

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

<i>Parameters</i>	<i>Mass (lbs)</i>			<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report	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	7,306	XXX	XXX	XXX
Net Total Phosphorus (Interim)	Report	Report	XXX	XXX	XXX
Net Total Phosphorus (Final)	Report	974	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.

**PA0087661**, Sewage, SIC Code 4952, **Chestnut Ridge Area Joint Authority**, 320 Lane Metal Road, New Paris, PA 15554- 9238. Facility Name: Chestnut Ridge Area Joint Authority STP. This existing facility is located in East Saint Clair Township, **Bedford 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), Dunning Creek, is located in State Water Plan watershed 11-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.705 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
CBOD <sub>5</sub>	147	235	XXX	25	40	50
Total Suspended Solids	176	Wkly Avg 264	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
Ammonia-Nitrogen May 1 - Oct 31	50	XXX	XXX	8.5	XXX	17

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	12,877	XXX	XXX	XXX
Net Total Phosphorus (Interim)	Report	Report	XXX	XXX	XXX
Net Total Phosphorus (Final)	Report	1,717	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.

Northcentral Regional Office: Regional Water Management Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.0532.

**PA0111911**, Industrial Waste, SIC Code 3446, **Construction Specialties, Inc.**, PO Box 380, Muncy, PA 17756-0380. Facility Name: Construction Specialties, Inc. This existing facility is located in Clinton Township, **Lycoming 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), Turkey Run, is located in State Water Plan watershed 10-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0062 MGD.

Parameter	Mass Units (lbs/day)			Concentrations (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
Temperature (° F)	XXX	XXX	XXX	XXX	Report	XXX

<i>Parameter</i>	<i>Heat Units</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Temperature Reference (° F)</i>	<i>Maximum Daily (MMBTU/day)</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Heat Rejection Rate Jan 1-31	35	6.0	XXX	XXX	XXX	XXX
Heat Rejection Rate Feb 1-29	35	7.0	XXX	XXX	XXX	XXX
Heat Rejection Rate Mar 1-31	40	16	XXX	XXX	XXX	XXX
Heat Rejection Rate Apr 1-15	47	18	XXX	XXX	XXX	XXX
Heat Rejection Rate Apr 16-30	53	18	XXX	XXX	XXX	XXX
Heat Rejection Rate May 1-15	58	12	XXX	XXX	XXX	XXX
Heat Rejection Rate May 16-31	62	19	XXX	XXX	XXX	XXX
Heat Rejection Rate Jun 1-15	67	15	XXX	XXX	XXX	XXX
Heat Rejection Rate Jun 16-30	71	15	XXX	XXX	XXX	XXX
Heat Rejection Rate Jul 1-31	75	8.0	XXX	XXX	XXX	XXX
Heat Rejection Rate Aug 1-15	74	7.0	XXX	XXX	XXX	XXX
Heat Rejection Rate Aug 16-31	74	7.0	XXX	XXX	XXX	XXX
Heat Rejection Rate Sep 1-15	71	5.0	XXX	XXX	XXX	XXX
Heat Rejection Rate Sep 16-30	65	5.0	XXX	XXX	XXX	XXX
Heat Rejection Rate Oct 1-15	60	5.0	XXX	XXX	XXX	XXX
Heat Rejection Rate Oct 16-31	54	5.0	XXX	XXX	XXX	XXX
Heat Rejection Rate Nov 1-15	48	6.0	XXX	XXX	XXX	XXX

The proposed monitoring requirements for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameter</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Monitoring Requirements</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Ammonia-N	Report			Report		1/year
Kjeldahl-N	Report			Report		1/year
Nitrate-Nitrite as N	Report			Report		1/year
Total Nitrogen	Report	Report		Report		1/year
Total Phosphorus	Report	Report		Report		1/year

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

The EPA Waiver is in effect.

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

**PA0254347**, Industrial Waste, SIC Code 2499, **Superior Mulch, LLC**, PO Box 201, Connellsville, PA 15425. Facility Name: Superior Mulch LLC. This proposed facility is located in Connellsville Township, **Fayette County**.

Description of Proposed Activity: The application is for a new NPDES permit for new discharges of storm water runoff from a mulch manufacturing facility.

The receiving stream(s), Mounts Creek, is located in State Water Plan watershed 19-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
BOD <sub>5</sub>	XXX	XXX	XXX	Report	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Fecal Coliform	XXX	XXX	XXX	Report	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	Report	XXX
Total Phosphorus	XXX	XXX	XXX	Report	Report	XXX
Total Aluminum	XXX	XXX	XXX	Report	Report	XXX
Total Iron	XXX	XXX	XXX	Report	Report	XXX
Total Manganese	XXX	XXX	XXX	Report	Report	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0

The proposed effluent limits for Outfall 002:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
BOD <sub>5</sub>	XXX	XXX	XXX	Report	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Fecal Coliform	XXX	XXX	XXX	Report	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	Report	XXX
Total Phosphorus	XXX	XXX	XXX	Report	Report	XXX
Total Aluminum	XXX	XXX	XXX	Report	Report	XXX
Total Iron	XXX	XXX	XXX	Report	Report	XXX
Total Manganese	XXX	XXX	XXX	Report	Report	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

### 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. 3674409 10-1**, Sewerage, **Northern Lancaster County Authority**, 983 Beam Road, Denver, PA 17517- 8946.

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

Description of Proposed Action/Activity: Upgrades to the Beam Road wastewater treatment facility to meet the effluent nutrient limits set by the Chesapeake Bay Tributary Strategy.

**WQM Permit No. 3800403 10-1**, Sewerage, **Township of Annville**, PO Box 178, Annville, PA 17003-0178.

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

Description of Proposed Action/Activity: Upgrades consisting of additions and alterations to the existing wastewater treatment plant necessary to satisfy requirements of the Chesapeake Bay Tributary Strategy.

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

**WQM Permit No. 1410404**, Sewerage [SIC 4952], **University Area Joint Authority**, 1576 Spring Valley Road, State College, PA 16801-8499.

This proposed facility is located in College Township, **Centre County**.

Description of Proposed Action/Activity: The proposed project includes the construction of two 500,000 gallon welded steel water storage tanks to store beneficial reuse water created at the University Area Joint Authority advanced water treatment facility. Additionally, approximately 3,260 l.f. of piping will be installed to connect the two tanks to the existing conveyance system.



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

**WQM Permit No. 1110412**, Sewerage, **West Branch Sewer Authority**, 901 Maple Avenue, Suite 2, Northern Cambria, PA 15714

This proposed facility is located in Barr and West Carroll Townships, **Cambria County**

Description of Proposed Action/Activity: Application for the construction and operation of a sewer system.

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

**WQM Permit No. 2410402**, Sewerage, **Benezette Township**, P. O. Box 10, Benezette, PA 15821.

This proposed facility is located in Benezette Township, **Elk County**.

Description of Proposed Action/Activity: The proposed project consists of small diameter, low pressure sewer collectors and a pre-manufactured fixed film wastewater treatment plant, and an out fall sewer line which will service a portion of Benezette Township, Elk County.

**WQM Permit No. 1690402**, Sewerage, **Amendment No. 1, Paint-Elk Joint Sewer Authority (PEJSA)**, 22139 Route 66, Shippenville, PA 16254.

This proposed facility is located in Paint & Elk Township, **Clarion County**.

Description of Proposed Action/Activity: The proposed project is to upgrade the lagoon aerators, which will allow an organic re-rating of this POTW.

#### **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*

*Lehigh Conservation District: 4184 Dorney Park Rd., Ste 102, Allentown PA 18104*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023910014	Donald Snyder Lehigh Cnty Comm College 4525 Education Park Drive Schecksville PA 18078	Lehigh	North Whitehall Twp	UNT to Jordan Creek (HQ-CWF, MF)
PAI023910015	Stewart Krawitz K & M Associates 496 Lone Lane Allentown PA 18104	Lehigh	Upper Macungie Twp	Cedar Creek (HQ-CWF, MF)
PAI023910016	Michael Gambone Maplewood Acquisition LP Maplewood Residential LP 1030 W. Germantown Pk Fairview Village, PA 19409	Lehigh	Lower Milford Twp	UNT to Saucon Crk. (HQ-CWF) Saucon Creek (HQ-CWF)

*Northampton Conservation District: 14 Gracedale Ave., Nazareth PA 18064*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024805002R	Richard Gitter DeLuca Homes 370 East Maple Ave., Su 101 Langhorne, PA 19047	Northampton	Hanover Twp., East Allen Twp	Monocacy Creek (HQ-CWF, MF) Catasauqua Creek (CWF, MF)

*Pike Conservation District: 556 Route 402, Ste 1, Hawley, PA 18428*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025204004R	Peter Helms Nemanie Village Inc. PO Box 77 Hawley PA 18428	Pike	Palmyra	Wallenpaupack Lake (HQ-CWF, MF)
PAI025210009	Steve Parisi Falling Creek Investments LLC PO Box 655 Brodheadsville, PA 18322	Pike	Lehman	Saw Creek (HQ-CWF, MF)

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI1025210008	Charles Miller Route 6 Outparcels 800 Mt Vernon Hwy Su 140 Atlanta Ga 30328	Pike	Westfall	Delaware River (HQ-CWF, MF) UNT to Delaware River (HQ-CWF, MF)

*Lackawanna Conservation District: 1300 Old Plant Rd., Mayfield PA 18433*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023508006(1)	Scranton Lackawanna Industrial Building Corp PO Box 431 222 Mulberry St. Scranton PA 18503	Lackawanna	Jessup Boro	Grassy Island Creek (HQ-CWF, MF) UNT to Lackawanna River (CWF, MF)

*Schuylkill Conservation District: 1206 Old Ag Center Dr., RR 5 Box 5810, Pottsville, PA 17901*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025410003	First Quality Nonwovens Inc 500 Oak Ridge Rd Hazle Twp PA 18202	Schuylkill	East Union Twp	Tomhicken Creek (CWF, MF)

*Luzerne Conservation District: R 485 Smith Pond Rd., Lehman, PA 18627*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024010006	PPL Bell Bend, LLC 38 Bomboy Lane, Su 2 Berwick PA 18603	Luzerne	Salem Twp	Walker Run (CWF, MF) Susquehanna River (WWF, MF)

*Monroe Conservation District: 8050 Running Valley Rd., Stroudsburg, PA 18360*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024510011	Robert Ciccone 6866 Christophalt Dr. PO Box 86 Bath, PA 18014	Monroe	Mt. Pocono Bor. Paradise Twp	Forest Hills Run (HQ-CWF, MF) Indian River (EV)

*Wayne Conservation District: Ag Service Center, 648 Park St., Honesdale PA 18431*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026410002	Commonwealth of PA DGS 18th & Herr St. Harrisburg PA 17125	Wayne	Honesdale Boro	Carley Brook (HQ-CWF, MF)

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

*Washington County Conservation District, 602 Courthouse Square, Washington, PA 15301 (724-228-6774)*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056310012	Jeffrey Selvoski 140 Mong Road Scenery Hill, PA 15360	Washington	South Strabane Township	YNT to Little Chartiers Creek (HQ-WWF)
PAI056310013	South Strabane Township Sanitary Authority 550 Washington Road Washington, PA 15301	Washington	South Strabane Township	Little Chartiers Creek (HQ-WWF)

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

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PAG-12	CAFOs
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**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Paul Swanger 150 Kissel Barrick Rd Bainbridge, PA 17502	Lancaster	12	372.74	Swine	NA	R

**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**

*Central Office: Bureau Director, Water Standards and Facility Regulation, PO Box 8467, Harrisburg, PA 17105-8467*

**Permit No. [9996402]**, Public Water Supply.

Applicant	<b>[Nestle Waters North America, Inc.]</b>
[Township or Borough]	[Framingham, Massachusetts]
Responsible Official	[Michael Guadagnoli, Quality Assurance Manager]
Type of Facility	[Out of State Bottled Water System]
Application Received Date	[November 10, 2010]
Description of Action	[Applicant requesting Department approval to use the Cold Spring source located in Denmark, Maine to bottle the Poland Spring brand.]

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

**Permit No. 3410504**, Public Water Supply.

Applicant **Thompsontown Municipal Authority**

Municipality Thompsontown Borough

County **Juniata**

Responsible Official Roger Stutts, Manager  
PO Box 154  
Thompsontown, PA 17904

Type of Facility Public Water Supply

Consulting Engineer Charles L. Myers, P.E.  
RETTEW Associates, Inc.  
950 East Main Street  
Schuylkill Haven, PA 17972

Application Received: 6/16/2010

Description of Action Installation of a 500,000 gallon finished water storage tank and distribution system replacement.

#### MINOR AMENDMENT

#### Applications Received under the Pennsylvania Safe Drinking Water Act

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

#### Application No. 2610512MA, Minor Amendment.

Applicant **Municipal Authority of the Township of Washington**, 1390 Fayette Avenue, Belle Vernon, PA 15012

[Township or Borough] Washington Township

Responsible Official Joseph Alvarez, Plant Manager  
Municipal Authority of the Township of Washington,  
1390 Fayette Avenue,  
Belle Vernon, PA 15012

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
PO Box 200  
Indianola, PA 15051

Application Received Date November 24, 2010

Description of Action Installation of 4,460 feet of waterline and an interconnection with the Municipal Authority of Westmoreland County.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment

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

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

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

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

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

**Former Hank's Garage**, 411 South 1st Street, Bangor Borough, **Northampton County**. Mark Ellis, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 has submitted a Notice of Intent to Remediate (on behalf of his client, Edward Wagner, 406 Nazareth Drive, Nazareth, PA 18064), concerning the remediation of soil found to have been impacted by leaded/unleaded gasoline as a result of a release in a tank field formerly containing three 3,000-gallon underground storage tanks. The applicant proposes to remediate the site to meet the Statewide Health Standard for soil. The intended future use of the site will be commercial/light industrial (possibly tire sales & service). A summary of the Notice of Intent to Remedi-



ate is expected to be published in a local newspaper serving the general area sometime in the near future.

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

**Mary Kaylor Property**, Mount Joy Township, **Lancaster County**. Alternative Environmental Solutions, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of Mary Kaylor, c/o Tim Dulany, 411 Highlawn Avenue, Elizabethtown, PA 17022, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil from an underground storage tank. The site will be remediated to the Residential Statewide Health standard and will remain residential.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Shamokin-Coal Township Joint Sewer Auth**, Ralpho Township, **Northumberland County**. Alternative Environmental Solutions, Inc., 480 New Holland Ave., Suit 8203, Lancaster, PA 17602 on behalf of Shamokin Coal Township Joint Sewer Authority, 114 Bridge St., Shamokin, PA 17872 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with heating oil, used motor oil, leaded and unleaded gasoline constituents. The applicant proposes to remediate the site to meet the Statewide Health Standard. The intended future use of the property is for commercial purposes for the expansion of the neighboring Shamokin-coal Township Joint Sewer Authority Treatment Plant.

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

**RSR Jones Chemical Company Site**, City of Erie, **Erie County**. MACTEC Engineering and Consulting, Inc., 800 North Bell Avenue, Suite 200, Pittsburgh, PA 15106 on behalf of Erie Warehouse Properties, LLC, 1314 West 18th Street, Erie, PA 16502 has submitted a Notice of Intent to Remediate. The subject of this Notice of Intent to Remediate is an approximately 3.5 portion of the site that contains the former Sludge Disposal Area which consists of a 2.5 acre processed silica impoundment. Constituents of concern include aluminum, sulfate, and pH. The intended future use of the property is paved truck parking for Hardinger Transfer Company, Inc. and related stormwater management. The Notice of Intent to Remediate was published in the *Erie-Times News* on October 8, 2010. The proposed cleanup standard is Special Industrial Area.

#### **OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

**Application(s) Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Permit Application No. 100361. McKean County Landfill**, 19 Ness Lane, Kane, PA 16735, Sergeant Township, **McKean County**. The application was for a permit reissuance of the landfill permit from Rustick, LLC, to Casella Waste Management of Pennsylvania, Inc. The application was determined administratively complete by the Northwest Regional Office on December 8, 2010.

Comments concerning the application should be directed to Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Persons interested in obtaining more information about the general permit application may contact the Northwest Regional Office, (814) 332-6848. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 30 days of this notice and may recommend revisions to, and approval or denial of the application.

**Permit Application for Transfer Station No. 101694. Rail Transfer Station**, 19 Ness Lane, Kane, PA 16735, Sergeant Township, **McKean County**. The application was for a permit reissuance of the rail transfer station permit from Rustick LLC, to Casella Waste Management of Pennsylvania, Inc. The application was determined administratively complete by the Northwest Regional Office on December 8, 2010.

Comments concerning the application should be directed to Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Persons interested in obtaining more information about the general permit application may contact the Northwest Regional Office, (814) 332-6848. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 30 days of this notice and may recommend revisions to, and approval or denial of the application.

## **AIR QUALITY**

### **PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS**

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for

the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

### PLAN APPROVALS

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**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.**

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

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

**30-00170: Laurel Mountain Midstream Operating LLC** (1550 Coraopolis Heights Road, Suite 140, Moon Township, PA 15108) for installation of additional compression 3516 ultra lean burn engines and turbine compression equipment at Brown Compressor Station in Greensboro Borough, **Greene County**.

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

*Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940*

**62-017T: United Refining Co.** (15 Bradley Street Box 780, Warren, PA 16365) for construction of a replacement refinery reactor at the Warren Refinery in Warren City, **Warren County**.

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**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.**

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

*Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940*

**43-356A: Hermitage Municipal Authority** (800 North Hermitage Road, Hermitage, PA 16148-3220) for installation of a 6.27 MMBtu/hr boiler, a 7.146 MMBtu/hr combined heat and power unit and a 1474 BHP emergency generator, at the Bobby Run Water Pollution Control Plant at 2133 Broadway Avenue in the City of Hermitage, **Mercer 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 43-356A to the Hermitage Municipal Authority for a 6.27 MMBtu/hr boiler, a 7.146 MMBtu/hr combined heat and power unit and a 1474 BHP emergency generator for the facility located at 2133 Broadway Avenue, in the City of Hermitage, Mercer County. The Plan Approval will subsequently be incorporated into a facility Operating Permit through an administrative amendment in accordance with 25 Pa. Code Section 127.450.

Plan Approval No. 43-356A is for the installation of a 6.27 MMBtu/hr boiler, a 7.146 MMBtu/hr combined heat and power unit and a 1474 BHP emergency generator. Based on the information provided by the applicant and DEP's own analysis, the combined subject sources will have the potential to emit approximately 94.18 tons per year of nitrogen oxides, 35.78 tons per year of volatile organic compounds, 68.9 tons per year of carbon monoxide, 2.44 tons per year of particulate matter and 18.94 tons per year of sulfur oxides.

The Plan Approval will contain testing, monitoring, recordkeeping, reporting, work practice and additional requirements designed to keep the facility operating within all applicable air quality requirements. Portions of the facility will also be subject to the National Emission Standards for Hazardous Air Pollutants specified in 40 CFR Part 63, Subpart ZZZZ, for Stationary Reciprocating Internal Combustion Engines (RICE) and Standards of Performance for New Stationary Sources specified in 40 CFR Part 60, Subpart JJJJ for Stationary Spark Ignition Internal Combustion Engines and Subpart III for Stationary Compression Ignition Internal Combustion Engines.

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

*Contact: Edward Braun, Chief—Telephone: 215-685-9476*

**AMS 09142: Sweet Ovations, LLC** (1741 Tomlinson Road, Philadelphia, PA 19116) for mixing and blending operations, sugar and cocoa processing, and scale room operations in the City of Philadelphia, **Philadelphia County**. There will be a potential emission increase of 14 tons per year of Particulate Matter (PM) as a result of the operations. VOC emissions from the facility will be limited to less than 25 tons per rolling 12-month period. The Plan Approval will contain emission limitations and operating, monitoring, testing, and recordkeeping requirements to ensure operation within all applicable requirements.

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

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

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

**09-00101: William Rowen Grant Funeral Home, Inc.** (659 Street Road, Southampton, PA 18966) for operation of one unit of natural gas-fired human cremator in Upper Southampton Township, **Bucks County**. This action is an operating permit renewal for a non-Title V (Stage only) facility. The major source of air emissions is the cremator rated at 100 pounds per hour of human remains. The renewal will include monitoring,

recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00271: Ratoskey & Trainor, Inc.** (240 Flint Hill Road, King of Prussia, PA 19406) for operation of one nonmetallic processing plant crushing recycled concrete materials, in Upper Merion Township, **Montgomery County**. The major air pollutants from this facility are Particulate Matter (PM) and NOx emissions produced by the crushing operation and the diesel engine fuel combustion. The proposed permit is for a non-Title V (State Only), Natural Minor facility. It contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**67-03153: Keener Coatings, Inc.** (3711 Board Road, York PA 17406) for operation of two (2) coating booths and a burn-off oven at the facility located in Manchester Township, **York County**. Potential annual facility-wide emissions are estimated to be 0.9 tons of Carbon Monoxide (CO), 1.07 tons of Nitrogen Oxides (NOx), 0.9 tons of Particulate Matter (PM), 7.2 tons of combined Hazardous Air Pollutants (HAPs), and 13.6 tons of Volatile Organic Compounds (VOCs). The operating permit will include monitoring, work practice standards, recordkeeping, and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

**56-00241: Rockwood Area School District** (439 Somerset Avenue, Rockwood, PA 15557) for operation of boilers at High School in Milford Township, **Somerset County**. This is a State Only Operating Permit Renewal submittal.

**26-00545: Brownsville Marine Products, LLC** (1800 Paul Thomas Boulevard, Brownsville, PA 15417) for operation of barge manufacturing and repair at Brownsville Marine Products facility in Brownsville Borough, **Fayette County**. This is a State Only Operating Permit Renewal submittal.

**56-00151: FTCA, Inc.—Coleman Camping Trailers—Plant No. 72** (258 Beacon Street, PO Box 111, Somerset, PA 15501) to manufacture portable “pop-up” camping trailers in Somerset Borough, **Somerset County**. The operation of the facility’s air contamination sources consist of a pyrolysis cleaning furnace, drying oven, powder coating, and miscellaneous VOC/HAP applications including caulking, sealants, adhesives, and cleaners. The permit includes operation requirements, monitoring requirements, and recordkeeping requirements for the facility located. This is a State Only Operating Permit Renewal.

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

*Contact: Matthew Williams, New Source Review Chief—Telephone: 814-332-6940*

**27-00038: Catalyst Energy, Inc.—Watson Farm Plant** (44269 Route 66, Marienville, PA 16239) for initial natural minor permit for a natural gas compression, refrigeration and dehydration station in Howe Township, **Forest County**. The facility’s major emission sources included two natural gas re-boilers, 215 BHP natural gas compressor, Caterpillar Model No. 3406, 203 BHP natural gas compressor, Caterpillar model No. 3306, equipment leaks and 162 BHP refrigerant compressor, Waukesha Model No. 1197G. This facility is natural minor because the emissions are less than the Title V threshold.

**37-00287: DeCarbo Funeral Home and Crematory** (941 South Mill Street, P. O. Box 7728, New Castle, PA 16107) to re-issue the Natural Minor Operating Permit for their crematory operations at this facility, at 3000 Wilmington Road, Neshannock Township, **Lawrence County**.

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

*Contact: Edward Brawn, Chief—Telephone: 215-685-9476*

**S10-023: Philadelphia Gas Works—Passyunk Station** (3100 Passyunk Avenue, Philadelphia, PA 19145) for operation of a include liquefied natural gas (LNG) storage and distribution facility in the City of Philadelphia, **Philadelphia County**. The facility’s air emission sources include two heaters each < 10 MMBTU/hr, one emergency generators at 1250 Hp, two emergency generators at 110 Hp each, three 58.8 MBTU/hr boilers with low NOx burners, a firewater pump, and a gasoline vehicle fueling system with Stage II vapor recovery.

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

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

## PLAN APPROVALS

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

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

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

**PA39-318-120: BEHR Process Corp.** (7529 Morris Court, West Park Business Center No. 500, Allentown, PA 18106) for installation of a new baghouse to collect



particulate emissions from the paint manufacturing process at their existing facility in Upper Macungie Township, **Lehigh County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to BEHR Process Corp. (7529 Morris Court, West Park Business Center No. 500, Allentown, PA 18106) for their facility located in Upper Macungie Township, Lehigh County. This Plan Approval No. 39-318-120 will be incorporated into a synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 39-318-120 is for the installation of a new baghouse to collect particulate emissions from their paint manufacturing process at their existing facility located in Upper Macungie Twp. VOC emissions from the plant will remain under 50 TPY threshold limit, 12-month rolling sum. Particulate emissions will not exceed 0.02 grains/dscf. The company shall be subject to and comply with 25 Pa. Code 123.31 for malodorous emissions. The company shall be subject to and comply with 25 Pa. Code 123.41 for Visible emissions. Emissions will be controlled by the use of a baghouse. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit No.: 39-318-120.

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

## **COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; 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 <sup>1</sup>		greater than 6.0; less than 9.0	
Alkalinity greater than acidity <sup>1</sup>			

<sup>1</sup>The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

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

**56980103. NPDES No. PA0234699 and General Permit GP-12-56980103. Wilson Creek Energy, LLC**, 140 West Union Street, Suite 102, Somerset, PA 15501, revision of an existing bituminous coal mining site to obtain coverage for coal processing under air quality general permit GP-12 in Jenner and Lincoln Townships, **Somerset County**, affecting 133.5 acres. Receiving stream(s): unnamed tributaries to Quemahoning Creek classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning SWL. (There are no potable water supply intakes within 10 miles downstream). Application received: November 23, 2010.

**56100105 and NPDES No. PA0263079. Wilson Creek Energy, LLC**, 140 West Union Street, Somerset, PA 15501, transfer of an existing bituminous surface mine from Svonavec, Inc., 150 W. Union Street, Suite 201, Somerset, PA 15501, in Black Township, **Somerset County**, affecting 141 acres. Receiving stream(s): Wilson and Coxes Creek classified for the following use(s): warm

water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 16, 2010.

**11100102 and NPDES No. PA0262994. Wilson Creek Energy, LLC**, 140 West Union Street, Somerset, PA 15501, transfer of an existing bituminous surface mine from Mears Energy, LLC, P. O. Box 165, Armagh, PA 15920, located in Elder Township, **Cambria County**, affecting 58 acres. Receiving stream(s): unnamed tributaries to Brubaker Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 19, 2010.

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

**03100102 and NPDES Permit No. PA0252042. Thomas J. Smith, Inc.** (2340 Smith Road, Shelocta, PA 15774). Application for commencement, operation and reclamation of a bituminous surface mine, located in Redbank Township, **Armstrong County**, affecting 81.8 acres. Receiving streams: unnamed tributary to Pine Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: November 24, 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.

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

**63100401 and NPDES Permit No. PA0252034. PA Coal Reclamation, Inc.** (P. O. Box 136, 619 Millers Run Road, Cuddy, PA 15031). Application for commencement, operation and reclamation of large noncoal surface mine, located in Deemston Borough, **Washington County**, affecting 59.7 acres. Receiving streams: Ten Mile Creek and unnamed tributaries to Ten Mile Creek, classified for the following use: TSE. The potable water supply with intakes within 10 miles downstream from the point of discharge: Tri-County Joint Municipal Authority. Application received: November 5, 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

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, Telephone 570-826-2511.*

**E45-559. Smithfield Township Supervisors**, 1155 Red Fox Road, East Stroudsburg, PA 18301, in Smithfield Township & Delaware Water Gap Borough, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the Inter-Municipal River Trails Project:

1. A 6-foot wide cast-in-place concrete ford crossing of Cherry Creek (HQ-CWF, MF) with integral concrete stepping stones protruding approximately 4-inches above the normal water surface elevation (40° 59' 11.6", -75° 8' 9.5").

2. Concrete stepping stones in Cherry Creek along the right abutment of an existing railroad bridge (40° 59' 12.80", -75° 8' 13.05").

3. An at-grade walking trail in the floodway of Cherry Creek. The encroachments are located along Cherry Creek on the east side of Interstate 80 (Stroudsburg, PA Quadrangle Latitude: 40° 59' 12.80"; Longitude: -75° 8' 13.05") in Smithfield Township and Delaware Water Gap Borough, Monroe County). (Stroudsburg, PA Quadrangle, Latitude: 40° 59' 12.80"; Longitude: -75° 8' 13.05").

**E40-174. Earth Conservancy**, 101 South Main Street, Ashley, PA 18707, in City of Nanticoke, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To fill 0.95 acre of PSS wetlands within the Espy Run Watershed for the purpose of mine reclamation and future development of approximately 30 acres of land. The project is located on the east side of Kosciuszko Avenue approximately 0.25 miles north of Middle Road (Wilkes-Barre West, PA Quadrangle Latitude: 41° 11' 49"; Longitude - 75° 59' 11") in Hanover Township, Luzerne County.

**E13-165. Blue Mountain Waterpark, LP**, PO. Box 216, Palmerton, PA 18071, in Lower Towamensing Township, **Carbon County**, U.S. Army Corps of Engineers, Philadelphia District.

To fill 0.65 acre of PSS wetlands within the Aquashicola Creek Watershed (TSE, MF) for the purpose of construct-

ing an access road for a waterpark at Blue Mountain Ski Area. The project is located on the east side of Blue Mountain Drive approximately 1.7 miles north of SR 0946 (Palmerton, PA Quadrangle Latitude: 40° 48' 36.5"; Longitude: -75° 31' 59.3") in Lower Towamensing Township, Carbon County.

**E48-412. Elizabeth A. Burns**, 259 Neal Dow Avenue, Staten Island, NY 10314, in Washington Township, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain three 28-foot wide driveway crossings of a tributary to Waltz Creek, each consisting of an aluminum box culvert having a 24-foot span and a 4-foot approximate underclearance for the purpose of providing access to the Elizabeth Burns Subdivision. The project is located on the south side of West Factoryville Road approximately 0.25 mile west of its intersection with Ackermanville Road. (Bangor, PA Quadrangle, Latitude: 40° 49' 17.4"; Longitude: - 75° 13' 1.3").

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

**E10-465, Steven Lawson**, 308 Welsh Road Evans City, PA 16033. Lawson Landscaping Property in Forward Township, **Butler County**, ACOE Pittsburgh District (Evans City, PA Quadrangle N: 40°, 47', 43.8"; W: 80°, 1', 10").

The applicant has constructed a 2000 square foot building, which includes associated infrastructure, parking area, stream crossing and the alteration of 400 feet of stream bank for the construction of a stormwater management detention facility, along an UNT of Connoquenessing Creek. The after-the-fact permit application includes the operation and maintenance of a 24 foot long, 36 inch diameter culvert, the maintenance of fill along 215 feet of the right stream bank, the maintenance of a stormwater basin outfall within the floodway and stream bank stabilization to 400 feet of the right stream bank. Connoquenessing Creek is a perennial stream classified as a warm water fishery.

*North Eastern Region: Oil and Gas Management Program Manager, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E0829-005. Chesapeake Appalachia, LLC**, 101 North Main Street, Athens, PA 18810, Overton Township, **Bradford County**, ACOE Baltimore District.

To construct and maintain a 4' x 8' Box Culvert with a length of 44 feet embedded 6 inches into the stream bed with outlet protection of R-5 rock across unnamed tributary to Black Creek (EV), for the purpose of providing access to a fresh water impoundment. The project is located off of Beebe Road approximately 0.6 miles south of the intersection of Beebe Road and State Route 3002 (Dushore, PA N: 13.3 inches, W: 16.2 inches, Latitude: 41° 34' 22.50", Longitude -76° 29' 33.66") in Overton Township, Bradford County.

**E59-503: East Resources Management LLC**; 190 Thorn Hill Road, Warrendale, PA 15086-7528; Delmar and Shippen Township(s), **Tioga County**, ACOE Baltimore District.

To construct and maintain:

1) a six inch natural gas gathering pipeline and 2—four inch water transmission lines 50 feet in length crossing the West Branch of Stony Fork Creek (CWF); (Tiadaghton, PA Quadrangle; Latitude: 41° 41' 21", Longitude -77° 24' 37"),

2) a six inch natural gas gathering pipeline and 2—four inch water transmission lines 50 feet in length crossing an Unnamed Tributary to West Branch of Stony Fork Creek (CWF); (Tiadaghton, PA Quadrangle; Latitude: 41° 41' 19", Longitude -77° 24' 47"),

3) a six inch natural gas gathering pipeline and 2—four inch water transmission lines 50 feet in length crossing of an Unnamed Tributary to West Branch of Stony Fork Creek (CWF); (Tiadaghton, PA Quadrangle; Latitude: 41° 41' 17", Longitude -77° 24' 56"),

4) a six inch natural gas gathering pipeline and 2—four inch water transmission lines open cut crossing of a PEM wetland adjacent (East and West) to Impact (1) above, (Tiadaghton, PA Quadrangle; Latitude: 41° 41' 21", Longitude -77° 24' 37"),

5) a six inch natural gas gathering pipeline and 2—four inch water transmission lines open cut crossing impacting 0.093 acres of a PEM wetland adjacent to the West side of Marrows Road, (Tiadaghton, PA Quadrangle; Latitude: 41° 41' 21", Longitude -77° 24' 37"),

6) a temporary timber mat bridge crossing of West Branch of Stony Fork Creek (CWF) having a length of 50 feet, a width of 16 feet; (Tiadaghton, PA Quadrangle; Latitude: 41° 41' 21", Longitude -77° 24' 37"),

7) a temporary timber mat bridge crossing of an Unnamed Tributary to West Branch of Stony Fork Creek (CWF) having a length of 50 feet, a width of 16 feet; (Tiadaghton, PA Quadrangle; Latitude: 41° 41' 19", Longitude -77° 24' 47"),

8) a temporary timber mat bridge crossing of an Unnamed Tributary to West Branch of Stony Fork Creek (CWF) having a length of 50 feet, a width of 16 feet; (Tiadaghton, PA Quadrangle; Latitude: 41° 41' 17", Longitude -77° 24' 56"),

9) a temporary timber mat bridge crossing impacting 0.093 acres of PEM Wetland adjacent (East and West) to Impact (1), a width of 16 feet; (Tiadaghton, PA Quadrangle; Latitude: 41° 41' 21", Longitude -77° 24' 37"),

10) a temporary timber mat bridge crossing impacting 0.093 acres of PEM Wetland adjacent to the West side of Marrows Road, a width of 16 feet; (Tiadaghton, PA Quadrangle; Latitude: 41° 41' 21", Longitude -77° 24' 37"),

The purpose of the project is to construct approximately 1.94 miles of a six inch natural gas gathering line and two—four (4) inch water transmission lines known as the Brown Well Spur in Delmar Township, Tioga County. The project will connect the Buckwalter, Hege, and Brown Well Sites to the Wellsboro Pink Natural Gas Gathering Line system impacting a total of 47 feet of stream channel and 0.19 acre of PEM Wetland.

**E5929-003: East Resources Management, LLC**, 190 Thorn Hill Road, Warrendale, PA 15086, Union Township, **Tioga County**, ACOE Baltimore District.

To construct and maintain:

(1) an 8 inch diameter natural gas gathering line and two 4 inch waterlines crossing an unnamed tributary (UNT) to Towanda Creek (CWF) impacting 665 square feet (Ralston, PA Quadrangle 41° 36' 43.46"N 76° 54' 17.80"W);

(2) a temporary road crossing using a 20 foot long, 15 inch diameter corrugated metal pipe, an 8 inch diameter natural gas gathering line and two 4 inch waterlines



crossing an UNT to Towanda Creek (CWF) impacting 694 square feet (Ralston, PA Quadrangle 41° 36' 59.73"N 76° 53' 59.28"W);

(3) a temporary road crossing using three 20 foot long, 24 inch diameter corrugated metal pipe, an 8 inch diameter natural gas gathering line and two 4 inch waterlines crossing an UNT to Towanda Creek (CWF) impacting 564 square feet (Ralston, PA Quadrangle 41° 37' 3.48"N 76° 53' 38.04"W);

(4) an 8 inch diameter natural gas gathering line and two 4 inch waterlines crossing an unnamed tributary (UNT) to Lycoming Creek (HQ-CWF) impacting 866 square feet (Ralston, PA Quadrangle 41° 36' 10.31"N 76° 53' 53.43"W);

(5) a temporary road crossing using two 20 foot long, 24 inch diameter corrugated metal pipe, an 8 inch diameter natural gas gathering line and two 4 inch waterlines crossing an UNT to Towanda Creek (CWF) impacting 1,429 square feet (Ralston, PA Quadrangle 41° 37' 14.27"N 76° 53' 51.09"W);

(6) a temporary road crossing using a 20 foot long, 18 inch diameter corrugated metal pipe, an 8 inch diameter natural gas gathering line and two 4 inch waterlines crossing an UNT to Lycoming Creek (HQ-CWF) impacting 219 square feet (Ralston, PA Quadrangle 41° 37' 14.27"N 76° 53' 51.09"W);

(7) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing a palustrine emergent (PEM) wetland impacting 1,091 square feet (Ralston, PA Quadrangle 41° 36' 33.56"N 76° 54' 21.95"W);

(8) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing a palustrine emergent (PEM) wetland impacting 586 square feet (Ralston, PA Quadrangle 41° 36' 36.92"N 76° 54' 21.05"W);

(9) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing a palustrine scrub shrub (PSS) wetland impacting 1,004 square feet (Ralston, PA Quadrangle 41° 36' 42.61"N 76° 54' 18.15"W);

(10) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing a palustrine scrub shrub (PSS) wetland impacting 1,598 square feet (Ralston, PA Quadrangle 41° 37' 0.95"N 76° 53' 54.82"W);

(11) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing an exceptional value palustrine emergent (EV-PEM) wetland impacting 6,307 square feet (Ralston, PA Quadrangle 41° 37' 2.39"N 76° 53' 42.12"W);

(12) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing a palustrine emergent (PEM) wetland impacting 716 square feet (Ralston, PA Quadrangle 41° 36' 39.81"N 76° 54' 38.62"W);

(13) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing an exceptional value palustrine emergent (EV-PEM) wetland impacting 433 square feet (Ralston, PA Quadrangle 41° 37' 13.20"N 76° 54' 44.22"W);

(14) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing an exceptional value scrub shrub palustrine (EV-PSS) wetland impacting 2,532 square feet (Ralston, PA Quadrangle 41° 36' 10.17"N 76° 53' 56.55"W);

(15) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing an exceptional value palustrine emergent (EV-PEM) wetland impacting 4,305 square feet (Ralston, PA Quadrangle 41° 36' 10.43"N 76° 53' 50.99"W);

(16) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing an exceptional value scrub shrub palustrine (EV-PSS) wetland impacting 2,899 square feet (Ralston, PA Quadrangle 41° 36' 49.82"N 76° 55' 40.32"W);

(17) an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing an exceptional value scrub shrub palustrine (EV-PSS) wetland impacting 2,899 square feet (Ralston, PA Quadrangle 41° 36' 50.52"N 76° 55' 41.04"W);

(18) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing a palustrine scrub shrub (PSS) wetland impacting 559 square feet (Ralston, PA Quadrangle 41° 36' 51.47"N 76° 55' 38.69"W);

(19) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing a palustrine scrub shrub (PSS) wetland impacting 3,991 square feet (Ralston, PA Quadrangle 41° 36' 52.65"N 76° 55' 37.37"W);

(20) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing a palustrine emergent (PEM) wetland impacting 558 square feet (Ralston, PA Quadrangle 41° 36' 59.89"N 76° 55' 37.37"W);

(21) an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing a palustrine emergent (PEM) wetland impacting 729 square feet (Ralston, PA Quadrangle 41° 37' 3.01"N 76° 55' 36.72"W);

(22) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing a palustrine emergent (PEM) wetland impacting 462 square feet (Ralston, PA Quadrangle 41° 36' 9.88"N 76° 55' 12.93"W);

(23) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line and two 4 inch diameter waterlines crossing a forested (PFO) wetland impacting 1,611 square feet (Ralston, PA Quadrangle 41° 36' 36.54"N 76° 54' 41.14"W).

The project will result in 115 linear feet of temporary stream impacts, a total of 28,341 square feet (0.66 acres) of temporary wetland impacts, and a total of 1,611 square feet (0.04 acres) of permanent wetland impacts all for the purpose of installing a natural gas gathering line with associated access roadways.

**E5929-001: East Resources Management, LLC**, 190 Thorn Hill Road, Warrendale, PA 15086, Union Township, **Tioga County**, ACOE Baltimore District.



To construct and maintain:

(24) a 16 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland. Impacted Area: 486 square feet; (Ralston, PA Quadrangle 41° 34' 53.01"N 76° 55' 31.21"W).

(25) a temporary road crossing using a 20 foot long, 15 inch diameter corrugated metal pipe and a 16 inch diameter natural gas gathering line crossing of an unnamed tributary to Sugar Works Run (HQ-CWF). Impacted Area: 1,114 square feet; (Ralston, PA Quadrangle 41° 35' 2.24"N 76° 55' 37.99"W).

(26) a 16 inch and 8 inch diameter natural gas gathering line crossing and a temporary road crossing of a palustrine emergent (PEM) EV wetland. Impacted Area: 953 square feet; (Ralston, PA Quadrangle 41° 35' 43.02"N 76° 55' 17.81"W).

(27) a 16 inch and 8 inch diameter natural gas gathering line crossing and temporary road crossing of a palustrine emergent (PEM) EV wetland. Impacted Area: 21,667 square feet; (Ralston, PA Quadrangle 41° 35' 46.28"N 76° 55' 16.70"W).

(28) a 16 inch and 8 inch diameter natural gas gathering line crossing and a temporary road crossing of a palustrine emergent (PEM) EV wetland. Impacted Area: 2,535 square feet; (Ralston, PA Quadrangle 41° 35' 48.42"N 76° 55' 14.62"W).

(29) a 16 inch and 8 inch diameter natural gas gathering line crossing and a temporary road crossing of a palustrine emergent (PEM) wetland. Impacted Area: 2,120 square feet; (Ralston, PA Quadrangle 41° 36' 5.26"N 76° 55' 14.09"W).

(30) a 16 inch and 8 inch diameter natural gas gathering line crossing and a temporary road crossing of a palustrine emergent (PEM) EV wetland. Impacted Area: 1,167 square feet; (Ralston, PA Quadrangle 41° 36' 6.07"N 76° 55' 13.97"W).

(31) a 16 inch and 8 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland. Impacted Area: 32 square feet; (Ralston, PA Quadrangle 41° 36' 6.23"N 76° 55' 13.36"W).

(32) a 16 inch and 8 inch diameter natural gas gathering line crossing and a temporary road crossing of a palustrine emergent (PEM) wetland. Impacted Area: 10,028 square feet; (Ralston, PA Quadrangle 41° 36' 9.33"N 76° 55' 17.56"W).

(33) a 16 inch and 8 inch diameter natural gas gathering line crossing and a temporary road crossing of a palustrine emergent (PEM) wetland. Impacted Area: 960 square feet; (Ralston, PA Quadrangle 41° 36' 10.37"N 76° 55' 19.55"W).

(34) a 16 inch and 8 inch diameter natural gas gathering line crossing and a temporary road crossing of a palustrine emergent (PEM) wetland. Impacted Area: 3,191; (Ralston, PA Quadrangle 41° 36' 10.98"N 76° 55' 20.61"W).

(35) a 16 inch and 8 inch diameter natural gas gathering line crossing and a temporary road crossing of a palustrine emergent (PEM) wetland. Impacted Area: 1,355 square feet; (Ralston, PA Quadrangle 41° 36' 11.59"N 76° 55' 24.37"W).

(36) a 16 inch and 8 inch diameter natural gas gathering line crossing Sugar Works Run (HQ-CWF). Impacted Area: 54 square feet; (Ralston, PA Quadrangle 41° 36' 12.26"N 76° 55' 36.61"W).

(37) a 16 inch and 8 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland. Impacted Area: 50 square feet; (Ralston, PA Quadrangle 41° 36' 10.90"N 76° 55' 43.92"W).

(38) a 16 inch and 8 inch diameter natural gas gathering line crossing and a temporary road crossing of a palustrine emergent (PEM) wetland. Impacted Area: 1,496 square feet; (Ralston, PA Quadrangle 41° 36' 11.13"N 76° 55' 46.03"W).

(39) a 16 inch and 8 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland. Impacted Area: 227 square feet; (Ralston, PA Quadrangle 41° 36' 10.84"N 76° 55' 22.90"W).

(40) a 16 inch and 8 inch diameter natural gas gathering line temporary crossing of a palustrine emergent (PEM) wetland. Impacted Area: 1,400 square feet; (Ralston, PA Quadrangle 41° 36' 12.70"N 76° 55' 14.87"W).

(41) a 16 inch and 8 inch diameter natural gas gathering line temporary crossing of a palustrine emergent (PEM) wetland. Impacted Area: 205 square feet; (Ralston, PA Quadrangle 41° 36' 9.88"N 76° 55' 12.93"W).

The project will result in 47 linear feet of temporary stream impacts from utility line crossings, 20 linear feet of temporary stream impacts from temporary road crossings, a total of 47,872 square feet (1.10 acres) of wetland impacts all for the purpose of installing a natural gas gathering line with associated access roadways.

**E5929-002: Talisman Energy USA**, 337 Daniel Zenker Drive, Horseheads, NY 14845, Ward Township, **Tioga County**, ACOE Baltimore District.

To construct, operate and maintain:

(42) a 20 foot wide access road with an 18 inch diameter culvert pipe, a 12 inch diameter natural gas gathering line and a temporary aerial 18 inch diameter freshwater transfer line crossing of an exceptional value scrub shrub wetland (EV- PSS) impacting 476 square feet. (Gleason, PA Quadrangle 41° 41' 15.02"N 76° 57' 12.48"W);

(43) a 20 foot wide access road with an 18 inch culvert pipe, a 12 inch natural gas gathering line and a temporary aerial 18 inch freshwater transfer line crossing of an exceptional value scrub shrub wetland (EV- PSS) impacting 528 square feet. (Gleason, PA Quadrangle 41° 41' 13.24"N 76° 57' 4.54"W).

The project will result in 0.03 acres of permanent EV-PSS wetland impacts all for the purpose of obtaining natural gas from the Marcellus shale.

**E5329-001: Allegheny Enterprises, Inc**, 3885 Roller Coaster Road, Corsica, PA 15829-3833, Bingham Township, **Potter County**, ACOE Buffalo District.

To construct, operate and maintain:

(44) a temporary road crossing using a 10 foot wide wood mat bridge and a 4 inch diameter natural gas gathering line crossing an exceptional value palustrine emergent wetland (EV-PEM) impacting 1,294 square feet (Ulysses, PA Quadrangle 41° 56' 3.88"N 77° 46' 38.22"W);

(45) a temporary road crossing using a 10 foot wide wood mat bridge and a 4 inch diameter natural gas gathering line crossing an exceptional value palustrine emergent wetland (EV-PEM) impacting 1,048 square feet (Ulysses, PA Quadrangle 41° 55' 53.93"N 77° 47' 20.74"W);

(46) a temporary road crossing using a 10 foot wide wood mat bridge and a 4 inch diameter natural gas gathering line crossing an exceptional value palustrine emergent wetland (EV-PEM) impacting 4,025 square feet (Ulysses, PA Quadrangle 41° 55' 55.39"N 77° 47' 45.16"W);

(47) a 4 inch diameter natural gas gathering line crossing an exceptional value palustrine emergent wetland (EV-PEM) on each side of the Genesee River (CWF) impacting 207 square feet of wetlands and impacting 30 lineal feet of the Genesee River (Ulysses, PA Quadrangle 41° 55' 51.85"N 77° 47' 57.66"W);

(48) a temporary road crossing using a 10 foot wide wood mat bridge and a 4 diameter inch natural gas gathering line crossing an Unnamed Tributary to the Genesee River (CWF) impacting 2 lineal feet (Ulysses, PA Quadrangle 41° 55' 48.89"N 77° 48' 1.47"W);

(49) a temporary road crossing using a 10 foot wide wood mat bridge and a 4 diameter inch natural gas gathering line crossing an exceptional value palustrine emergent wetland (EV-PEM) impacting 323 square feet (Ulysses, PA Quadrangle 41° 55' 44.64"N 77° 47' 56.80"W).

The project will result in 34 linear feet of temporary stream impacts, and a total of 6,690 square feet (0.15 acres) of wetland impacts all for the purpose of installing a natural gas gathering line with associated access roadways.

**E5329-003: Seneca Resources Corporation**, 51 Zents Boulevard, Brookville, PA, 15825. Genesee Forks Surface Water Withdrawal, in Pike Township, **Potter County**, ACOE Baltimore District (West Pike, PA Quadrangle N: 41° 47' 53.66"; W: 77° 42' 48.79").

To construct and maintain a water withdrawal location on Genesee Forks, which carries a water quality designation of High Quality-Cold Water Fishery. The project consists of a 24 inch slotted steel pipe that will connect to a below grade wet well and meter located on the east side of the stream. The permanent stream impacts for the project are 14 linear feet and 39 square feet, and the temporary stream impacts are estimated as 23 linear feet and 291 square feet. This project proposes no impacts to jurisdictional wetlands.

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105*

**D06-515EA. Borough of Shillington**, 2 East Lancaster Avenue, Shillington, PA 19607-0247 Shillington Borough **Berks County**, ACOE Philadelphia District.

Project proposes to breach and remove Shillington Memorial Park Upper Dam across a tributary to Angelica Creek (WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 300 feet of stream channel. The dam is located approximately 3750 feet southwest of the intersection of Philadelphia Avenue (SR 724) and New Holland Road (SR 625) (Reading, PA Quadrangle; Latitude: 40° 17' 41", Longitude: -75° 57' 32").

**D38-106EA. Ms. Joan Gible**, PO Box 114, Mount Gretna, PA 17064. West Cornwall Township, **Lebanon County**, ACOE Baltimore District. Project proposes to breach and remove Laurel Park Dam across Conewago Creek (TSF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 900 feet of stream channel. The dam is located approximately 1500 feet northeast of the intersection of Butler Road (SR 3001) and SR 117 (Lebanon, PA Quadrangle; Latitude: 40° 15' 24", Longitude: -76° 27' 55").

**D09-258EA. Middletown Township**, 3 Municipal Way, Langhorne, PA 19047, Middletown Township, **Bucks County**, ACOE Philadelphia District. Project proposes to breach and remove Steyer Orchard Dam across a tributary to Neshaminy Creek (WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 700 linear feet of stream channel. The dam is located approximately 875 feet southeast of the intersection of Bridgetown Pike (SR 2010) and Langhorne Yardley Road (SR 2049) (Langhorne, PA Quadrangle; Latitude: 40° 11' 37", Longitude: -74° 54' 11").

**D53-030 and D53-070. Galeton Borough Authority**, 4 Sherman Street, Galeton, PA 16922. West Branch Township, **Potter County**, ACOE Baltimore District. Project proposes to breach and remove Wetmore Run Dam across Wetmore Run and Right Br Dam across Right Branch Wetmore Run (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 500 linear feet of stream channel. The dams are located approximately one-half mile Northwest of the intersection of West Branch Road (SR 200) and Crippen Run Road (T536) (Galeton, PA Quadrangle; Latitude: 41° 43' 11", Longitude: -77° 42' 29"; Galeton, PA Quadrangle; Latitude: 41° 42' 58", Longitude: -77° 42' 51").

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## ACTIONS

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### 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
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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0060950 (Sewage)	Lackawanna Trail High School Tunnel Hill Road Factoryville, PA 18419	Wyoming County Clinton Township	Unnamed Tributary to South Branch Tunkhannock Creek (4-F)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0228931 (Sewage)	Kathy Weaver Bellefonte, PA 16823	Benner Township, Centre County	UNT to Buffalo Run, HQ-CWF	Y
PA0010421 (Industrial Waste)	The Tech Group 6453 US Route 15 Montgomery, PA 17752	Lycoming County Clinton Township	Black Hole Creek (10-C)	Y
PA0113956 (Sewage)	Numidia WWTP 32 Country Acres Lane Catawissa, PA 17820-8632	Columbia County Locust Township	Unnamed Tributary of Roaring Creek (5-E)	Y
PA0228273 (Sewage)	Numidia Wastewater Treatment Plant 32 Country Acres Lanes Numidia, PA 17820	Columbia County Locust Township	Unnamed Tributary of Roaring Creek (5-E)	Y
PA0228320 (Sewage)	Davidson Township Municipal Authority Wastewater Treatment Plant 32 Michelle Road Sonestown, PA 17758-5358	Sullivan County Davidson Township	Muncy Creek (10-D)	Y



<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0032514 (Sewage)	Denton Hill State Park Wastewater Treatment Plant 5661 US 6 West Coudersport, PA 16915	Potter County Ulysses Township	Ninemile Run (9-A)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0205044 Industrial Waste	Allied Waste Systems of PA, LLC 11 Boggs Road PO Box 47 Imperial, PA 15126	Allegheny County Findlay Township	UNT to South Fork Montour Run (001) & UNT to North Fork Montour Run (002)	N
PA0020788 Sewage	Derry Borough Route 271 & Reed Road Derry, PA 15627	Westmoreland County Derry Borough	McGee Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0098329 (Industrial Waste)	Hawthorn Area WTP 100 Riverside Drive Hawthorn, PA 16230	Armstrong County Redbank Township	Redbank Creek 17-C	Y

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

*Northcentral Regional Office: Regional Water Management Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0532.*

**NPDES Permit No. PA0028266**, Sewage, SIC Code 4952, **Borough of Troy**, 110 Elmira Street, Troy, PA 16947-1202.

This existing facility is located in Troy Borough, **Bradford County**.

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

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

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

**WQM Permit No. 3779402**, Industrial Waste, Amendment No. 1, **Rose Point Park Campground Company**, 314 Rose Point Road, New Castle, PA 16101

This proposed facility is located in Slippery Rock Township, **Lawrence County**.

Description of Proposed Action/Activity: Issuance of a WQM Permit to modify/upgrade the existing sewage treatment facilities, to rectify past effluent non-compliance and other maintenance issues.

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

**WQM Permit No. WQG02090912**, Sewerage, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

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

Description of Action/Activity: Construction and operation of sanitary sewer system and pump station.

**WQM Permit No. Sewerage, 4600414**, Amendment, **Hatfield Township Municipal Authority**, 3200 Advance Lane, Colmar, PA 18915.

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

Description of Action/Activity: Replacement of approximately 11, 500 feet of sanitary sewer.

**WQM Permit No. 1598412**, Sewerage, **A2, Renewal, Greenhill Sewer Association**, 1000 Mill Road, West Chester, PA 19380.

This proposed facility is location in East Goshen Township, **Chester County**.

Description of Action/Activity: Renewal of existing aerated lagoon wastewater treatment plant and spray irrigation disposal.

**WQM Permit No. 1596403**, Sewerage, **Transfer/Renewal, Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

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

Description of Action/Activity: Transfer ownership from Thornbury Township to Little Washington Wastewater Company and renewal of existing Green@Penn Oaks treatment plant.



**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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024010003	Lehman Twp 1095 Mt. View Drive Dallas, PA 18612	Luzerne	Lehman Twp	Harveys Creek (HQ-CWF, MF)

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

*Beaver County Conservation District, 156 Cowpath Road, Aliquippa, PA 15001. (724-378-1701)*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050410004	Lindy Paving, Inc. 586 Northgate Circle New Castle, PA 16105	Beaver	Big Beaver Borough	Unnamed Tributary to Jordan Run (HQ-CWF)

**VII. Approvals to Use NPDES and/or Other General Permits**

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

**List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (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 &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lawrence Township Clearfield County	PAG2001710012	Clearfield County Economic Development Corporation 511 Spruce St. Clearfield, PA 16830	West Branch of Susquehanna River WWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
City of Williamsport Lycoming County	PAG2004110010	John Grado Williamsport Parking Authority 245 W 4th St Williamsport, PA 17701	Susquehanna River WWF	Lycoming County Conservation District 542 County Farm Rd Suite 202, Montoursville, PA 17754, (570) 433-3003

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Allegheny County Richland Township	PAG2000204081-R-1	Marathon Partners, LP 433 Hartmann Road Evans City PA 16033	Deer Creek (CWF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Allegheny County Indiana Township	PAG2000204083-R	David Eichenlaub PO Box 806 Indianola, PA 15051	Deer Creek (CWF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Allegheny County Hampton Township	PAG2000205032-R	The Meadows at Hampton, LP 600 Lawrence Avenue Ellwood City, PA 16117	Gourhead Run (TSF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Allegheny County North Versailles Township	PAG2000205042-R	J.J. Holdings LP PO Box 545 Monroeville, PA 15146	Turtle Creek (WWF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Allegheny County Kennedy Township	PAG2000205049-1	McDowell Estates LP 300 Weyman Plaza Pittsburgh, PA 15234	Ohio River (WWF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Allegheny County Mt. Lebanon	PAG2000205067-R	Kossman Development Co. Eleven Parkway Center Pittsburgh, PA 15220	Saw Mill Run (WWF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Allegheny County Marshall Township	PAG2000205095-R	Heartland Homes PO Box 535 Lawrence, PA 15055	Brush Creek (TSF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Allegheny County Marshall & Pine Townships	PAG2000205105-R	PA Turnpike Commission PO Box 67676 Harrisburg, PA 17106	Brush Creek (WWF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Allegheny County Indiana Township	PAG2000206025-1	Palm Properties LP 3390 Saxonburg Blvd. Glenshaw, PA 15116	Little Pine Creek (TSF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Allegheny County Carnegie Borough & Collier Township	PAG2000206033-R	Prestley Heights LP 2577 Coreland Drive Pittsburgh, PA 15241	Chartiers Creek (WWF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Allegheny County McCandless Township	PAG2000209077-1	CH Realty II/Wexford 5737 Bigger Road Dayton, OH 45440	Pine Creek (CWF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Allegheny County Collier Township	PAG02000204118-R	LAD Construction Company 149 Dorrington Road Oakdale, PA 15071	Chartiers Creek (WWF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Allegheny County Collier Township	PAG02000205072-R	A. Richard Nernberg 310 Seven Fields Blvd. Seven Fields, PA 16046	Thoms Run (TSF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Allegheny County Upper St. Clair Township	PAG02000206012-R	William E. McCloskey 571 West McMurray Road McMurray, PA 15317	Brush Run (WWF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Allegheny County Pine Township	PAG02000210004	The Merit Age Group 772 Pine Valley Drive Pittsburgh, PA 15239	Pine Creek (CWF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Allegheny County Pine Township	PAG02000210011	Pine-Richland School District 705 Warrendale Road Gibsonia, PA 15044	Pine Creek (CWF) & Breakneck Creek (WWF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Allegheny County McCandless & Pine Townships	PAG02000210022	PA Department of Transportation 45 Thoms Run Road Bridgeville, PA 15017	Pine Creek (CWF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Allegheny County Pine Township	PAG02000210025	Sierra Pine Association 409 Broad Street Sewickley, PA 15143	Breakneck Creek (WWF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Allegheny County Marshall Township	PAG02000210026	Shenot Associates, LP 772 Pine Valley Drive Pittsburgh, PA 15239	Brush Creek (TSF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Allegheny County Moon Township	PAG02000210029	PA Air National Guard 300 Tanker Road Coraopolis, PA 15108	Montour Run (WWF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Allegheny County O'Hara Township	PAG02000210029	ASTARK, Ltd. 2801 Freeport Road Pittsburgh, PA 15238	Allegheny River (WWF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Allegheny County Marshall Township	PAG02000210032	Northgate Road Associates LLC 125 Warrendale- Bayne Road Warrendale, PA 15086-7570	Brush Creek (WWF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Allegheny County Pittsburgh & Baldwin Boro	PAG02000210033	Pennsylvania American Water Company 300 Galley Road McMurray, PA 15317	Glass Run (WWF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Allegheny County Harrison Township	PAG02000210034	Michael Joseph Development Corp. 105 Bradford Road Wexford, PA 15090	Allegheny River & Bull Creek (TSF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Allegheny County Richnald Township	PAG02000210036	St. Barnabas Land Trust 5850 Meridian Road Gibsonia, PA 15044	Deer Creek (CWF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Allegheny County North Fayette Township	PAG02000210037	Integrated Water Technologies 5925 Stevenson Suite A Harrisburg, PA 17112-1794	Little Raccoon Run (WWF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Allegheny County Plum Borough	PAG02000210038	D-Vac Corporation 6 Commerce Drive Pittsburgh, PA 15239	Thompson Run (WWF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Allegheny County Fawn Township	PAG02000210040	Harry Negley 4069 Ridge Road Natrona Heights, PA 15065	Bull Creek (TSF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Allegheny County Pittsburgh	PAG02000210041	University of Pittsburgh 3400 Forbes Avenue Pittsburgh, PA 15260	Monongahela River (WWF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Allegheny County Plum Borough	PAG02000210042	Plum Borough 4575 New Texas Road Pittsburgh, PA 15239	Little Plum Creek (WWF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Allegheny County Plum Borough	PAG02000210043	James Woodings 1125 Camp Nancy Road Apollo, PA 15613	Piersons Run (WWF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Allegheny County Pittsburgh	PAG02000210044	Liberty Park Phase II LP 1415 Olive Street St. Louis, MO 63103 and LaQuatra Bonci Assoc. 95 S. 10th Street Pittsburgh, PA 15203	Allegheny River (WWF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Allegheny County Mt. Lebanon	PAG02000210045	Mt. Lebanon School District 7 Horseman Drive Pittsburgh, PA 15228	Painters Run (WWF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Allegheny County Pittsburgh	PAG02000210049	Community College of Allegheny County 800 Allegheny Avenue Pittsburgh, PA 15233	Ohio River (WWF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Allegheny County Baldwin Borough & Pittsburgh	PAG02000210050	Pennsylvania-American Water Company 800 West Hershey Park Drive Hershey, PA 17033	Monongahela River & Becks Run (WWF)	Allegheny County CD 400 N. Lexington Ave. Pittsburgh, PA 15208 412-241-7645
Armstrong County Manor Township	PAG2000410004	Herkules Golf & Entertainment LLC 950 Golf Course Road Ford City, PA 16226	Trb 46218 to Crooked Creek (WWF)	Armstrong County CD Armsdale Administration Building 124 Armsdale Road Kittanning, PA 16201 724-548-3435
Greene County Morgan Township	PAG02003010011	Lower Ten Mile Joint Sewer 144 Chartiers Road Jefferson, PA 15344	Browns Run (WWF)	Greene County CD 19 South Washington Street Waynesburg, PA 15370 724-852-5278
Cranberry Township Butler County	PAG02 0010 10 018	Charles Jones American Transmission Systems Inc 76 South Main Street Akron OH 44308	UNT Brush Creek WWF	Butler Conservation District 724-284-5270

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Castanea Township, Tioga County	PAR804882 (Stormwater)	Modern Materials Services 304 West Brown Street Castanea, PA 17726	Bald Eagle Creek, WWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666



NOTICES

7271

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Williamsport City Lycoming County	PAR144805	Smurfit Stone Container Corporation 2940 Reach Road Williamsport, PA 17701-4146	West Branch Susquehanna River—10-A	Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0532
Williamsport City Lycoming County	PAR234808	West Pharmaceutical Services PO Box C-7777 Williamsport, PA 17701	Storm drain to West Branch Susquehanna River	Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0532
Tarentum Borough Allegheny County	PAR216170	Holcim (U.S.), Inc. 445 Grantham Street PO Box 295 Tarentum, PA 15084-1321	UNT of Coxes Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Homer City Borough Indiana County	PAR116122	MGK Technologies, Inc. PO Box H Brookville, PA 15825	UNT of Coxes Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

*General Permit Type—PAG-4*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Greene Township Erie County	PAG041003	Michael J. Mowery 4266 Steger Road Erie, PA 16510	Unnamed Tributary to Fourmile Creek 15	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-8 (SSN)*

<i>Facility Location: Municipality &amp; County</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name</i>	<i>Permit Number</i>	<i>Contact Office &amp; Phone No.</i>
South Huntingdon Township Westmoreland County	Synagro 264 Prisani Street PO Box 35 Bovard, PA 15619	Triple C Recycling	734169	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
Somerset Township Somerset County	Piles Concrete Products, Inc. 115 Pickett Lane Friedens, PA 15541	Zimmerman Farm	735636	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

General Permit Type—PAG-9

Facility Location:  
Municipality &  
County

Permit No.  
PAG 09-4827

Applicant Name &  
Address  
Louis Crawford  
3774 Pantherlick Road  
Sugar Run, PA 18846

Site Name &  
Location  
Ralph Newton  
Farm Terry  
Township  
Bradford County

Contact Office &  
Phone No.  
NCRO  
570-327-0526

Terry Township  
Bradford County

**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>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
James Hershey 338 Sunnyburn Road Elizabethtown, PA 17022	Lancaster	530	667.25	Swine / Broilers	NA	Approved
John M. Hess 502 West Lincoln Road Lititz, PA 17543	Lancaster	121.4	346.93	Swine / Beef	NA	Approved
Joel Rutt 1178 White Oak Road Manheim, PA 17545	Lancaster	243	677	Swine / Beef / Broilers	NA	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. 4610516** Public Water Supply  
 Applicant **Saint Gabriel's Hall**  
 P. O. Box 7280  
 Audubon, PA 19402  
 Township Lower Providence  
 County **Montgomery**  
 Type of Facility PWS  
 Consulting Engineer Environmental Engineering Management Associates, Inc.  
 P. O. Box 232  
 Kulpsville, PA 19443  
 Permit to Construct Issued June 15, 2010

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

**Permit No. 0509501 MA, Minor Amendment**, Public Water Supply.  
 Applicant **Bedford Township Municipal Authority**  
 Municipality Bedford Township  
 County **Bedford**  
 Responsible Official Owen K Crist, Chairman  
 P O Box 371  
 Bedford, PA 15522  
 Type of Facility Area II and Area III water line extension. The Pennsylvania Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Department's review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposed project. The Department hereby approves the Environmental Assessment.  
 Consulting Engineer Timothy A Cooper, P.E.  
 Stiffler McGraw & Associates Inc  
 19 N Juniata Street  
 Hollidaysburg, PA 16648  
 Permit to Construct Issued: 4/29/2009

**Permit No. 2209510**, Public Water Supply.  
 Applicant **Steelton Borough Authority**  
 Municipality Steelton Borough

County  
 Responsible Official

**Dauphin**  
 John M. DeSanto,  
 Municipal Division Manager  
 123 N. Front Street  
 Steelton, PA 17113

Type of Facility

Installation of a new transmission main from the filter plant to the distribution system, modifications to the raw water pump house, filter syphon system, clarifiers and replacement of the filter media.

The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Department's review of the project and the information received in the Uniform Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department approved the Uniform Environmental Assessment on December 6, 2010.

Consulting Engineer  
 Permit to Construct Issued:

Paul J Navarro, P.E.  
 Navarro & Wright  
 Consulting Engineers Inc  
 151 Reno Avenue  
 New Cumberland, PA 17070

**Permit No. 3810503**, Public Water Supply.  
 Applicant  
 Municipality  
 County  
 Responsible Official

4/6/2010

**HMS Host Corp**  
 Lawn Township  
**Lebanon**  
 Randy S Eddinger,  
 Consultant/PADEP operator  
 1697 Swamp Pike  
 Gibbertsville, PA 19525

Type of Facility

Installation of a new treatment system, consisting of softening and RO, for existing groundwater sources at the Lawn Service Plaza on the PA Turnpike.

Consulting Engineer  
 Permit to Construct Issued:

George W Ruby, P.E.  
 Ruby Engineering  
 3605 Island Club Drive  
 North Port, FL 34288-6611

12/6/2010

**Permit No. 3610544 MA, Minor Amendment**, Public Water Supply.  
 Applicant **Northwestern Lancaster County Authority**  
 Municipality Penn Township

County **Lancaster**  
 Responsible Official David Stewart PE, Chairman  
 97 North Penryn Road  
 Manheim, PA 17545  
 Type of Facility Chlorine Booster Station for  
 Fruitville Pike Extension  
 Consulting Engineer Mark L Homan, P.E.  
 Becker Engineering LLC  
 111 Millersville Road  
 Lancaster, PA 17603  
 Permit to Construct 12/6/2010  
 Issued:

**Operations Permit** issued to: **Millbrook Manor Mobile Home Park**, West Cocalico Township, **Lancaster County** on 12/2/2010 for the operation of facilities approved under Construction Permit No. 3604514.

**Operations Permit** issued to: **Gettysburg Municipal Authority**, 7010019, Cumberland Township, **Adams County** on 12/2/2010 for the operation of facilities approved under Construction Permit No. 0110503 MA.

**Operations Permit** issued to: **New Birth of Freedom Council BSA (Hidden Valley Camp)**, 7500802, Tyrone Township, **Perry County** on 12/2/2010 for the operation of facilities approved under Construction Permit No. 5010511 MA.

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

**Permit No. 0210517**, Public Water Supply.

Applicant **Municipal Authority of the Borough of West View**,  
 210 Perry Highway,  
 Pittsburgh, PA 15229  
 [Borough or Township] Neville Township  
 County **Allegheny**  
 Type of Facility Water treatment plant  
 Consulting Engineer Bankson Engineers, Inc.  
 267 Blue Run Road  
 PO Box 200  
 Indianola, PA 15051  
 Permit to Construct December 2, 2010  
 Issued

**Operations Permit** issued to: **Beaver Falls Municipal Authority**, 1425 Eighth Avenue, Beaver Falls, PA 15010, (PWSID #5040012) Eastvale Borough, **Beaver County** on December 2, 2010 for the operation of facilities approved under Construction Permit # 0408503.

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

**Operations Permit** issued to **Venango Water Company**, PWSID #6610014, Sugar creek Borough, **Venango County** on December 3, 2010, authorizing Venango Water Company as a bulk water hauler. This permit, Permit No. 6616580, is issued with the understanding that the approved sources of supply are Venango Water Company (PWSID #6610014), West Hickory Water Company (PWSID #6270002) and Cooperstown Water Company (PWSID #6610017).

**Local Wellhead Protection Program Approval** issued to Pennsylvania American Water, Warren facility, PWSID No. 6620020, City of Warren, **Warren County** on November 30, 2010.

## STORMWATER MANAGEMENT

### Action on plans submitted under the Stormwater Management Act (32 P. S. § 680.9)

*Bureau of Watershed Management, P. O. Box 8775, Harrisburg, Pennsylvania 17105-8775*

**The Act 167 Stormwater Management Plans for the Maiden Creek Headwaters and the Sacony Creek Headwaters** watersheds, prepared and submitted by Lehigh County, were approved on December 3, 2010. These plans apply to all areas within the Maiden Creek Headwaters and the Sacony Creek Headwaters watersheds in **Lehigh County**.

**The Act 167 Countywide Stormwater Management Plan for Butler County**, submitted by **Butler County**, was approved on December 3, 2010. This plan applies to all watersheds and all areas within Butler County.

### 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:* on the west side of Peters Mountain Road at Powells Valley Road.

Borough or Township	Borough or Township Address	County
Halifax Township	214 North River Road, Halifax PA 17032	Dauphin County

*Plan Description:* The approved plan, in the name of River Ridge Mobile Home Park, provides for a 21 unit mobile home park using a privately owned low pressure sewage collection system connecting to the Halifax Area Water and Sewer Authority. A Clean Streams Law Permit will be required for the low pressure sewage collection system. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the owner.

*Plan Location:*

Borough or Township	Borough or Township Address	County
East St Clair Township	1445 Quaker Valley Road New Paris, PA 15554	Bedford County

*Plan Description:* The approved plan provides for the upgrade to the Camp Pleasant Pump Station to relieve a hydraulic overload and connection ban. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

### SEWAGE FACILITIES ACT PLAN DISAPPROVAL

#### Plan Approvals Denied 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:* Located on the east side of Snyder Estates Lane, south of Ferguson Valley Road, Wayne Township, Mifflin County

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Wayne Township	3055 Ferguson Valley Rd McVeytown PA 17051	Mifflin County

*Plan Description:* The Sewage Facilities Planning Module, entitled Raymond J. Snyder, DEP Code No. A3-44915-112-1, proposed one new single family residential lot using an individual on-lot sewage disposal systems. The module was disapproved because the Nitrogen Stream Load Calculation report incorrectly used Beaverdam Run as the point of assessment. The plume from the proposed on lot system on Lot 2 will actually flow in the opposite direction towards an unnamed tributary of the Juniata River. When this is taken into consideration, the calculations show that there will be an impact on the High Quality stream. The applicant did not propose the use of best management practices for on lot sewage disposal to mitigate this impact to the stream.

## 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:

*Northeast Region: Eric Supey, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Former Techneglas Property** (Interstate Distribution Center), 140 Industrial Drive, Jenkins Township, Luzerne County. Kenneth G. Robbins, HDR, Inc., 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015-2165 has submitted a combined Remedial Investigation Report/Cleanup Plan (on behalf of his client, Pittston Industrial, LLC, Interstate Distribution Center, 140 Industrial Drive, Pittston, PA 18640), concerning the remediation of soil found to have been impacted by VOCs, SVOCs, and metals as a result of historical operations at the site. The combined report was submitted to document attainment of the Non-Residential Statewide Health Standard for soil, covering VOCs, SVOCs, and metals; and also to meet the Site-Specific Standard, covering metals. A public notice regarding the submission of the combined Remedial Investigation Report/Cleanup Plan was published in *The Times Leader* on October 15, 2010.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Becker's Lawn & Garden Equipment**, Hanover Borough, York County. Alternative Environmental Solutions, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of Richard Becker, 4073 Grandview Road, Hanover, PA 17331, submitted a Remedial Investigation Report and Final Report concerning remediation of site soils and groundwater contaminated with unleaded gasoline from an underground storage tank. The report is intended to document remediation of the site to meet the Site-Specific standard.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Bucknell University Dewitt Building**, Lewisburg Borough, Union County. JMT Environmental Technologies, Inc., 3353-C Gun Club Road, Nazareth, PA 18064 on behalf of Bucknell University, Facilities Management Office, Lewisburg, PA 17837 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.

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

**Former Continental Rubber Site**, City of Erie, Erie County. MACTEC Engineering and Consulting, Inc., 800 North Bell Avenue, Suite 200, Pittsburgh, PA 15106 on behalf of Greater Erie Industrial Development Corporation, 5240 Knowledge Parkway, Erie, PA 16510 has submitted a Final Report concerning remediation of site soils contaminated with Arsenic. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Ambridge Area Brownfields**, 11th—14th Streets, Borough of Ambridge, Beaver County. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Ambridge Borough, 600 11th Street, Ambridge, PA 15003 and Castlebrook Development Group, 2593 Wexford-Bayne Road, Suite 201, Sewickley, PA 15143 has submitted a combined Risk Assessment and Cleanup Plan concerning the remediation of site soil and groundwater

contaminated with heavy metals, PAH's, SVOC's and VOC's. The future use of the Site is to be nonresidential. The Combined Report was published in the *Beaver County Times* on November 2, 2010.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Tavares & Drey Residences**, Ontelaunee Township, **Berks County**. Trimpi Associates, Inc., 1635 Old Plains

Road, Pennsburg, PA 18073, on behalf of Antonia Tavares, 35 Berkley Park Road, Reading, PA 19605 and Sheila Drey, 33 Berkley Park Road, Reading, PA 19605, submitted a Final Report concerning remediation of site soils and groundwater contaminated with #2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on December 2, 2010.

**Carlisle Town Center**, Carlisle Borough, **Cumberland County**. BL Companies, 213 Market Street, Suite 6, Harrisburg, PA 17101, on behalf of Downtown Construction Company, LLC, 2201 Barren Hill Road, Conshohocken, PA 19428, submitted a Final Report concerning remediation of site soils contaminated with VOCs and SVOCs from historical manufacturing processes when the site was occupied by Hoffman Materials. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on December 3, 2010. Groundwater remediation will be addressed in a separate report.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Spectrum Control Inc.** Ferguson Township, **Centre County**. Conestoga Rovers & Assoc., 651 Colby Drive, Waterloo, Ontario, Canada N2V 1C2 on behalf of Spectrum Control Inc., 8031 Avonia Road, Fairview, PA 16415 has submitted a Remedial Investigation Report and a Risk Assessment Report concerning remediation of site soil and groundwater contaminated with tetrachloroethylene, trichloroethylene, barium, and lead. The reports were approved by the Department on December 6, 2010.

**Brian and Margaret Rhodomoyer**, Fishing Creek Township, **Columbia County**. Northridge Group Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Brian and Margaret Rhodomoyer, 3014 State Route 487, Orangeville, PA 17859 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 30, 2010.

**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 Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 1, 2010.

**BTS Carriers, Inc.**, White Deer Township, **Union County**. Northridge Group Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of BTS Carriers, Inc., 50983 Western Drive, Plymouth, MI 48170 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 1, 2010

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

**West Erie Plaza**, Millcreek Township, **Erie County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 on behalf of National Shopping Centers Management Corporation, 1104 La Vista Road, Santa Barbara, CA 93110 has submitted a Final Report concerning the remediation of site soil contaminated with bromomethane,



methyl chloride, trichloroethylene (TCE) and site ground-water contaminated with bromomethane, cis-1,2-dichloroethylene, trichloroethylene (TCE), vinyl chloride. The Final Report demonstrated attainment of the Background and Residential Statewide Health Standards and was approved by the Department on November 9, 2010.

#### MUNICIPAL WASTE GENERAL PERMITS

**Permits modified under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Permit No. 101611 Berks Transfer Inc.**, 59 Willow Creek Road, Reading, PA 19612-2706. This is a major permit modification to Solid Waste Permit No. 101611 for the operation of Berks Transfer Facility, issued in accordance with Article V of the Solid Waste Management Act, 35 P. S. Sections 6018.101, et seq.

This modification approves the acceptance of additional residual waste for transfer. Compliance with the terms and conditions set forth in the permit is mandatory. You have the right to file an appeal as to these terms and conditions.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permits Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

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

**Permit No. 10156. University Area Joint Authority**, 1576 Spring Valley Road, State College, PA, College and Benner Townships, **Centre County**. Processing municipal waste by composting to produce a Class A biosolids product. The permit was issued by Northcentral Regional Office on December 1, 2010.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

### 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*

**GP4-22-03058: Pratt & Whitney Amercon, Inc.** (181 Fulling Mill Road, Middletown, Pennsylvania 17057) on December 1, 2010, for a burn-off oven at their aircraft engine/parts manufacturing facility in Lower Swatara Township, **Dauphin County**.

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

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

**GP5-26-00589: Burnett Oil Company, Inc.** (Point Plaza Suite 120, 601 Technology Drive, Canonsburg, PA 15317) on December 3, 2010, to operate a natural gas production facility at their West Summit Compressor Station in Springhill Township, **Fayette County**.

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

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

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

**46-0262B: Penn Color, Inc.** (2755 Bergey Road, Hatfield, PA 19440) on December 1, 2010, for installation of two (2) extruder machines at their Penn Color facility in Hatfield Township, **Montgomery County**. The production plant manufacturers pigment dispersions and color concentrates for commercial use. Penn Color is an existing facility, however, currently, there are no facility operating permits issued to this site. Facility Volatile Organic Compounds (VOC) and Particulate Matter (PM) emissions are below major facility thresholds for the Philadelphia Metropolitan Area; the facility is classified as a Synthetic Minor Facility. The new sources, two (2) extruder machines, Extruder E12 (Source ID 213) and Extruder E13 (Source ID 214), will be exhausted an existing dust collector (C205—Dust Collector, Dry Building Henschel) currently operating under Plan Approval No. 46-0262A. Plan Approval No. 46-0262B will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**39-318-119: Bosch Rexroth Corp.** (2315 City Line Road, Bethlehem, PA 18017) on November 1, 2010, to construct and operate paint booths and a curing oven at their facility in the city of Bethlehem, **Lehigh 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*

**05-05014A: WSI Sandy Run Landfill, Inc.** (995 Landfill Road, Hopewell, PA 16650-8653) on November 30, 2010, to construct an enclosed ground flare to control landfill gas emissions from the landfill expansion at the Sandy Run Landfill in Broad Top Township, **Bedford County**.

**07-03014A: New Enterprise Stone & Lime Co., Inc.** (PO Box 77, New Enterprise, PA 16664-0077) on Novem-

ber 30, 2010, to modify Source ID 102 Limestone Crushing Plant to include the installation of crushing and screening units at the Roaring Spring Quarry in Taylor Township, **Blair County**.

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

*Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940*

**42-1580: Temple-Inland-Mt. Jewett** (RR No. 1, Hutchins Road, Mt. Jewett, PA 16740) on December 2, 2010, to operate a portable log chipper and the use of polymeric diphenylmethane diisocyanate resin (pMDI) at their facility in Mt. Jewett Borough, **McKean County**. This is a Title V facility.

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

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

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

**23-0109A: Catalyst International, Inc.** (1050 Ashland Avenue, Folcroft, PA 10932) on December 2, 2010, to operate the laminator, roller coating adhesive application in Folcroft Borough, **Delaware County**.

**09-0193: Basic Chemical Solutions, LLC.** (5 Steel Road East, Morrisville, PA 19067) on December 2, 2010, to operate above ground acid storage tanks in Falls Township, **Bucks County**.

**46-0032D: SPS Technologies, Inc.** (301 Highland Avenue, Jenkintown, PA 19046) on December 3, 2010, to operate a plating line in Abington Township, **Montgomery County**.

**15-0054B: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) on December 3, 2010, to operate a new burner East Caln Township, **Chester 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*

**06-03141: UGI LNG, Inc.** (One Meridian Boulevard, Suite 2C01, Wyomissing, PA 19610-3230) on December 2, 2010, for three natural gas-fired combustion vaporizers at their facility in Ontelaunee Township, **Berks County**. The Plan Approval was extended.

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

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

**26-00562A: Coastal Lumber Co.** (3302 Lobban Place, Charlottesville, VA 22903) on December 4, 2010, to extend the period of temporary operation of sources and controls covered under plan approval PA-26-00562A with an expiration date of June 4, 2010, at their Hopwood Sawmill in South Union Township, **Fayette County**. The plan approval has been extended.

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

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

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

**46-00014: Knoll, Inc.** (1235 Water Street, East Greenville, PA 18041) on November 30, 2010, for renewal of the original Title V Operating Permit, which was issued on November 30, 2005, and amended on January 13, 2009 in Upper Hanover Township, **Montgomery County**. There is not any emissions increase or any changes since the amended permit issued. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**07-05010: ST Products, LLC—d.b.a. Small Tube Products** (PO Box 1017, Duncansville, Pennsylvania 16635) on November 24, 2010, for their small tube manufacturing facility located in Allegheny Township, **Blair County**. This is a renewal of the Title V Operating Permit.

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940*

**42-00028: Saint-Gobain Containers, Inc.** (1 Glass Place, Port Allegany, PA 16743) on December 3, 2010, for an administrative amendment to the Title V Operating Permit to incorporate the change in responsible official to Rene Beltran-Plant Manager, this was delegated by Tristan Thommasson- Manufacturing Vice President for Saint-Gobain Containers in Port Allegany Borough, **McKean County**.

**61-00181: Scrubgrass Generating Co., L.P.** (2151 Lisbon Road, Kennerdell, PA 16374) on December 1, 2010, for an administrative amendment to the Title V Operating Permit to incorporate the change in responsible official to Todd Shirley-Projects General Manager with Joe Ruggiero-Compliance Manager as the alternate responsible official, this was delegated by Warren MacGillivray—Vice President for Scrubgrass Generating Company L.P. in **Venango County**.

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

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

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

**23-00049: PPL Interstate Energy Co.—Marcus Hook** (1111 Ridge Road, Linwood, PA 19061) on December 1, 2010, for a renewal of State Only (Synthetic Minor) Operating Permit No. 23-00049, for three (3) mainline fuel heaters, a maintenance heater, and a cold parts cleaner at their facility in Linwood, **Delaware County**.



The permit was originally issued on March 10, 2005, and no physical changes have occurred at the facility since then. The renewed permit will include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00234: Conshohocken Steel Products, Inc.** (301 Randolph Avenue, Ambler, PA 19002) on December 1, 2010, for operation of their facility in Upper Dublin Township, **Montgomery County**. This action is a renewal of the permit for a non-Title V (Synthetic Minor) facility. The facility is a Synthetic Minor for VOC. Site-wide emissions of VOC are restricted to 19.5 tons per 12-month rolling period. The facility is a manufacturer of roll-off containers/dumpsters. Under the current operating permit, the facility has been utilizing one spray booth to spray paint containers/dumpsters, along with manually brushing some materials outside the spray booth. Under a Request for Determination, the facility has also added two additional water-based spray paint booths to their operation. These two water-based spray paint booths shall be included in the permit renewal. The operating permit will continue to include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**23-00096: County of Delaware—George W. Hill Correctional Facility** (500 Cheyney Road, Thornton, PA 19373) on December 1, 2010, for the renewal permit to operate six (6) emergency generators and various small hot water heaters at the correctional facility in Concord Township, **Delaware County**. The renewal permit is for a non-Title V (State Only) facility. The facility caps Nitrogen Oxide (NO<sub>x</sub>) to less than 25 tons per year each; therefore the facility is a Synthetic Minor. There are no new sources at the facility and there is no new state or federal regulations applicable to the facility. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**48-00008: Cadmus Specialty Publications** (1991 Northampton Street, Easton, PA 18042) for a book manufacturing and printing operation in Wilson Borough, **Northampton County**. The proposed State Only Operating Permit contains applicable requirements for emissions limitations, monitoring, record keeping, reporting, and work practice standards used to maintain facility compliance with Federal and State air pollution regulations.

*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*

**36-05084: Ephrata Community Hospital** (PO Box 1002, Ephrata, Pennsylvania 17522-1002) on November 29, 2010, for the boilers and emergency generators at their hospital facility in Ephrata Borough, **Lancaster County**. This is a renewal of the State Only Operating permit.

**36-05092: Greiner Industries, Inc.** (1650 Steel Way, Mount Joy, Pennsylvania 17552-9515) on December 1, 2010, for their custom metal fabrication facility in Mount

Joy Township, **Lancaster County**. This is a renewal of the State Only Operating permit.

**06-03011: Giles & Yeckley Funeral Home** (21 Chestnut Street, Mohnton, Pennsylvania 19540-1926) on November 29, 2010, for the human crematory units at their funeral home in Mohnton Borough, **Berks County**. This is a renewal of the State Only Operating permit.

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940*

**10-00277: Wiest Asphalt Products & Paving Inc.** (310 Mitchell Hill Road, Butler, PA 16002-9182) on November 30, 2010, to reissue a Synthetic Minor Permit to operate a hot mix asphalt plant in Summit Township, **Butler County**. The significant sources are natural gas boiler for asphalt tank, batch mix asphalt plant, fugitives from batch process and asphalt tank. The facility has taken a restriction on production not exceeding 495,000 tons per year to qualify as a Synthetic Minor facility.

**20-00043: Dunbar Asphalt Products, Inc.** (11203 Ellion Road, Conneaut Lake, PA 16316) on November 30, 2010, to reissue a Synthetic Minor Permit to operate a hot mix asphalt plant in Sadsbury Township, **Crawford County**. The significant sources are the hot mix batch plant; hot elevators, screens, bins, asphalt cement storage tank, cold aggregate bins and the finished products silos. The facility has taken a restriction on production not exceeding 495,000 tons per year to qualify as a Synthetic Minor facility.

**61-00206: Renovex** (1028 Stevenson Road, Grove City, PA 16127-7918) on December 1, 2010, to issue a renewal State Only Operating Permit to reprocess old used propane cylinders in Barkeyville Borough, **Venango County**. The facility is a Natural Minor. The primary sources at the facility include a cylinder washer, shot blast operation, spray paint booth, curing oven, and propane storage tanks. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

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

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**05-05006: Columbia Gas Transmission, LLC** (1700 MacCorkle Avenue SE, Charleston, West Virginia 25314-1518) on November 17, 2010, for the Artemas Compressor Station in Mann Township, **Bedford County**. This Title V permit was administratively amended to incorporate the requirements of Plan Approval No. 05-05006B.

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

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940

**10-00107: Wismarq Valencia, LLC** (125 McFann Road, Valencia, PA 16059) on December 3, 2010, for an administrative amendment to the State Operating Permit to incorporate the change in ownership (previously NAPCO, Inc.), tax ID, responsible official, and contact person due to the change in ownership that occurred on August 1, 2010 in Middlesex Township, **Butler County**.

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

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

Date	Source	PM10 (tons)	SOx (tons)	NOx (tons)	VOC (tons)	CO (tons)
12-1-10	Existing #2 Fuel Oil		0.63			
Total Reported Increases			0.63			
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

**25-00025: GE Transportation Co.** (2901 East Lake Road, Bldg 9-201, Erie, PA 16531) for their facility in Lawrence Park Township, **Erie County**. The De minimis emission increase is for installation of 10J Cooling Tower. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 PA Code 127.449(i). This list includes the De minimis emission increases since the Title V Operating Permit issuance on August 1, 2006.

Date	Source	PM10 (tons)	SOx (tons)	NOx (tons)	VOC (tons)	CO (tons)
6/26/07	Varnish Application Systems	0	0	0	0.95	0
10/14/09	Drum Handling System	0	0	0	0.14	0
8/2/10	Epoxy coated paper	0	0	0	0.2	0
12/1/10	10J Cooling Tower	0.32				
Total Reported Increases		0.32	0	0	1.29	0
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

**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.**

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

Contact: Matthew Williams, New Source Review Chief—Telephone: 814-332-6940

**33-00160: Reynoldsville Casket Co., Inc.** (560 Myrtle Street, Reynoldsville, PA 15851-0068), on December 1, 2010, for revocation of their State Only Operating Permit for the operation of the burial casket manufacturing

Contact: Matthew Williams, New Source Review Chief—Telephone: 814-332-6940

**10-325A: US Department of Veterans Affairs—Butler Medical Center** (325 New Castle Road, Butler, PA 16001-2418) for their facility in Butler Township, **Butler County**. The de minimis increase is a result of the use of existing fuel at the facility for (3) three 25.8 MMBtu/hr Keeler boilers (Sources 031, 032 and 033). The Department has started a list of de minimis increases as prescribed in 25 Pa. Code § 127.449(i).

Since the December 2, 2010 Plan Approval issuance date, the Butler VA Medical Center has notified the Department of the following de minimis emission increases:

facility in Reynoldsville Borough, **Jefferson County**. The sources in the permit (surface coating booths) and control devices (4 stage dry filter and catalytic oxidizer) were removed from service. This operating permit was revoked because of a permanent shutdown of operations at the facility and facility closing on August 12, 2010.

**61-00180: Akers National Roll Co.—Vertical Seal Co.** (RR 1 Box 147, Pleasantville, PA 16341) on December 1, 2010, for revocation of their State Only Operating Permit for the cold finishing of steel shape manufacturing facility in Harmony Township, **Forest County**. The exhaust from the melting pots are controlled by a fabric collector that only vents indoors and was therefore ex-

empted from plan approval. The remaining sources (space heaters and parts washer were exempted from plan approval and operating permit). This operating permit was therefore revoked.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).**

### Coal Permits Actions

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

**11080102 and NPDES No. PA0262641. Bell Resources, Inc.**, 1340 Hoyt Road, Curwensville, PA 16833, commencement, operation and restoration of a bituminous surface mine in Susquehanna Township, **Cambria County**, affecting 35.2 acres. Receiving stream(s): West Branch of the Susquehanna River classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received May 16, 2008. Permit issued: November 30, 2010.

**32040202 and NPDES No. PA0249670. Robindale Energy Services, Inc.**, 224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920, permit renewal for the continued operation and restoration of a bituminous surface CFBC Ash Beneficial Use and coal refuse reprocessing mine in East Wheatfield Township, **Indiana County**, affecting 34.5 acres. Receiving stream(s): Conemaugh River classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received February 19, 2010. Permit issued: November 24, 2010.

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

**03070102 and NPDES Permit No. PA051151. State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201). Permit renewal issued for commencement, operation, and reclamation of a bituminous surface mining site with a status of three years not started, located in Washington Township, **Armstrong County**, affecting 413.0 acres. Receiving streams: unnamed tributaries of Limestone Run to the Allegheny River. Renewal application received: May 13, 2010. Renewal permit issued: December 1, 2010.

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

**16100104 and NPDES Permit No. PA0258911. RFI Energy, Inc.** (P. O. Box 162, Sligo, PA 16255). Com-

mencement, operation and restoration of a bituminous strip and tippel refuse disposal operation in Licking Township, **Clarion County** affecting 182.0 acres. Receiving streams: Two unnamed tributaries to Licking Creek to the Clarion River to the Allegheny River. This application includes a land use change from forestland and pastureland or land occasionally cut for hay to unnamed natural habitat on the C & K Coal Company tract. Application received: July 6, 2010. Permit issued: December 1, 2010.

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

**12040101 and NPDES No. PA0243701. Allegheny Enterprises, Inc.** (3563 Roller Coaster Road, Corsica, PA 15829). Permit revision to an existing bituminous surface mine located in Shippen Township, **Cameron County** affecting 280.8 acres. This revision is to change the post-mining land use from forestland to wildlife habitat. This change will allow the operator to create grazing area for the elk and deer herds. Receiving streams: unnamed tributaries to Finley Run classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: September 17, 2010. Permit issued: November 30, 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. Permit issued: December 2, 2010.

### Noncoal Permits Actions

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

**24050301. North Star Aggregates, Inc.** (P. O. Box 51, Penfield, PA 15849). Renewal of NPDES No. PA0257974, Horton Township, **Elk County**. Receiving streams: Johnson Run and Oyster Run. Application received: September 27, 2010. NPDES Renewal Permit Issued: November 30, 2010.

**42102803. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16804). Commencement, operation and restoration of a small noncoal for topsoil stockpile in Ceres Township, **McKean County** affecting 5.0 acres. Receiving streams: Raub Hallow and Horse Run. Application received: October 21, 2010. Permit issued: December 1, 2010.

**37930307. Three Rivers Aggregates, LLC** (225 North Shore Drive, Pittsburgh, PA 15212). Transfer of an existing topsoil and sand and gravel operation from Ennstone, Inc. d/b/a Three Rivers Aggregates in North Beaver Township, **Lawrence County** affecting 44.5 acres. Receiving streams: None. Application received: June 28, 2010. Permit Issued: December 2, 2010.

**4379305 and NPDES Permit No. PA0118818. Three Rivers Aggregates, LLC** (225 North Shore Drive, Pittsburgh, PA 15212). Transfer of an existing sand and gravel operation from Ennstone, Inc. d/b/a Three Rivers Aggregates in East Lackawannock Township, **Mercer County** affecting 164.6 acres. Receiving stream: Neshannock Creek. Application received: June 22, 2010. Permit issued: December 2, 2010.



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

**5176SM9T. B & D Brothers, LLC**, (22879 SR 11, Hallstead, PA 18822), transfer of an existing quarry operation in New Milford Township, **Susquehanna County** affecting 17.3 acres, receiving stream: Salt Lick Creek. Application received: June 23, 2010. Transfer issued: November 30, 2010.

**58102804. Daniel S. Warner**, (RR 6, Box 6580, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Jessup Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received May 27, 2010. Permit issued: December 1, 2010.

**64940302C9 and NPDES Permit No. PA0223387. Bedrock Quarries, Inc.**, (PO Box 1467, Skippack, PA 19474), boundary correction to an existing quarry operation in Damascus Township, **Wayne County** affecting 98.0 acres, receiving stream: unnamed tributary of North Branch Calkins Creek. Application received: January 19, 2010. Correction issued: December 6, 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*

**65104011. Sippel Development Co., Inc.** (2412 Rustic Ridge Drive, Sewickley, PA 15143). Blasting activity permit for the construction of the Mills Point Shopping Mall, located in North Huntingdon Township, **Westmoreland County**. The duration of blasting is expected to last 180 days. Blasting permit issued: December 1, 2010.

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

**20104004. Geokinetics, Inc.** (P. O. Box 751, Meadville, PA 16335) Blasting activity permit for seismic exploration in Spring, Springboro, & Conneautville Townships, **Crawford County**. This blasting activity permit will expire on January 31, 2011. Permit Issued: November 30, 2010.

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

**40104114. Newville Construction Services, Inc.**, (408 Mohawk Road, Newville, PA 17241), construction blasting for Luzerne County PPL Poles in Black Creek, Bear Creek & Wright Townships and Laurel Run Borough, **Luzerne County** with an expiration date of November 17, 2011. Permit issued: December 3, 2010.

**64104116. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Gerhard Well Pad in Scott Township, **Wayne County** with an expiration date of November 24, 2010. Permit issued: December 3, 2010.

**58104051. John Brainard**, (3978 State Route 2073, Kingsley, PA 18826), construction blasting for the Juser

Well Pad in Rush Township, **Susquehanna County** with an expiration date of June 30, 2011. Permit issued: December 6, 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*

**E39-492. Brookside Country Club**, 901 Willow Lane, Macungie, PA 18062-9350. Lower Macungie Township, **Lehigh County**, Army Corps of Engineers Baltimore District.

To construct and maintain 2,350 L.F. of stream channel restoration and stream bank stabilization of Swabia



Creek (HQ-CWF) and the adjacent floodway utilizing F.G.M techniques; to remove thirteen (13) existing bridges across Swabia Creek; and to replace eight (8) with the construction and maintenance of the following:

1. (Bridge 1) A 10-foot wide, 3-span pile-supported timber golf cart bridge with a 30-foot center span above the stream channel, two 8.5-foot adjacent spans and a 6.5-foot approximate underclearance.

2. (Bridge 3) A 12-foot wide, 5-span pile-supported timber golf cart bridge with a 30-foot center span above the stream channel, four 8-foot adjacent spans and a 5.3-foot approximate underclearance.

3. (Bridge 5) A 12-foot wide, 5-span pile-supported timber golf cart bridge with a 30-foot center span above the stream channel, four 9.5-foot adjacent spans and a 4.3-foot underclearance.

4. (Bridge 7) A 7-foot wide, 4-span pile-supported timber golf cart bridge with a 30-foot center span above the stream channel, one 11-foot and two 10.5-foot adjacent spans and a 4.3-foot approximate underclearance.

5. (Bridge 8) A 10-foot wide, 6-span pile-supported timber golf cart bridge with a 30-foot center span above the stream channel, three 10.5-foot and two 10.75-foot adjacent spans and a 4.8-foot approximate underclearance.

6. (Bridge 9) A 14-foot wide, pile-supported timber golf cart bridge with a 34-foot span and a 5.3-foot approximate underclearance.

7. (Bridge 11) A 12-foot wide, 3-span pile-supported timber golf cart bridge with a 30-foot center span above the stream channel, two 11-foot adjacent spans and a 6-foot approximate underclearance.

8. (Bridge 14) A 10-foot wide, 7-span pile-supported timber golf cart bridge across a side channel of Swabia Creek with four 9.25-foot and three 10-foot spans and a 2-foot approximate underclearance.

The project begins on the west side of the intersection of the Swabia Creek and the S.R. 2017 (North Brookside Road) bridge, extends approximately 2,350 L.F. south within the Brookside Country Club, and terminates approximately 0.2 miles west of the intersection of S.R. 2017 (North Brookside Road) and S.R. 2018 (Indian Creek Road) (Allentown West, PA Quadrangle Latitude: 40° 31' 28"; Longitude: -75° 33' 1") in Lower Macungie Township, Lehigh County. Subbasin: 2C.

**E58-285. Cabot Oil & Gas Corporation**, Five Penn Center West, Suite 401, Pittsburgh, PA 15276. Rush, Jessup & Dimock Townships, **Susquehanna County**, Army Corps of Engineers Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with the Susquehanna County Pipeline Project Zone 2:

1. (Crossing z01-s701) A 10" diameter steel natural gas transmission line across an Unnamed Tributary to White Creek (CWF, MF) impacting approximately 25 linear feet of channel, by means of open trench cut (Lat: 41° 44' 14.3"; Long: -75° 54' 48.3") in Dimock Township.

2. (Crossing z02-s100) A 10" diameter steel natural gas transmission line across Shelp Creek (CWF, MF) by means of directional bore (Lat: 41° 45' 43.9"; Long: -75° 58' 9.0") in Dimock Township.

3. (Crossing z02-s101) A 10" diameter steel natural gas transmission line across an Unnamed Tributary to Shelp

Creek (CWF, MF) by means of directional bore (Lat: 41° 45' 43.8"; Long: -75° 58' 8.6") in Dimock Township.

4. (Crossing z02-s102) A 10" diameter steel natural gas transmission line across an Unnamed Tributary Shelp Creek (CWF, MF) by means of directional bore (Lat: 41° 45' 43.8"; Long: -75° 58' 7.4") in Dimock Township.

5. (Crossing z02-s103) A 10" diameter steel natural gas transmission line across an Unnamed Tributary Shelp Creek (CWF, MF) by means of directional bore (Lat: 41° 45' 43.7"; Long: -75° 58' 2.7") in Dimock Township.

6. (Crossing z02-s105a) A 10" diameter steel natural gas transmission line across an Unnamed Tributary Shelp Creek (CWF, MF), impacting 31 linear feet of channel, by means of open trench cut (Lat: 41° 45' 46.2"; Long: -75° 57' 53.4") in Dimock Township.

7. (Crossing z02-s11) A 10" diameter steel natural gas transmission line across Shelp Creek (CWF, MF) by means of directional bore (Lat: 41° 46' 42.2"; Long: -75° 57' 44.9") in Jessup Township.

8. (Crossing z02-s111) A 10" diameter steel natural gas transmission line across Elk Lake Stream (CWF, MF) by means of directional bore (Lat: 41° 45' 46.8"; Long: -75° 56' 59.7") in Dimock Township.

9. (Crossing z02-s115) A 10" diameter steel natural gas transmission line across Elk Lake Stream (CWF, MF), impacting 25 linear feet of channel, by means of open trench cut (Lat: 41° 45' 18.3"; Long: -75° 57' 43.6") in Dimock Township.

10. (Crossing z02-s12) A 10" diameter steel natural gas transmission line across an Unnamed Tributary to Elk Lake Stream (CWF, MF), impacting 62 linear feet of channel, by means of open trench cut (Lat: 41° 46' 25.4"; Long: -75° 57' 8.8") in Dimock Township.

11. (Crossing z02-s13) A 10" diameter steel natural gas transmission line across an Unnamed Tributary to Elk Lake Stream (CWF, MF) by means of directional bore (Lat: 41° 46' 15.7"; Long: -75° 56' 54.3") in Dimock Township.

12. (Crossing z02-s14) A 10" diameter steel natural gas transmission line across an Unnamed Tributary to Elk Lake Stream (CWF, MF) by means of directional bore (Lat: 41° 46' 13.4"; Long: -75° 56' 46.9") in Dimock Township.

13. (Crossing z02-s15) A 10" diameter steel natural gas transmission line across an Unnamed Tributary to White Creek (CWF, MF) by means of directional bore (Lat: 41° 44' 44.4"; Long: -75° 56' 52.0") in Dimock Township

14. (Crossing z02-s204) A 10" diameter steel natural gas transmission line across an Unnamed Tributary to Meshoppen Creek (CWF, MF) by means of directional bore (Lat: 41° 45' 57.1"; Long: -75° 56' 12.3") in Dimock Township.

15. (Crossing z02-s205) A 10" diameter steel natural gas transmission line across an Unnamed Tributary to Elk Lake Stream (CWF, MF) by means of directional bore (Lat: 41° 45' 55.8"; Long: -75° 56' 10.0") in Dimock Township.

16. (Crossing z02-s210) A 10" diameter steel natural gas transmission line across an Unnamed Tributary to White Creek (CWF, MF) by means of directional bore (Lat: 41° 44' 32.6"; Long: -75° 55' 8.6") in Dimock Township.

17. (Crossing z02-s401) A 10" diameter steel natural gas transmission line across an Unnamed Tributary to

Meshoppen Creek (CWF, MF) by means of directional bore (Lat: 41° 44' 59.5"; Long: -75° 53' 39.0") in Dimock Township.

18. (Crossing z02-s402) A 10" diameter steel natural gas transmission line across an Unnamed Tributary to Meshoppen Creek (CWF, MF) by means of directional bore (Lat: 41° 45' 0.4"; Long: -75° 53' 35.5") in Dimock Township.

19. (Crossing z02-s403) A 10" diameter steel natural gas transmission line across an Unnamed Tributary to Shelp Creek (CWF, MF), impacting 31 linear feet of channel, by means of open trench cut (Lat: 41° 45' 57.1"; Long: -75° 57' 52.4") in Dimock Township.

20. (Crossing z02-s437) A 10" diameter steel natural gas transmission line across an Unnamed Tributary to Elk Lake Stream (CWF, MF), impacting 32 linear feet of channel, by means of open trench cut (Lat: 41° 46' 28.6"; Long: -75° 59' 56.8") in Dimock Township.

21. (Crossing z02-s500) A 10" diameter steel natural gas transmission line across an Unnamed Tributary to Elk Lake Stream (CWF, MF), impacting 58 linear feet of channel, by means of open trench cut (Lat: 41° 46' 42.6"; Long: -75° 55' 53.5") in Jessup Township.

22. (Crossing z02-s501) A 8" diameter steel natural gas transmission line across an Unnamed Tributary to Elk Lake Stream (CWF, MF), impacting 38 linear feet of channel, by means of open cut trench (Lat: 41° 46' 3.5"; Long: -75° 58' 38.4") in Rush Township.

23. (Crossing z02-s60) A 8" diameter steel natural gas transmission line across an Unnamed Tributary to White Creek (CWF, MF), impacting 33 linear feet of channel, by means of open cut trench (Lat: 41° 44' 30.0"; Long: -75° 57' 6.8") in Dimock Township.

24. (Crossing z02-s803) A 8" diameter steel natural gas transmission line across an Unnamed Tributary to Meshoppen (CWF, MF) by means of directional bore (Lat: 41° 44' 58.3"; Long: -75° 53' 53.7") in Dimock Township.

25. (Wetland Impact z02-w02) A 10" diameter steel natural gas transmission line crossing of approximately 256 linear feet of PEM/PFO wetland within the White Creek Watershed by means of directional bore (Lat: 41° 44' 32.2"; Long: -75° 55' 3.2") in Dimock Township.

26. (Wetland Impact z02-w07) A 10" diameter steel natural gas transmission line crossing of approximately 102 linear feet of PEM wetland within the White Creek Watershed by means of open cut trench with temporary wetland impacts of 0.102 acre (Lat: 41° 45' 21.2"; Long: -75° 55' 57.6") in Dimock Township.

27. (Wetland Impact z02-w08) A 10" diameter steel natural gas transmission line crossing of approximately 42 linear feet of PEM wetland within the Elk Lake Stream Watershed by means of directional bore (Lat: 41° 46' 0.2"; Long: -75° 56' 19.8") in Dimock Township.

28. (Wetland Impact z02-w100) A 10" diameter steel natural gas transmission line crossing of approximately 17 linear feet of PEM wetland within the Shelp Creek Watershed by means of open trench cut with temporary wetland impacts of 0.018 acre (Lat: 41° 45' 45"; Long: -75° 57' 53.4") in Dimock Township.

29. (Wetland Impact z02-w15) A 10" diameter steel natural gas transmission line crossing of approximately 23 linear feet of PEM wetland within the Elk Lake Stream Watershed by means of directional bore (Lat: 41° 45' 46.3"; Long: -75° 57' 11.0") in Dimock Township.

30. (Wetland Impact z02-w19) A 10" diameter steel natural gas transmission line crossing of approximately 18 linear feet of PEM/PSS wetland within the Elk Lake Stream Watershed by means of directional bore (Lat: 41° 45' 57.3"; Long: -75° 56' 12.7") in Dimock Township.

31. (Wetland Impact z02-w200A) A 10" diameter steel natural gas transmission line crossing of approximately 50 linear feet of PFO wetland within the White Creek Watershed by means of open trench cut with temporary wetland impacts of 0.016 acre (Lat: 41° 46' 45.8"; Long: -75° 55' 40.0") in Jessup Township.

32. (Wetland Impact z02-w21) A 10" diameter steel natural gas transmission line crossing of approximately 32 linear feet of PEM/PSS wetland within the Elk Lake Stream Watershed by means of directional bore (Lat: 41° 46' 12.3"; Long: -75° 56' 43.6") in Dimock Township.

33. (Wetland Impact z02-w2205) A 10" diameter steel natural gas transmission line crossing of approximately 19 linear feet of PEM wetland within the White Creek Watershed by means of directional bore (Lat: 41° 44' 51.8"; Long: -75° 56' 45.3") in Dimock Township.

34. (Wetland Impact z02-w38) A 10" diameter steel natural gas transmission line crossing of approximately 250 linear feet of PEM wetland within the Shelp Creek Watershed by means of directional bore (Lat: 41° 46' 40.8"; Long: -75° 57' 42.4") in Jessup Township.

35. (Wetland Impact z02-w400) A 10" diameter steel natural gas transmission line crossing of approximately 23 linear feet of PEM wetland within the Burdick Creek Watershed by means of open trench cut with temporary wetland impacts of 0.059 acre (Lat: 41° 44' 58.3"; Long: -75° 53' 47.7") in Dimock Township.

36. (Wetland Impact z02-w400a) A 10" diameter steel natural gas transmission line crossing of approximately 58 linear feet of PEM wetland within the White Creek Watershed by means of open trench cut with temporary wetland impacts of 0.016 acre (Lat: 41° 44' 58.6"; Long: -75° 53' 45.0") in Dimock Township.

37. (Wetland Impact z02-w400b) A 10" diameter steel natural gas transmission line crossing of approximately 455 linear feet of PFO/PEM wetland within the Burdick Creek Watershed by means of directional bore (Lat: 41° 44' 59.2"; Long: -75° 53' 40.4") in Dimock Township.

38. (Wetland Impact z02-w402) A 10" diameter steel natural gas transmission line crossing of approximately 5 linear feet of PFO wetland within the Elk Lake Stream Watershed by means of directional bore (Lat: 41° 45' 35.6"; Long: -75° 57' 52.6") in Dimock Township.

39. (Wetland Impact z02-w403) A 10" diameter steel natural gas transmission line crossing of approximately 37 linear feet of PFO/PEM wetland within the Elk Lake Stream Watershed by means of directional bore (Lat: 41° 45' 38.2"; Long: -75° 57' 52.8") in Dimock Township.

40. (Wetland Impact z02-w50) A 10" diameter steel natural gas transmission line crossing of approximately 80 linear feet of PEM wetland within the White Creek Watershed by means of open trench cut with temporary wetland impacts of 0.057 acre (Lat: 41° 44' 24.6"; Long: -75° 57' 6.7") in Dimock Township.

41. (Wetland Impact z02-w500) A 10" diameter steel natural gas transmission line crossing of approximately 37 linear feet of PEM wetland within the Elk Lake Stream Watershed by means of open trench cut with temporary wetland impacts of 0.022 acre (Lat: 41° 46' 3.2"; Long: -75° 58' 38.0") in Rush Township.

42. (Wetland Impact z02-w800) A 10' diameter steel natural gas transmission line crossing of approximately 20 linear feet of PEM wetland within the Elk Lake Stream Watershed by means of directional bore (Lat: 41° 44' 47.2"; Long: -75° 56' 49.5") in Dimock Township.

43. (Wetland Impact z08-w400) A 10' diameter steel natural gas transmission line crossing of approximately 114 linear feet of PEM wetland within the Meshoppen Creek Watershed by means of open cut trench with temporary wetland impacts of 0.134 acre (Lat: 41° 44' 54.3"; Long: -75° 56' 52.2") in Dimock Township.

The project will temporarily impact 0.430 acres of wetlands and 334 linear feet of stream impacts. Disturbed streambanks will be permanently stabilized with riprap or jute matting and vegetation.

The project site is located within a four mile radius of the intersection of State Route 3023 and State Route 3001 (Montrose West, PA Quadrangle; Lat: 41° 45' 5.7"; Long: -75° 57' 0.2") in Rush, Jessup and Dimock Townships, Susquehanna County.

**E45-538. Mount Airy #1, LLC**, 44 Woodland Road, Mount Pocono, PA 18344-9703. Paradise Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the construction of approximately 5.4 miles of at-grade public walking / biking trails:

1. A crossing of 25-L.F. of PFO wetlands (EV) consisting of a 5-foot wide elevated wooden ladder bridge with rock approach ramps. (Latitude: 41° 6' 52" Longitude: -75° 20' 15")

2. A crossing of an intermittent tributary to Forest Hills Run (HQ-CWF) consisting of a 20-foot long, 5-foot wide elevated wooden ladder bridge with rock approach ramps. (Latitude: 41° 6' 55" Longitude: -75° 20' 13")

3. A crossing of 12-L.F. of PFO wetlands (EV) consisting of a 5-foot wide placement of rock armor with gravel. (Latitude: 41° 6' 53" Longitude: -75° 20' 8")

4. A crossing of 10-L.F. of PFO wetlands (EV) consisting of a 5-foot wide placement of rock armor with gravel. (Latitude: 41° 6' 53" Longitude: -75° 20' 7")

5. A crossing of an intermittent tributary to Forest Hills Run (HQ-CWF) consisting of a 20-foot long, 5-foot wide elevated wooden ladder bridge with rock approach ramps. (Latitude: 41° 6' 53" Longitude: -75° 20' 6")

6. A crossing of an intermittent tributary to Forest Hills Run (HQ-CWF) consisting of a 10-foot long, 5-foot wide elevated wooden ladder bridge with rock approach ramps. (Latitude: 41° 6' 53" Longitude: -75° 20' 3")

7. A crossing of an intermittent tributary to Forest Hills Run (HQ-CWF) consisting of a 15-foot long, 5-foot wide elevated wooden ladder bridge with rock approach ramps. (Latitude: 41° 6' 53" Longitude: -75° 20' 0")

8. A crossing of a side channel of Forest Hills Run (HQ-CWF) consisting of a 25-foot long, 3-foot wide boulder weir. (Latitude: 41° 6' 48" Longitude: -75° 19' 41")

9. A crossing of 15-L.F. of PFO wetlands (EV) consisting of a 5-foot wide elevated wooden ladder bridge with rock approach ramps. (Latitude: 41° 6' 47" Longitude: -75° 19' 40")

10. Modification of an existing wetland crossing with work consisting of the removal and replacement of an 18'

diameter corrugated metal pipe and improvements to the existing trail surface. (Latitude: 41° 6' 53" Longitude: -75° 18' 36")

11. A crossing of 30-L.F. of PSS/PFO wetlands (EV) consisting of a 5-foot wide placement of rock armor with gravel. (Latitude: 41° 7' 0" Longitude: -75° 18' 36")

12. A crossing of 50-L.F. of PFO wetlands (EV) consisting of a 5-foot wide placement of rock armor with gravel. (Latitude: 41° 6' 47" Longitude: -75° 17' 38")

The project permanently impacts a de minimus area of wetlands equal to 0.03 acre.

The trail project is located to the west, east, and south of the Mount Airy Hotel and Casino (Mount Pocono, PA Quadrangle Latitude: 41° 6' 50.0" Longitude: -75° 19' 16.3") Subbasin: 1E.

**E45-539. Pocono Farmstand & Nursery**, P. O. Box 658, Tannersville, PA 18372. Pocono Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a 20-foot wide driveway crossing of a tributary to Bulgers Run (HQ-CWF) and a de minimus area of adjacent PFO wetlands (EV) equal to 0.02 acres. The driveway crossing consists of an open-bottom corrugated metal arch culvert having an 8-foot span and a 4.2-foot underclearance. The project is located on the east side of SR 0611 approximately 0.2 mile south of its intersection with Warner Road (Mt. Pocono, PA Quadrangle Latitude: 41°1'44"; Longitude: -75°17'59"). Subbasin: 1E.

**E39-503. Slatington Borough**, 125 South Walnut Street, Slatington, PA 18080. Slatington Borough, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To abandon an 8-inch and 10-inch water line in place and to construct and maintain two concrete encased 16-inch DIP waterlines crossing Trout Creek (HQ-CWF) and approximately 60 feet of PFO wetlands (EV). The project is located approximately 0.05 miles west of the intersection of Welshtown and Scout House Road in Slatington Borough, Lehigh County. (Palmerton, PA Quadrangle Latitude: 40°45'16"; Longitude: -75°36'43"). Subbasin: 2C.

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

**E33-241, Open Flow Gas Supply Corporation**, 90 Beaver Drive, Suite 110B, Drawer J. Ideal Gas Pipeline Crossing, in Snyder Township, **Jefferson County**, ACOE Pittsburgh District (Carman, PA Quadrangle N: 41°, 16', 2.18"; W: -78°, 52', 6.99").

State Game Lands 54 (rural location): This project includes the installation of three natural gas well pipelines by means of a directional bore under the South Branch of North Fork Creek (EV) to facilitate transport of gas from an existing well to the main line. Bore 1 is 170' long with a 4" plastic pipe through a 12" sleeve, Bore 2 is 120' long with a 4" plastic pipe through a 12" sleeve, and Bore 3 is 130' long with a 2" plastic pipe through a 12" sleeve. All sleeves to be installed at 3' minimum increments.

**E37-182, PA DOT, District 11-0**, 45 Thoms Run Road, Bridgeville, PA 15017. SR 0224-L02/L05 State Street Bridge Replacement, in Mahoning Township, **Lawrence County**, ACOE Pittsburgh District (Edinburg, PA Quadrangle N: 41°, 01', 06"; W: 80°, 26', 21.5"):

To conduct the following activities associated with the replacement of the SR 0224 State Street Bridge:



1. To remove the existing bridge and construct and maintain a 43.5 foot wide steel multi-girder bridge having four spans totaling 525 feet and an underclearance of 31.5 feet across the Mahoning River. As part of the construction, the new bridge superstructure will be constructed on temporary abutments and piers downstream of the existing bridge, the existing bridge will be demolished and new piers and abutments constructed. Upon completion of the new piers and abutments, the superstructure will be relocated onto the original bridge alignment and the temporary piers and abutments will be removed.

2. To place temporary fill within the 100-year flood plain of Mahoning River for construction of the south approach to the temporary bridge occupying an area approximately 500 feet wide extending south from the south bank and 100 feet long downstream of the existing SR 224 embankment. Upon completion of the project, the temporary fill will be removed and the original flood plain contours restored and re-planted.

3. To temporarily enclose approximately 265 feet of a tributary to Mahoning River for the construction of the north approach to the temporary bridge. Upon completion of the bridge, the temporary approach fill and pipe will be removed and the channel re-constructed. Work within the tributary will include replacement of an existing 46.9-foot long, 24-inch diameter vitrified clay pipe with a 45.8-foot long pipe and the replacement of an existing 22.7-foot long corrugated metal pipe under the Stavich Trail with a 28.5-foot long pipe. The temporary and replacement pipes will be either concrete, corrugated metal or HDPE plastic.

4. To construct a temporary causeway along the north bank of the Mahoning River extending approximately 80 feet into the river and will be approximately 160 feet long, including driven piling around the base of permanent Pier #2 and install driven piling for the construction of permanent Pier #1.

**E62-424, Spring Creek Township**, PO Box 7, Spring Creek, PA 16436. T425 Knapp Road Bridge, in Spring Creek Township, **Warren County**, ACOE Pittsburgh District (Spring Creek, PA Quadrangle N: 41°, 49', 29"; W: 79°, 35', 15").

To remove the existing bridge and to construct and maintain a 25.3-foot long prestressed concrete spread box beam bridge having a normal span of 53.25 feet and an average underclearance of 5 feet on a 55 degree skew across Spring Creek on a new alignment located approximately 150 feet downstream of the existing bridge impacting a total of 0.155 acre of EV wetland within the 100-year flood plain of Spring Creek associated with the roadway approaches to the bridge on T-425 Knapp Road east of T-324 Hyde Road (Spring Creek, PA Quadrangle N: 41°, 49', 32"; W: 79°, 35', 16") in Spring Creek Township, Warren County. The project includes creation of 0.3 acre of replacement wetland on-site.

**E24-08-001: ARG Resources, Inc.**, 1562 Rte. 66/948 Box 2016, Kane, PA 16735- East Branch. Spring Creek Crossing in Highland Township, **Elk County**, ACOE Pittsburgh District Water Obstruction and Encroachment Joint Permit Application issued November 30, 2010 for construction and maintenance of five 6-inch plastic casings under the East Branch of Spring Creek (HQ-CWF) and two associated EV wetlands (a PEM and a PFO) in Highland Township, Elk County (Russell City, PA Quadrangle N: 41°, 33', 8.5"; W: 78°, 55', 22.7") on land owned and managed by the United States Forest Service at a point approximately 2800 feet ENE of the intersection of T-322 and FSR 335.1. These crossings are associated with an existing enhanced oil production field.

## EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX10-083-0025C

Applicant SM Energy Company—Potato Creek Well Pad 2H, Pipeline Spur 2H

Contact Marlon Wells

Address 7060 South Yale, Suite 800

City Tulsa State OK Zip Code 74136

County McKean Township(s) Norwich(s)

Receiving Stream(s) and Classification(s) UNT to Hamlin Run—HQ-CWF

ESCGP-1 #ESX10-065-0015

Applicant Consol Gas Company—Bowers Pad

Contact Craig W. Neal

Address 280 Indian Springs Road, Suite 333

City Indiana State PA Zip Code 15702

County Jefferson Township(s) Gaskill(s)

Receiving Stream(s) and Classification(s) Trib 47916 to Mahoning Creek/Mahoning Creek Watershed—CWF, Clover Run/Clover Run Watershed—HQ

ESCGP-1 #ESX10-065-0016

Applicant EQT Production—Lloyd Well Pad

Contact Todd Klaner

Address 455 Racetrack Road, Suite 101

City Washington State PA Zip Code 15301-8910

County Jefferson Township(s) Perry(s)

Receiving Stream(s) and Classification(s) 2 UNT to Mahoning Creek—CWF, Mahoning Creek—WWF

ESCGP-1 #ESX10-083-0034

Applicant Minard Run Oil Company—Warrant 3714 East

Contact W.E. Bulmer

Address P. O. Box 18, 609 South Avenue

City Bradford State PA Zip Code 16701

County McKean Township(s) Corydon(s)

Receiving Stream(s) and Classification(s) Hammond Run & UNT of Sugar Run—HQ/CWF



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**SPECIAL NOTICES**


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**Notice of Planning Grant Awards Under Section 901 of the Municipal Waste Planning Recycling and Waste Reduction Act of 1988, Act 101**

The Department of Environmental Protection (DEP) hereby announces the following grants to counties pursuant to the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101, P. L. 556, Section 901 and Section 208 of the Waste Tire Recycling Act/Small Business and Household Pollution Prevention Act (Act 190 of 1996).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by Sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Mr. Mark Vottero, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, PO Box 8472, Harrisburg, PA 17105-8472.

JOHN HANGER,  
*Secretary*

**Act 101, Section 901 Planning Grant**

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project Description</i>	<i>Grant Award</i>
Southcentral	Juniata	Juniata Co.	Waste Plan Update	\$96,000

**Notice of Certification to Perform Radon-Related Activities in Pennsylvania**

In the month of November 2010 the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P. L. 238, No. 43 (63 P. S. Sections 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).)

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Sandy Bender	929 Mt. Zion Road Lebanon, PA 17046	Laboratory
Roger Burens, Jr.	630 Freedom Business Center Third Floor King of Prussia, PA 19406	Mitigation
Clerkin Home Inspections, LLC	1114 Bergan Road Oreland, PA 19075	Testing
Brian Cousins	279 Hartman Road Honesdale, PA 18431	Testing
Ronald Crescente	2650 Tacoma Drive Blakeslee, PA 18610	Testing
Ronald Eckenroth	1006 Greenway Terrace Reading, PA 19706	Testing
Bruce Eichenlaub	485 East College Avenue Pleasant Gap, PA 16823	Testing
Daryl Festa	47 A. Progress Avenue Cranberry, PA 16066	Testing
Michael Gelsick	537 Maurus Street St. Marys, PA 15857	Testing
Aaron Glick	2061 Kenbrook Road Lebanon, PA 17046	Testing
Rick Hynes	1037 Carnes School Road Seneca, PA 16346	Mitigation
Allan Lenhardt	1419 Glen Rock Road Bloomsburg, PA 17815	Testing & Mitigation
Andrew Martin	235 Normal Avenue Kutztown, PA 19530	Mitigation
Chris Matteson	912 Bruton Cove Hummelstown, PA 17036	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Shane Penick	1502 Hollywood Drive Lancaster, PA 17601	Testing
Radon Specialists, LLC	814 Monroe Street Suite 203 Stroudsburg, PA 18360	Testing
Douglas Redfern	551 East College Avenue Pleasant Gap, PA 16823	Mitigation
Ray Remsnyder	4359 Linglestown Road Harrisburg, PA 17112	Testing
William Squitieri	P. O. Box 1056 Doylestown, PA 18901	Testing
Kenneth Struder	P. O. Box 72722 Thorndale, PA 19372	Testing
Todd Ziegler	828 Oak Street Royersford, PA 19468	Mitigation

[Pa.B. Doc. No. 10-2409. Filed for public inspection December 17, 2010, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.elibrary.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

#### Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### Correction Notice

DEP ID: 385-2100-002. Title: Policy and Procedure for NPDES Permitting of Discharges of Total Dissolved Solids (TDS)—25 Pa. Code § 95.10. Description: On December 4, 2010, a notice of availability was published in the *Pennsylvania Bulletin* for this draft technical guidance. The Department is rescinding that notice of availability. This draft technical guidance will be republished in the *Pennsylvania Bulletin* at a future date with a 30-day public comment period. Contact: Questions regarding the draft technical guidance document should be directed to Thomas Starosta at (717) 787-4317 or [tstarosta@state.pa.us](mailto:tstarosta@state.pa.us).

Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-2410. Filed for public inspection December 17, 2010, 9:00 a.m.]

### Bid Opportunity

**OSM 14(0876)101.1, Abandoned Mine Reclamation Project, Clarence Southeast, Snow Shoe Township, Centre County.** The principal items of work and approximate quantities include mobilization and demobilization; clearing and grading; grading 152,000 cubic yards; seeding 22 acres; lawn seeding 3 acres; and Erosion and Sediment Pollution Control Plan channel. This bid issues December 17, 2010, and bids will be opened on January 25, 2011, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328), and is subject to the act, and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or [joelmiller@state.pa.us](mailto:joelmiller@state.pa.us) for more information on this bid.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-2411. Filed for public inspection December 17, 2010, 9:00 a.m.]

### Bid Opportunity

**OSM 33(3463)101.1, Abandoned Mine Reclamation Project, Harlan East, Clover Township, Jefferson County.** The principal items of work and approximate quantities include grading 223,075 cubic yards; channel excavation 200 cubic yards; subsurface drains 1,180 linear feet; wetland mitigation; alkaline addition 4,200 tons; tree planting 800 trees; and seeding 20 acres. This bid

issues December 17, 2010, and bids will be opened on January 25, 2011, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328), and is subject to the act, and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-2412. Filed for public inspection December 17, 2010, 9:00 a.m.]

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### Bid Opportunity

**OSM 63(4769)101.1, Abandoned Mine Reclamation Project, Walkertown, West Pike Run Township, Washington County.** The principal items of work and approximate quantities include demolition; removal and disposal of mine facilities; and mine seal construction. This bid issues December 17, 2010, and bids will be opened on January 25, 2011, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328), and is subject to the act, and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-2413. Filed for public inspection December 17, 2010, 9:00 a.m.]

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## DEPARTMENT OF HEALTH

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.28(c)(1) (relating to nurses' station).

Laurelwood Care Center  
100 Woodmont Road  
Johnstown, PA 15905

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.67(k) (relating to electric requirements for existing and new construction).

Pleasant View Retirement Community  
544 North Penryn Road  
Manheim, PA 17545  
FAC ID 681902

These requests are on file with the Department of Health (Department). Persons may receive a copy of the request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

MICHAEL K. HUFF, R.N.,  
*Acting Secretary*

[Pa.B. Doc. No. 10-2414. Filed for public inspection December 17, 2010, 9:00 a.m.]

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### Newborn Screening and Follow-Up Program Technical Advisory Board Meeting and Newborn Screening and Follow-Up Program Act 36 Stakeholder Meeting

The Newborn Screening and Follow-Up Program, established under the Newborn Child Testing Act (35 P.S. §§ 621—625) will hold two public meetings on Tuesday, January 11, 2011.

1) The Newborn Screening and Follow-Up Program Technical Advisory Board meeting will be held at the Dixon University Center, Administration Building, Conference Rooms A, B and C, 2986 North Second Street, Harrisburg, PA, from 10 a.m. to 12 p.m.

2) The Newborn Screening and Follow-Up Program Act 36 Stakeholder meeting will be held at the Dixon University Center, Administration Building, Conference Rooms A, B and C, 2986 North Second Street, Harrisburg, PA, from 12:30 p.m. to 3 p.m.

For additional information, contact Suzanne Bellotti, Public Health Program Administrator, Division of Newborn Screening and Genetics at (717) 783-8143. R.S.V.P. by December 28, 2010, to Jennifer Wilt at (717) 783-8143.

Persons with a disability who wish to attend one or both meetings and require auxiliary aid, service or other accommodation to do so, contact the Newborn Screening Program at (717) 783-8143, or speech and/or hearing impaired persons use V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

MICHAEL K. HUFF, R.N.,  
*Acting Secretary*

[Pa.B. Doc. No. 10-2415. Filed for public inspection December 17, 2010, 9:00 a.m.]



**Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices and Competitive Prices**

*Maximum Allowable Price*

**Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization; and terms and conditions of participation) and 7 CFR 246.12 (relating to food delivery systems), the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties.

**Maximum Allowable Prices**

Effective January 1, 2011, through March 31, 2011, the Maximum Allowable Prices the Department of Health (Department) will pay Type 1 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz. ....	\$1.52
Beans/Peas—Dry—16 oz. ....	\$2.05
Canned Fish—Pink Salmon ....	\$2.06
Canned Fish—Sardines ....	\$1.40
Canned Fish—Tuna ....	\$1.11
Cereal (per oz.) ....	\$0.32
Cheese, 16 oz. ....	\$6.17
Eggs ....	\$2.15
Gerber Infant Cereal—8 oz. ....	\$2.01
Infant Fruits, 100%—4 oz. ....	\$0.63
Infant Vegetables, 100%—4 oz. ....	\$0.63
Infant Meats, 100%—2.5 oz. ....	\$1.09
Juice—11.5/12 oz. ....	\$2.15
Juice—48 oz. ....	\$2.83
Juice—64 oz. ....	\$3.84
Kosher Cheese—16 oz. ....	\$6.99
Kosher Low Fat Milk—quart ....	\$1.56
Kosher Low Fat Milk—1/2 gallon ....	\$2.50
Kosher Whole Milk—quart ....	\$1.57
Kosher Whole Milk—1/2 gallon ....	\$2.67
Milk, Dry—9.6 oz. ....	\$4.74
Milk, Dry—25.6 oz. ....	\$8.99
Milk, Evaporated—12 oz. ....	\$1.24
Milk, Low Fat—quart ....	\$1.31
Milk, Low Fat—1/2 gallon ....	\$2.38
Milk, Low Fat Lactose Free—quart ....	\$2.11
Milk, Low Fat Lactose Free—1/2 gallon ....	\$3.86
Milk, Whole—quart ....	\$1.36
Milk, Whole—1/2 gallon ....	\$2.34
Milk, Whole Lactose Free—quart ....	\$2.23
Milk, Whole Lactose Free—1/2 gallon ....	\$3.84
Peanut Butter—18 oz. ....	\$3.07
Soy Beverage—Pacific Natural Foods 32 oz. ....	\$3.03
Soy Beverage—8th Continent 64 oz. ....	\$3.09
Tofu—Soy Boy/House Premium 15/16 oz. ....	\$2.12
Whole Grain—Bread, 16 oz. ....	\$3.65
Whole Grain—Bread, 24 oz. ....	\$3.69
Whole Grain—Brown Rice, 16 oz. ....	\$1.42
Whole Grain—Brown Rice, 24 oz. ....	\$2.99
Whole Grain—Oats, 16 oz. ....	\$1.94
Whole Grain—Oats, 24 oz. ....	\$5.61
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.41
Alimentum Advance RTF/Similac Expert Care Alimentum Formula—32 oz. ....	\$9.14

<i>Description</i>	<i>Maximum Allowable Price</i>
Alimentum Advance Powder Formula/Similac Expert Care Alimentum—16 oz. ....	\$26.02
Boost RTF Formula—8 oz. ....	\$2.00
EnfaCare LIPIL RTF—32 oz. ....	\$7.01
EnfaCare LIPIL Powder Formula—12.8 oz. ....	\$13.99
Enfamil LIPIL Concentrate Formula/Enfamil Premium Infant Concentrate—13 oz. ....	\$4.57
Enfamil LIPIL RTF Formula/Enfamil Premium Infant RTF—32 oz. ....	\$6.75
Enfamil LIPIL Powder Formula—12.9 oz. ....	\$13.48
Enfamil Premium Infant Powder—12.5 oz. ....	\$13.85
Isomil DF RTF/Similac Expert Care for Diarrhea Formula—32 oz. ....	\$6.21
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz. ....	\$4.30
Good Start Gentle PLUS RTF—Orange Formula—32 oz. ....	\$6.35
Good Start Gentle PLUS Powder—Orange Formula—12 oz. ....	\$14.11
Good Start Soy PLUS Concentrate—Blue Formula—13 oz. ....	\$4.51
Good Start Soy PLUS RTF—Blue Formula—32 oz. ....	\$6.56
Good Start Soy PLUS Powder—Blue Formula—12.9 oz. ....	\$15.21
Good Start 2 Soy PLUS Powder—Blue w/blue—24 oz. ....	\$20.82
Good Start 2 Gentle PLUS Powder—Blue w/orange—24 oz. ....	\$20.65
Good Start 2 Protect PLUS Powder—Blue w/green—24 oz. ....	\$26.41
Good Start Protect PLUS Powder—Green—12 oz. ....	\$14.61
Nutramigen LIPIL Concentrate Formula—13 oz. ....	\$7.01
Nutramigen LIPIL RTF Formula—32 oz. ....	\$8.98
Nutramigen LIPIL w/Enflora Powder Formula—12.6 oz. ....	\$23.16
Pediasure RTF Formula—8 oz. ....	\$1.93
Pediasure w/Fiber RTF Formula—8 oz. ....	\$1.86
Similac Advance Concentrate Formula—13 oz. ....	\$4.32
Similac Advance RTF Formula—32 oz. ....	\$6.34
Similac Advance Powder Formula—12.9 oz. ....	\$13.33
Similac Advance Powder Formula—12.4 oz. ....	\$13.33
Similac Neosure Advance RTF/Similac Expert Care NeoSure RTF Formula—32 oz. ....	\$7.48
Similac Neosure Advance Powder Formula—12.8 oz. ....	\$15.49
Similac Expert Care NeoSure—13.1 oz. ....	\$15.49
Store Brand Milk Based Formula Concentrate—13 oz. ....	\$2.84
Store Brand Milk Based Formula—Ready-to-Fed—32 oz. ....	\$3.79
Store Brand Milk Based Formula—Powder—25.75 oz. ....	\$16.13

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustment).

**Competitive Prices**

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's

peer group. Effective January 1, 2011, through March 31, 2011, the Competitive Prices for WIC Authorization for Type 1 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz. ....	\$1.33
Beans/Peas—Dry—16 oz. ....	\$1.82
Canned Fish—Pink Salmon ....	\$1.95
Canned Fish—Sardines ....	\$1.31
Canned Fish—Tuna ....	\$1.03
Cereal (per oz.) ....	\$0.32
Cheese, 16 oz. ....	\$5.41
Eggs ....	\$2.12
Gerber Infant Cereal—8 oz. ....	\$2.01
Infant Fruits, 100%—4 oz. ....	\$0.61
Infant Vegetables, 100%—4 oz. ....	\$0.61
Infant Meats, 100%—2.5 oz. ....	\$1.00
Juice—11.5/12 oz. ....	\$2.00
Juice—48 oz. ....	\$2.73
Juice—64 oz. ....	\$3.44
Kosher Cheese—16 oz. ....	\$6.99
Kosher Low Fat Milk—1/2 gallon ....	\$2.50
Kosher Whole Milk—1/2 gallon ....	\$2.65
Milk, Low Fat—1/2 gallon ....	\$2.19
Milk, Whole—1/2 gallon ....	\$2.28
Peanut Butter—18 oz. ....	\$2.79
Whole Grain—Bread, 16 oz. ....	\$3.35
Whole Grain—Brown Rice, 16 oz. ....	\$1.42
Whole Grain—Oats, 16 oz. ....	\$1.90
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.24
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz. ....	\$4.30
Good Start Gentle PLUS Powder—Orange Formula—12 oz. ....	\$14.11
Good Start Soy PLUS Concentrate—Blue Formula—13 oz. ....	\$4.51
Good Start Soy PLUS Powder—Blue Formula—12.9 oz. ....	\$15.21

**Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties.

**Maximum Allowable Prices**

Effective January 1, 2011, through March 31, 2011, the Maximum Allowable Prices the Health will pay Type 2 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz. ....	\$1.52
Beans/Peas—Dry—16 oz. ....	\$2.05
Canned Fish—Pink Salmon ....	\$2.07
Canned Fish—Sardines ....	\$1.40
Canned Fish—Tuna ....	\$1.15
Cereal (per oz.) ....	\$0.33
Cheese, 16 oz. ....	\$6.17
Eggs ....	\$2.15
Gerber Infant Cereal—8 oz. ....	\$2.13
Infant Fruits, 100%—4 oz. ....	\$0.70
Infant Vegetables, 100%—4 oz. ....	\$0.70
Infant Meats, 100%—2.5 oz. ....	\$1.14
Juice—11.5/12 oz. ....	\$2.41

<i>Description</i>	<i>Maximum Allowable Price</i>
Juice—48 oz. ....	\$3.05
Juice—64 oz. ....	\$4.14
Kosher Cheese—16 oz. ....	\$7.01
Kosher Low Fat Milk—quart ....	\$1.56
Kosher Low Fat Milk—1/2 gallon ....	\$2.50
Kosher Whole Milk—quart ....	\$1.57
Kosher Whole Milk—1/2 gallon ....	\$2.67
Milk, Dry—9.6 oz. ....	\$4.74
Milk, Dry—25.6 oz. ....	\$8.99
Milk, Evaporated—12 oz. ....	\$1.35
Milk, Low Fat—quart ....	\$1.31
Milk, Low Fat—1/2 gallon ....	\$2.38
Milk, Low Fat Lactose Free—quart ....	\$2.29
Milk, Low Fat Lactose Free—1/2 gallon ....	\$4.09
Milk, Whole—quart ....	\$1.36
Milk, Whole—1/2 gallon ....	\$2.34
Milk, Whole Lactose Free—quart ....	\$2.38
Milk, Whole Lactose Free—1/2 gallon ....	\$4.07
Peanut Butter—18 oz. ....	\$3.07
Soy Beverage—Pacific Natural Foods 32 oz. ....	\$3.24
Soy Beverage—8th Continent 64 oz. ....	\$3.34
Tofu—Soy Boy/House Premium 15/16 oz. ....	\$2.12
Whole Grain—Bread, 16 oz. ....	\$3.75
Whole Grain—Bread, 24 oz. ....	\$3.91
Whole Grain—Brown Rice, 16 oz. ....	\$1.93
Whole Grain—Brown Rice, 24 oz. ....	\$2.99
Whole Grain—Oats, 16 oz. ....	\$1.94
Whole Grain—Oats, 24 oz. ....	\$5.61
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.41
Alimentum Advance RTF/ <i>Similac Expert Care Alimentum Formula</i> —32 oz. ....	\$9.43
Alimentum Advance Powder Formula/ <i>Similac Expert Care Alimentum</i> —16 oz. ....	\$26.86
Boost RTF Formula—8 oz. ....	\$2.19
EnfaCare LIPIL RTF—32 oz. ....	\$7.49
EnfaCare LIPIL Powder Formula—12.8 oz. ....	\$14.44
Enfamil LIPIL Concentrate Formula/ <i>Enfamil Premium Infant Concentrate</i> —13 oz. ....	\$4.92
Enfamil LIPIL RTF Formula/ <i>Enfamil Premium Infant RTF</i> —32 oz. ....	\$7.12
Enfamil LIPIL Powder Formula—12.9 oz. ....	\$13.91
<i>Enfamil Premium Infant Powder</i> —12.5 oz. ....	\$13.95
Isomil DF RTF/ <i>Similac Expert Care for Diarrhea Formula</i> —32 oz. ....	\$6.49
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz. ....	\$ 4.73
Good Start Gentle PLUS RTF—Orange Formula—32 oz. ....	\$6.57
Good Start Gentle PLUS Powder—Orange Formula—12 oz. ....	\$15.16
Good Start Soy PLUS Concentrate—Blue Formula—13 oz. ....	\$4.90
Good Start Soy PLUS RTF—Blue Formula— 32 oz. ....	\$6.91
Good Start Soy PLUS Powder—Blue Formula—12.9 oz. ....	\$15.21
Good Start 2 Soy PLUS Powder—Blue w/blue— 24 oz. ....	\$22.19
Good Start 2 Gentle PLUS Powder—Blue w/orange—24 oz. ....	\$22.79
Good Start 2 Protect PLUS Powder—Blue w/green—24 oz. ....	\$26.44
Good Start Protect PLUS Powder—Green— 12 oz. ....	\$16.28
Nutramigen LIPIL Concentrate Formula—13 oz. .	\$7.30

<i>Description</i>	<i>Maximum Allowable Price</i>
Nutramigen LIPIL RTF Formula—32 oz. ....	\$9.20
Nutramigen LIPIL w/Enflora Powder Formula—12.6 oz. ....	\$23.56
Pediasure RTF Formula—8 oz. ....	\$2.13
Pediasure w/Fiber RTF Formula—8 oz. ....	\$2.09
Similac Advance Concentrate Formula—13 oz. ...	\$4.49
Similac Advance RTF Formula—32 oz. ....	\$6.38
Similac Advance Powder Formula—12.9 oz. ....	\$13.72
<i>Similac Advance Powder Formula—12.4 oz. ....</i>	<i>\$13.72</i>
Similac Neosure Advance RTF/ <i>Similac Expert Care NeoSure RTF Formula</i> —32 oz. ....	\$7.65
Similac Neosure Advance Powder Formula—12.8 oz. ....	\$15.89
<i>Similac Expert Care NeoSure—13.1 oz. ....</i>	<i>\$15.89</i>
Store Brand Milk Based Formula Concentrate—13 oz. ....	\$2.89
Store Brand Milk Based Formula—Ready-to-Feed—32 oz. ....	\$3.86
Store Brand Milk Based Formula—Powder—25.75 oz. ....	\$16.99

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

**Competitive Prices**

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2011, through March 31, 2011, the Competitive Prices for WIC Authorization for Type 2 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz. ....	\$1.33
Beans/Peas—Dry—16 oz. ....	\$1.82
Canned Fish—Pink Salmon ....	\$2.02
Canned Fish—Sardines ....	\$1.35
Canned Fish—Tuna ....	\$1.07
Cereal (per oz.) ....	\$0.33
Cheese, 16 oz. ....	\$5.41
Eggs ....	\$2.12
Gerber Infant Cereal—8 oz. ....	\$2.13
Infant Fruits, 100%—4 oz. ....	\$0.67
Infant Vegetables, 100%—4 oz. ....	\$0.67
Infant Meats, 100%—2.5 oz. ....	\$1.09
Juice—11.5/12 oz. ....	\$2.36
Juice—48 oz. ....	\$2.92
Juice—64 oz. ....	\$3.76
Kosher Cheese—16 oz. ....	\$7.01
Kosher Low Fat Milk—1/2 gallon ....	\$2.50
Kosher Whole Milk—1/2 gallon ....	\$2.65
Milk, Low Fat—1/2 gallon ....	\$2.19
Milk, Whole—1/2 gallon ....	\$2.28
Peanut Butter—18 oz. ....	\$2.79
Whole Grain—Bread, 16 oz. ....	\$3.55
Whole Grain—Brown Rice, 16 oz. ....	\$1.93
Whole Grain—Oats, 16 oz. ....	\$1.90
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.24
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz. ....	\$4.73

<i>Description</i>	<i>Competitive Prices</i>
Good Start Gentle PLUS Powder—Orange Formula—12 oz. ....	\$15.16
Good Start Soy PLUS Concentrate—Blue Formula—13 oz. ....	\$4.90
Good Start Soy PLUS Powder—Blue Formula—12.9 oz. ....	\$15.21

**Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties.

**Maximum Allowable Prices**

Effective January 1, 2011, through March 31, 2011, the Maximum Allowable Prices the Department will pay Type 3 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz. ....	\$1.52
Beans/Peas—Dry—16 oz. ....	\$2.05
Canned Fish—Pink Salmon ....	\$2.20
Canned Fish—Sardines ....	\$1.56
Canned Fish—Tuna ....	\$1.24
Cereal (per oz.) ....	\$0.36
Cheese, 16 oz. ....	\$6.17
Eggs ....	\$2.15
Gerber Infant Cereal—8 oz. ....	\$2.28
Infant Fruits, 100%—4 oz. ....	\$0.79
Infant Vegetables, 100%—4 oz. ....	\$0.79
Infant Meats, 100%—2.5 oz. ....	\$1.26
Juice—11.5/12 oz. ....	\$2.53
Juice—48 oz. ....	\$3.22
Juice—64 oz. ....	\$4.14
Kosher Cheese—16 oz. ....	\$7.01
Kosher Low Fat Milk—quart ....	\$1.61
Kosher Low Fat Milk—1/2 gallon ....	\$3.00
Kosher Whole Milk—quart ....	\$1.62
Kosher Whole Milk—1/2 gallon ....	\$3.01
Milk, Dry—9.6 oz. ....	\$4.74
Milk, Dry—25.6 oz. ....	\$8.99
Milk, Evaporated—12 oz. ....	\$1.45
Milk, Low Fat—quart ....	\$1.31
Milk, Low Fat—1/2 gallon ....	\$2.38
Milk, Low Fat Lactose Free—quart ....	\$2.29
Milk, Low Fat Lactose Free—1/2 gallon ....	\$4.09
Milk, Whole—quart ....	\$1.36
Milk, Whole—1/2 gallon ....	\$2.34
Milk, Whole Lactose Free—quart ....	\$2.38
Milk, Whole Lactose Free—1/2 gallon ....	\$4.19
Peanut Butter—18 oz. ....	\$3.07
Soy Beverage—Pacific Natural Foods 32 oz. ....	\$3.24
Soy Beverage—8th Continent 64 oz. ....	\$3.34
Tofu—Soy Boy/House Premium 15/16 oz. ....	\$2.12
Whole Grain—Bread, 16 oz. ....	\$3.75
Whole Grain—Bread, 24 oz. ....	\$3.91
Whole Grain—Brown Rice, 16 oz. ....	\$1.94
Whole Grain—Brown Rice, 24 oz. ....	\$2.99
Whole Grain—Oats, 16 oz. ....	\$1.94
Whole Grain—Oats, 24 oz. ....	\$6.29
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.41



<i>Description</i>	<i>Maximum Allowable Price</i>
Alimentum Advance RTF/ <i>Similac Expert Care Alimentum Formula</i> —32 oz. ....	\$9.48
Alimentum Advance Powder Formula/ <i>Similac Expert Care Alimentum</i> —16 oz. ....	\$27.28
Boost RTF Formula—8 oz. ....	\$2.19
EnfaCare LIPIL RTF—32 oz. ....	\$7.54
EnfaCare LIPIL Powder Formula—12.8 oz. ....	\$16.35
Enfamil LIPIL Concentrate Formula/ <i>Enfamil Premium Infant Concentrate</i> —13 oz. ....	\$6.15
Enfamil LIPIL RTF Formula/ <i>Enfamil Premium Infant RTF</i> —32 oz. ....	\$7.54
Enfamil LIPIL Powder Formula—12.9 oz. ....	\$15.19
<i>Enfamil Premium Infant Powder</i> —12.5 oz. ....	\$15.19
Isomil DF RTF/ <i>Similac Expert Care for Diarrhea Formula</i> —32 oz. ....	\$8.19
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz. ....	\$4.85
Good Start Gentle PLUS RTF—Orange Formula—32 oz. ....	\$6.94
Good Start Gentle PLUS Powder—Orange Formula—12 oz. ....	\$15.45
Good Start Soy PLUS Concentrate—Blue Formula—13 oz. ....	\$5.12
Good Start Soy PLUS RTF—Blue Formula—32 oz. ....	\$7.28
Good Start Soy PLUS Powder—Blue Formula—12.9 oz. ....	\$15.21
Good Start 2 Soy PLUS Powder—Blue w/blue—24 oz. ....	\$22.19
Good Start 2 Gentle PLUS Powder—Blue w/orange—24 oz. ....	\$22.79
Good Start 2 Protect PLUS Powder—Blue w/green—24 oz. ....	\$26.44
Good Start Protect PLUS Powder—Green—12 oz. ....	\$16.28
Nutramigen LIPIL Concentrate Formula—13 oz. .	\$7.82
Nutramigen LIPIL RTF Formula—32 oz. ....	\$9.49
Nutramigen LIPIL w/ <i>Enflora Powder</i> Formula—12.6 oz. ....	\$23.56
Pediasure RTF Formula—8 oz. ....	\$2.53
Pediasure w/ <i>Fiber RTF Formula</i> —8 oz. ....	\$2.63
<i>Similac Advance Concentrate Formula</i> —13 oz. . .	\$5.17
<i>Similac Advance RTF Formula</i> —32 oz. ....	\$7.18
<i>Similac Advance Powder Formula</i> —12.9 oz. ....	\$15.02
<i>Similac Advance Powder Formula</i> —12.4 oz. ....	\$15.02
<i>Similac Neosure Advance RTF/Similac Expert Care NeoSure RTF Formula</i> —32 oz. ....	\$9.23
<i>Similac Neosure Advance Powder Formula</i> —12.8 oz. ....	\$15.89
<i>Similac Expert Care NeoSure</i> —13.1 oz. ....	\$15.89
Store Brand Milk Based Formula Concentrate—13 oz. ....	\$3.10
Store Brand Milk Based Formula—Ready-to-Feed—32 oz. ....	\$4.32
Store Brand Milk Based Formula—Powder—25.75 oz. ....	\$17.99

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

**Competitive Prices**

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items

at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2011, through March 31, 2011, the Competitive Prices for WIC Authorization for Type 3 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz. ....	\$1.33
Beans/Peas—Dry—16 oz. ....	\$1.82
Canned Fish—Pink Salmon ....	\$2.20
Canned Fish—Sardines ....	\$1.51
Canned Fish—Tuna ....	\$1.18
Cereal (per oz.) ....	\$0.36
Cheese, 16 oz. ....	\$5.41
Eggs ....	\$2.12
Gerber Infant Cereal—8 oz. ....	\$2.28
Infant Fruits, 100%—4 oz. ....	\$0.78
Infant Vegetables, 100%—4 oz. ....	\$0.78
Infant Meats, 100%—2.5 oz. ....	\$1.21
Juice—11.5/12 oz. ....	\$2.40
Juice—48 oz. ....	\$3.10
Juice—64 oz. ....	\$3.85
Kosher Cheese—16 oz. ....	\$7.01
Kosher Low Fat Milk—1/2 gallon ....	\$3.00
Kosher Whole Milk—1/2 gallon ....	\$3.01
Milk, Low Fat—1/2 gallon ....	\$2.19
Milk, Whole—1/2 gallon ....	\$2.28
Peanut Butter—18 oz. ....	\$2.79
Whole Grain—Bread, 16 oz. ....	\$3.55
Whole Grain—Brown Rice, 16 oz. ....	\$1.93
Whole Grain—Oats, 16 oz. ....	\$1.90
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.27
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz. ....	\$4.85
Good Start Gentle PLUS Powder—Orange Formula—12 oz. ....	\$15.45
Good Start Soy PLUS Concentrate—Blue Formula—13 oz. ....	\$5.12
Good Start Soy PLUS Powder—Blue Formula—12.9 oz. ....	\$15.21

**Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties.

**Maximum Allowable Prices**

Effective January 1, 2011, through March 31, 2011, the Maximum Allowable Prices the Department will pay Type 1 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz. ....	\$1.58
Beans/Peas—Dry—16 oz. ....	\$2.11
Canned Fish—Pink Salmon ....	\$2.06
Canned Fish—Sardines ....	\$1.44
Canned Fish—Tuna ....	\$1.14
Cereal (per oz.) ....	\$0.33
Cheese, 16 oz. ....	\$6.23
Eggs ....	\$2.25
Gerber Infant Cereal—8 oz. ....	\$2.13
Infant Fruits, 100%—4 oz. ....	\$0.65
Infant Vegetables, 100%—4 oz. ....	\$0.65
Infant Meats, 100%—2.5 oz. ....	\$1.09



<i>Description</i>	<i>Competitive Prices</i>
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz. ....	\$4.52
Good Start Gentle PLUS Powder—Orange Formula—12 oz. ....	\$14.84
Good Start Soy PLUS Concentrate—Blue Formula—13 oz. ....	\$4.82
Good Start Soy PLUS Powder—Blue Formula—12.9 oz. ....	\$15.21

**Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties.

**Maximum Allowable Prices**

Effective January 1, 2011, through March 31, 2011, the Maximum Allowable Prices the Department will pay Type 2 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz. ....	\$1.58
Beans/Peas—Dry—16 oz. ....	\$2.11
Canned Fish—Pink Salmon ....	\$2.09
Canned Fish—Sardines ....	\$1.46
Canned Fish—Tuna ....	\$1.17
Cereal (per oz.) ....	\$0.35
Cheese, 16 oz. ....	\$6.23
Eggs ....	\$2.25
Gerber Infant Cereal—8 oz. ....	\$2.21
Infant Fruits, 100%—4 oz. ....	\$0.72
Infant Vegetables, 100%—4 oz. ....	\$0.72
Infant Meats, 100%—2.5 oz. ....	\$1.18
Juice—11.5/12 oz. ....	\$2.43
Juice—48 oz. ....	\$3.11
Juice—64 oz. ....	\$4.14
Kosher Cheese—16 oz. ....	\$7.89
Kosher Low Fat Milk—quart ....	\$1.56
Kosher Low Fat Milk—1/2 gallon ....	\$2.50
Kosher Whole Milk—quart ....	\$1.57
Kosher Whole Milk—1/2 gallon ....	\$2.67
Milk, Dry—9.6 oz. ....	\$4.74
Milk, Dry—25.6 oz. ....	\$8.99
Milk, Evaporated—12 oz. ....	\$1.40
Milk, Low Fat—quart ....	\$1.35
Milk, Low Fat—1/2 gallon ....	\$2.40
Milk, Low Fat Lactose Free—quart ....	\$2.38
Milk, Low Fat Lactose Free—1/2 gallon ....	\$4.17
Milk, Whole—quart ....	\$1.39
Milk, Whole—1/2 gallon ....	\$2.41
Milk, Whole Lactose Free—quart ....	\$2.40
Milk, Whole Lactose Free—1/2 gallon ....	\$4.14
Peanut Butter—18 oz. ....	\$3.07
Soy Beverage—Pacific Natural Foods 32 oz. ....	\$3.39
Soy Beverage—8th Continent 64 oz. ....	\$3.39
Tofu—Soy Boy/House Premium 15/16 oz. ....	\$2.12
Whole Grain—Bread, 16 oz. ....	\$3.75
Whole Grain—Bread, 24 oz. ....	\$3.91
Whole Grain—Brown Rice, 16 oz. ....	\$1.93
Whole Grain—Brown Rice, 24 oz. ....	\$3.29
Whole Grain—Oats, 16 oz. ....	\$2.05
Whole Grain—Oats, 24 oz. ....	\$5.61

<i>Description</i>	<i>Maximum Allowable Price</i>
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.41
Alimentum Advance RTF/Similac Expert Care Alimentum Formula—32 oz. ....	\$9.74
Alimentum Advance Powder Formula/Similac Expert Care Alimentum—16 oz. ....	\$27.51
Boost RTF Formula—8 oz. ....	\$2.19
EnfaCare LIPIL RTF—32 oz. ....	\$7.74
EnfaCare LIPIL Powder Formula—12.8 oz. ....	\$15.30
Enfamil LIPIL Concentrate Formula/Enfamil Premium Infant Concentrate—13 oz. ....	\$4.92
Enfamil LIPIL RTF Formula/Enfamil Premium Infant RTF—32 oz. ....	\$7.12
Enfamil LIPIL Powder Formula—12.9 oz. ....	\$14.65
Enfamil Premium Infant Powder—12.5 oz. ....	\$14.63
Isomil DF RTF/Similac Expert Care for Diarrhea Formula—32 oz. ....	\$6.49
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz. ....	\$4.78
Good Start Gentle PLUS RTF—Orange Formula—32 oz. ....	\$6.86
Good Start Gentle PLUS Powder—Orange Formula—12 oz. ....	\$15.39
Good Start Soy PLUS Concentrate—Blue Formula—13 oz. ....	\$4.95
Good Start Soy PLUS RTF—Blue Formula—32 oz. ....	\$6.91
Good Start Soy PLUS Powder—Blue Formula—12.9 oz. ....	\$15.39
Good Start 2 Soy PLUS Powder—Blue w/blue—24 oz. ....	\$22.38
Good Start 2 Gentle PLUS Powder—Blue w/orange—24 oz. ....	\$22.79
Good Start 2 Protect PLUS Powder—Blue w/green—24 oz. ....	\$26.44
Good Start Protect PLUS Powder—Green—12 oz. ....	\$16.28
Nutramigen LIPIL Concentrate Formula—13 oz. ....	\$7.51
Nutramigen LIPIL RTF Formula—32 oz. ....	\$9.20
Nutramigen LIPIL w/Enflora Powder Formula—12.6 oz. ....	\$23.82
Pediasure RTF Formula—8 oz. ....	\$2.29
Pediasure w/Fiber RTF Formula—8 oz. ....	\$2.22
Similac Advance Concentrate Formula—13 oz. ....	\$4.70
Similac Advance RTF Formula—32 oz. ....	\$6.71
Similac Advance Powder Formula—12.9 oz. ....	\$14.44
Similac Advance Powder Formula—12.4 oz. ....	\$14.44
Similac Neosure Advance RTF/Similac Expert Care NeoSure RTF Formula—32 oz. ....	\$7.93
Similac Neosure Advance Powder Formula—12.8 oz. ....	\$16.68
Similac Expert Care NeoSure—13.1 oz. ....	\$16.68
Store Brand Milk Based Formula Concentrate—13 oz. ....	\$2.95
Store Brand Milk Based Formula—Ready-to-Feed—32 oz. ....	\$4.05
Store Brand Milk Based Formula—Powder—25.75 oz. ....	\$16.99

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.



**Competitive Prices**

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2011, through March 31, 2011, the Competitive Prices for WIC Authorization for Type 2 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz. ....	\$1.38
Beans/Peas—Dry—16 oz. ....	\$1.85
Canned Fish—Pink Salmon ....	\$2.09
Canned Fish—Sardines ....	\$1.42
Canned Fish—Tuna ....	\$1.09
Cereal (per oz.) ....	\$0.35
Cheese, 16 oz. ....	\$5.51
Eggs ....	\$2.21
Gerber Infant Cereal—8 oz. ....	\$2.21
Infant Fruits, 100%—4 oz. ....	\$0.69
Infant Vegetables, 100%—4 oz. ....	\$0.69
Infant Meats, 100%—2.5 oz. ....	\$1.13
Juice—11.5/12 oz. ....	\$2.36
Juice—48 oz. ....	\$2.99
Juice—64 oz. ....	\$3.82
Kosher Cheese—16 oz. ....	\$7.89
Kosher Low Fat Milk—1/2 gallon ....	\$2.50
Kosher Whole Milk—1/2 gallon ....	\$2.65
Milk, Low Fat—1/2 gallon ....	\$2.23
Milk, Whole—1/2 gallon ....	\$2.34
Peanut Butter—18 oz. ....	\$2.79
Whole Grain—Bread, 16 oz. ....	\$3.55
Whole Grain—Brown Rice, 16 oz. ....	\$1.93
Whole Grain—Oats, 16 oz. ....	\$2.04
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.28
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz. ....	\$4.78
Good Start Gentle PLUS Powder—Orange Formula—12 oz. ....	\$15.39
Good Start Soy PLUS Concentrate—Blue Formula—13 oz. ....	\$4.95
Good Start Soy PLUS Powder—Blue Formula—12.9 oz. ....	\$15.39

**Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties.

**Maximum Allowable Prices**

Effective January 1, 2011, through March 31, 2011, the Maximum Allowable Prices the Department will pay Type 3 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz. ....	\$1.58
Beans/Peas—Dry—16 oz. ....	\$2.11
Canned Fish—Pink Salmon ....	\$2.21
Canned Fish—Sardines ....	\$1.56
Canned Fish—Tuna ....	\$1.25
Cereal (per oz.) ....	\$0.37
Cheese, 16 oz. ....	\$7.09
Eggs ....	\$2.25
Gerber Infant Cereal—8 oz. ....	\$2.42

<i>Description</i>	<i>Maximum Allowable Price</i>
Infant Fruits, 100%—4 oz. ....	\$0.85
Infant Vegetables, 100%—4 oz. ....	\$0.85
Infant Meats, 100%—2.5 oz. ....	\$1.26
Juice—11.5/12 oz. ....	\$2.67
Juice—48 oz. ....	\$3.22
Juice—64 oz. ....	\$4.14
Kosher Cheese—16 oz. ....	\$7.89
Kosher Low Fat Milk—quart ....	\$1.69
Kosher Low Fat Milk—1/2 gallon ....	\$3.00
Kosher Whole Milk—quart ....	\$1.70
Kosher Whole Milk—1/2 gallon ....	\$3.03
Milk, Dry—9.6 oz. ....	\$4.74
Milk, Dry—25.6 oz. ....	\$8.99
Milk, Evaporated—12 oz. ....	\$1.45
Milk, Low Fat—quart ....	\$1.56
Milk, Low Fat—1/2 gallon ....	\$2.60
Milk, Low Fat Lactose Free—quart ....	\$2.38
Milk, Low Fat Lactose Free—1/2 gallon ....	\$4.17
Milk, Whole—quart ....	\$1.59
Milk, Whole—1/2 gallon ....	\$2.59
Milk, Whole Lactose Free—quart ....	\$2.40
Milk, Whole Lactose Free—1/2 gallon ....	\$4.19
Peanut Butter—18 oz. ....	\$3.07
Soy Beverage—Pacific Natural Foods 32 oz. ....	\$3.39
Soy Beverage—8th Continent 64 oz. ....	\$3.75
Tofu—Soy Boy/House Premium 15/16 oz. ....	\$2.44
Whole Grain—Bread, 16 oz. ....	\$3.75
Whole Grain—Bread, 24 oz. ....	\$3.91
Whole Grain—Brown Rice, 16 oz. ....	\$2.29
Whole Grain—Brown Rice, 24 oz. ....	\$3.29
Whole Grain—Oats, 16 oz. ....	\$2.70
Whole Grain—Oats, 24 oz. ....	\$6.29
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.43
Alimentum Advance RTF/Similac Expert Care Alimentum Formula—32 oz. ....	\$10.33
Alimentum Advance Powder Formula/Similac Expert Care Alimentum—16 oz. ....	\$30.11
Boost RTF Formula—8 oz. ....	\$2.19
EnfaCare LIPIL RTF—32 oz. ....	\$9.01
EnfaCare LIPIL Powder Formula—12.8 oz. ....	\$17.26
Enfamil LIPIL Concentrate Formula/Enfamil Premium Infant Concentrate—13 oz. ....	\$6.15
Enfamil LIPIL RTF Formula/Enfamil Premium Infant RTF—32 oz. ....	\$8.45
Enfamil LIPIL Powder Formula—12.9 oz. ....	\$16.20
Enfamil Premium Infant Powder—12.5 oz. ....	\$15.76
Isomil DF RTF/Similac Expert Care for Diarrhea Formula—32 oz. ....	\$9.48
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz. ....	\$5.74
Good Start Gentle PLUS RTF—Orange Formula—32 oz. ....	\$8.14
Good Start Gentle PLUS Powder—Orange Formula—12 oz. ....	\$18.08
Good Start Soy PLUS Concentrate—Blue Formula—13 oz. ....	\$5.53
Good Start Soy PLUS RTF—Blue Formula— 32 oz. ....	\$7.47
Good Start Soy PLUS Powder—Blue Formula—12.9 oz. ....	\$17.59
Good Start 2 Soy PLUS Powder—Blue w/blue— 24 oz. ....	\$22.68
Good Start 2 Gentle PLUS Powder—Blue w/orange—24 oz. ....	\$22.79

<i>Description</i>	<i>Maximum Allowable Price</i>
Good Start 2 Protect PLUS Powder—Blue w/green—24 oz. ....	\$26.49
Good Start Protect PLUS Powder—Green—12 oz. ....	\$16.57
Nutramigen LIPIL Concentrate Formula—13 oz. .	\$8.63
Nutramigen LIPIL RTF Formula—32 oz. ....	\$10.94
Nutramigen LIPIL w/Enflora Powder Formula—12.6 oz. ....	\$25.15
Pediasure RTF Formula—8 oz. ....	\$2.64
Pediasure w/Fiber RTF Formula—8 oz. ....	\$2.63
Similac Advance Concentrate Formula—13 oz. .	\$5.59
Similac Advance RTF Formula—32 oz. ....	\$8.04
Similac Advance Powder Formula—12.9 oz. ....	\$16.51
<i>Similac Advance Powder Formula—12.4 oz. ....</i>	<i>\$16.51</i>
Similac Neosure Advance RTF/ <i>Similac Expert Care NeoSure RTF Formula—32 oz. ....</i>	<i>\$9.99</i>
Similac Neosure Advance Powder Formula—12.8 oz. ....	\$17.19
<i>Similac Expert Care NeoSure—13.1 oz. ....</i>	<i>\$17.19</i>
Store Brand Milk Based Formula—13 oz. ....	\$3.24
Store Brand Milk Based Formula—Ready-to-Feed—32 oz. ....	\$4.82
Store Brand Milk Based Formula—Powder—25.75 oz. ....	\$17.99

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

**Competitive Prices**

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2011, through March 31, 2011, the Competitive Prices for WIC Authorization for Type 3 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz. ....	\$1.38
Beans/Peas—Dry—16 oz. ....	\$1.85
Canned Fish—Pink Salmon ....	\$2.20
Canned Fish—Sardines ....	\$1.51
Canned Fish—Tuna ....	\$1.24
Cereal (per oz.) ....	\$0.37
Cheese, 16 oz. ....	\$5.83
Eggs ....	\$2.21
Gerber Infant Cereal—8 oz. ....	\$2.42
Infant Fruits, 100%—4 oz. ....	\$0.84
Infant Vegetables, 100%—4 oz. ....	\$0.84
Infant Meats, 100%—2.5 oz. ....	\$1.20
Juice—11.5/12 oz. ....	\$2.63
Juice—48 oz. ....	\$3.16
Juice—64 oz. ....	\$4.02
Kosher Cheese—16 oz. ....	\$7.89
Kosher Low Fat Milk—1/2 gallon ....	\$3.00
Kosher Whole Milk—1/2 gallon ....	\$3.03
Milk, Low Fat—1/2 gallon ....	\$2.54
Milk, Whole—1/2 gallon ....	\$2.59
Peanut Butter—18 oz. ....	\$2.96
Whole Grain—Bread, 16 oz. ....	\$3.55
Whole Grain—Brown Rice, 16 oz. ....	\$2.27

<i>Description</i>	<i>Competitive Prices</i>
Whole Grain—Oats, 16 oz. ....	\$2.68
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.41
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz. ....	\$5.74
Good Start Gentle PLUS Powder—Orange Formula—12 oz. ....	\$18.08
Good Start Soy PLUS Concentrate—Blue Formula—13 oz. ....	\$5.53
Good Start Soy PLUS Powder—Blue Formula—12.9 oz. ....	\$17.59

Persons with a disability who require an alternative format of this listing (for example, large print, audiotape, Braille), should contact Chris Harr, Department of Health, Division of WIC, 2150 Herr Street, 1st Floor, Harrisburg, PA 17105, (717) 783-1289, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL K. HUFF, R.N.,  
*Acting Secretary*

[Pa.B. Doc. No. 10-2416. Filed for public inspection December 17, 2010, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Nursing Facility Assessment Program for Fiscal Year 2010-2011

This notice announces the amount of the assessment that the Department of Public Welfare (Department) is implementing for Fiscal Year (FY) 2010-2011, provides an explanation of the assessment methodology that the Department is using in FY 2010-2011 and identifies the estimated aggregate impact on nursing facilities which will be subject to the assessment.

*Background*

Article VIII-A of the Public Welfare Code authorizes the Department to impose an annual monetary assessment on private and county nursing facilities in this Commonwealth each fiscal year through FY 2011-2012. See 62 P. S. §§ 801-A—815-A. Under Article VIII-A, the Department may impose the assessment only to the extent that the assessment revenues qualify as the State share of Medical Assistance (MA) Program expenditures eligible for Federal financial participation (FFP). See 62 P. S. § 803-A. To ensure receipt of FFP, Article VIII-A requires the Department to seek a waiver from the Centers for Medicare and Medicaid Services (CMS) if necessary to implement the Nursing Facility Assessment Program. See 62 P. S. § 812-A.

For each fiscal year that the Assessment Program is implemented, the law authorizes the Secretary of Department (Secretary) to determine the aggregate amount of the assessment and the annual assessment rate in consultation with the Secretary of the Budget. See 62 P. S. § 804-A. The law specifies that annual assessment rates must be sufficient to generate at least \$50 million in additional revenue, but not more than the maximum aggregate assessment amount that qualifies for Federal matching funds. See 62 P. S. § 805-A.

The Secretary must publish a notice in the *Pennsylvania Bulletin* before imposing an annual assessment for a fiscal year. The notice must specify the amount of the assessment being proposed, explain the proposed assessment methodology, identify the estimated assessment amount and aggregate impact on nursing facilities subject to the assessment and provide interested persons a 30-day period to comment. See 62 P. S. § 805-A.

After consideration of any comments received during the 30-day comment period, the Secretary must publish a second notice announcing the rate of assessment for the fiscal year. See 62 P. S. § 805-A. The annual aggregate assessment amount and assessment rate for the fiscal year must be approved by the Governor. See 62 P. S. § 804-A.

In compliance with these requirements, the Secretary published a notice in the *Pennsylvania Bulletin* at 40 Pa.B. 3026 (June 5, 2010) announcing the proposed assessment rates and the estimated aggregate amount and the impact for FY 2010-2011. The notice published at 40 Pa.B. 3026 also described the assessment methodology that the Department intended to use in FY 2010-2011:

Under the proposed rate structure, the Department will assess nonexempt nursing facilities at two rates. One rate will apply to 3 categories of nursing facilities: county nursing facilities; nursing facilities that have 50 or fewer licensed beds; and nursing facilities that participated in a continuing care retirement community (CCRC) before July 1, 2010, and that continue to participate within that CCRC. The other rate will apply to all other nonexempt facilities, including nursing facilities that begin participation in a CCRC on or after July 1, 2010.

The Department announced at 40 Pa.B. 3026 that it would continue to accept requests to be assessed at the CCRC rate until June 23, 2010, the Department proposed to increase the two assessment rates for FY 2010-2011 by \$.50 from the rates in effect for the prior fiscal year.

The Department received three comments in response to the notice published at 40 Pa.B. 3026. All three comments related to the Department's proposal to assess new CCRC facilities at the higher assessment rate. The Department considered those comments in developing the following final assessment methodology.

#### *Nursing facilities participating in CCRCs*

In the notice published at 40 Pa.B. 3026, the Department proposed to limit application of the CCRC assessment rate to nursing facilities that participated in a CCRC prior to July 1, 2010. The Department is adopting this change. In FY 2010-2011, the assessment rate that is imposed on a nursing facility participating in a CCRC depends on whether the nursing facility is considered a "grandfathered CCRC nursing facility." As specified below, a grandfathered CCRC nursing facility will be assessed at a rate of \$4.05 per non-Medicare resident day. All other CCRC nursing facilities will be assessed at a rate of \$25.50 per non-Medicare resident day.

Upon consideration of the comments received in response to the notice published at 40 Pa.B. 3026, the Department is refining the conditions under which a nursing facility will be assessed as a grandfathered CCRC nursing facility. The Department will consider a nursing facility to be a grandfathered CCRC nursing facility if it meets either of the following:

(1) The nursing facility was assessed the CCRC assessment rate prior to July 1, 2010, and continues to qualify

for the CCRC assessment rate under the guidelines under which it was approved for the CCRC rate.

(2) The nursing facility was not assessed at the CCRC assessment rate prior to July 1, 2010, but the nursing facility meets all of the following:

(i) The nursing facility submitted a request to the Department to be assessed at the CCRC rate on or before June 23, 2010.

(ii) The CCRC which controls or owns the nursing facility submitted an application for a certificate of authority (COA) to the Insurance Department on or before June 23, 2010.

(iii) The nursing facility demonstrates that the CCRC incurred significant costs prior to June 5, 2010, in pursuing certification as a CCRC. (Examples of significant costs include costs incurred to obtain plan or site reviews, an enforceable construction contract, lease, contract for consulting services, zoning and certificate of occupancy.)

(iv) The nursing facility qualifies for the CCRC rate under the criteria in effect for FY 2009-2010 published at 40 Pa.B. 767 (February 6, 2010).

(v) The CCRC receives a COA during FY 2010-2011.

A nursing facility that qualifies as a grandfathered CCRC nursing facility under the conditions in (2) will be assessed at the CCRC rate beginning the quarter following the date that all of the criteria in effect for FY 2009-2010 are satisfied.

The Department will require nursing facilities that qualify for the CCRC rate to certify, upon written request, that they continue to qualify for the CCRC assessment rate under the guidelines under which they were approved.

#### *Assessment Methodology and Rates for FY 2010-2011*

The following nursing facilities will continue to be exempt from the Assessment Program in FY 2010-2011:

(1) State owned and operated nursing facilities.

(2) Veteran's Administration nursing facilities.

(3) Nursing facilities that have not been licensed and operated by the current or previous owner for the full calendar quarter prior to the calendar quarter in which an assessment is collected.

(4) Nursing facilities that provide nursing facility services free of charge to all residents.

The Department will assess nonexempt nursing facilities at two rates. One rate will apply to 3 categories of nursing facilities: county nursing facilities; nursing facilities that have 50 or fewer licensed beds; and grandfathered CCRC nursing facilities. The other rate will apply to all other nonexempt facilities, including nursing facilities that participate in a CCRC but do not qualify for the grandfathered CCRC nursing facility rate. Using the applicable rate, the Department will calculate each nonexempt facility's quarterly assessment amount by multiplying its assessment rate by the facility's non-Medicare resident days during the calendar quarter that immediately preceded the assessment quarter.

For FY 2010-2011, the assessment rates for nonexempt nursing facilities will be as follows:

(1) The assessment rate for county nursing facilities, for nursing facilities that have 50 or fewer licensed beds, and for grandfathered CCRC nursing facilities that have



certified continued participation within that CCRC, will be \$4.05 per non-Medicare resident day.

(2) The assessment rate for all other nonexempt nursing facilities will be \$25.50 per non-Medicare resident day.

Assessment payments are due the last day of the Assessment quarter or 30 days after publication of this final notice, whichever is later.

The Assessment Program due dates, along with supplemental payment dates, will be available on the Department's web site at <http://www.dpw.state.pa.us/provider/doingbusinesswithdpw/longtermcarecasemixinformation/index.htm>.

#### *Aggregate Assessment Amounts and Fiscal Impact*

The Department estimates that the annual aggregate assessment fees for nonexempt nursing facilities will total \$390.726 million. The Department will use the State revenue derived from the assessment fees and any associated Federal matching funds to make payments to qualified MA nursing facility providers in accordance with applicable law and regulations.

#### *Approvals*

As required under 62 P.S. § 804-A, the Governor approved the annual aggregate assessment amount and assessment rate for the fiscal year for FY 2010-2011 announced in this notice. Further, in compliance with 62 P.S. § 812-A, the Department submitted a request to the Centers for Medicare and Medicaid Services (CMS), seeking a waiver of both the uniform and broad-based requirements applicable to provider assessments to implement the Assessment Program in FY 2010-2011 as previously described. By letter dated August 18, 2010, CMS approved the Department's waiver request.

#### *Public Comment*

Interested persons are invited to submit written comments regarding the contents of this notice to Marilyn Yocum, Department of Public Welfare, Office of Long-Term Living, 555 Walnut Street, Forum Place, 5th Floor, Harrisburg, PA 17101-1919. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

MICHAEL P. NARDONE,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-670. No fiscal impact; recommends adoption. Enactment of this notice is expected to generate \$390.726 million in assessment fees and associated federal matching funds to support payments to qualified MA nursing facility providers.

[Pa.B. Doc. No. 10-2417. Filed for public inspection December 17, 2010, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Million Dollar Mega Multiplier 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 Million Dollar Mega Multiplier.

2. *Price:* The price of a Pennsylvania Million Dollar Mega Multiplier instant lottery game ticket is \$20.

3. *Play Symbols:* Each Pennsylvania Million Dollar Mega Multiplier instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area, a "YOUR NUMBERS" area and a "Mega Multiplier Bonus" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 3 (THREE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTEEN), 14 (FOURTEEN), 15 (FIFTEEN), 16 (SIXTEEN), 17 (SEVENTEEN), 18 (EIGHTEEN), 19 (NINETEEN), 21 (TWENTYONE), 22 (TWENTYTWO), 23 (TWENTYTHREE), 24 (TWENTYFOUR), 25 (TWENTYFIVE), 26 (TWENTYSIX), 27 (TWENTYSEVEN), 28 (TWENTYEIGHT), 29 (TWENTYNINE), 30 (THIRTY), 31 (THIRTYONE), 32 (THIRTYTWO), 33 (THIRTYTHREE), 34 (THIRTYFOUR), 35 (THIRTYFIVE), 36 (THIRTYSIX), 37 (THIRTYSEVEN), 38 (THIRTYEIGHT), 39 (THIRTYNINE) and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 3 (THREE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTEEN), 14 (FOURTEEN), 15 (FIFTEEN), 16 (SIXTEEN), 17 (SEVENTEEN), 18 (EIGHTEEN), 19 (NINETEEN), 21 (TWENTYONE), 22 (TWENTYTWO), 23 (TWENTYTHREE), 24 (TWENTYFOUR), 25 (TWENTYFIVE), 26 (TWENTYSIX), 27 (TWENTYSEVEN), 28 (TWENTYEIGHT), 29 (TWENTYNINE), 30 (THIRTY), 31 (THIRTYONE), 32 (THIRTYTWO), 33 (THIRTYTHREE), 34 (THIRTYFOUR), 35 (THIRTYFIVE), 36 (THIRTYSIX), 37 (THIRTYSEVEN), 38 (THIRTYEIGHT), 39 (THIRTYNINE) and 40 (FORTY). The play symbols and their captions located in the "Mega Multiplier Bonus" area are: 2X (2TIMES) symbol, 4X (4TIMES) symbol, 5X (5TIMES) symbol, 10X (10TIMES) symbol, 20X (20TIMES) symbol, 50X (50TIMES) symbol, NO BONUS (TRY AGAIN) symbol and TRY AGAIN (NO BONUS) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$100,000 (ONEHUNTHO) and \$1MILL (ONE MIL).

5. *Prizes:* The prizes that can be won in this game are: \$10, \$20, \$40, \$50, \$100, \$200, \$500, \$1,000, \$10,000, \$100,000 and \$1,000,000. A player can win up to 20 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Million Dollar Mega Multiplier instant lottery game.

#### *7. Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1MILL (ONE MIL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000. This prize shall be paid as a lump-sum, cash payment.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.









NUMBERS” play symbol and a 4X (4TIMES) symbol appears in the “Mega Multiplier Bonus” area in the same “Row” containing the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(jj) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears under the matching “YOUR NUMBERS” play symbol and a 2X (2TIMES) symbol appears in the “Mega Multiplier Bonus” area in the same “Row” containing the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(kk) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(ll) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols, and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears under the matching “YOUR NUMBERS” play symbol and a 2X (2TIMES) symbol appears in the “Mega Multiplier Bonus” area in the same “Row” containing the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(mm) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*When Any Of Your Numbers Match Any Of The Winning Numbers, Win Prize Shown Under The Matching Number. Win With Prize(s) Of:*

<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets</i>
\$10 × 2	20	300,000
\$10 w/2X	12	500,000
\$20	20	300,000
\$10 × 4	150	40,000
\$10 w/4X	50	120,000
\$20 × 2	150	40,000
\$20 w/2X	50	120,000
\$40	75	80,000
\$10 × 5	300	20,000
(\$10 w/2X) + (\$10 × 3)	150	40,000
(\$10 w/4X) + \$10	150	40,000
\$10 w/5X	300	20,000
(\$20 w/2X) + \$10	150	40,000
\$50	150	40,000
\$10 × 10	300	20,000
(\$10 w/5X) × 2	150	40,000
\$10 w/10X	300	20,000
\$20 w/5X	300	20,000
\$20 × 5	300	20,000
(\$40 w/2X) + \$20	300	20,000
\$50 w/2X	300	20,000
\$100	150	40,000
\$10 × 20	4,000	1,500
\$10 w/20X	2,400	2,500
\$20 w/10X	2,400	2,500
\$20 × 10	4,000	1,500
\$40 × 5	4,000	1,500
\$40 w/5X	3,000	2,000
\$50 w/4X	3,000	2,000
\$50 × 4	4,000	1,500
\$100 × 2	4,000	1,500
\$100 w/2X	3,000	2,000
\$200	3,429	1,750
(\$20 × 15) + (\$40 × 5)	12,000	500
(\$20 w/20X) + (\$10 × 10)	24,000	250
(\$50 w/4X) + (\$20 × 15)	12,000	500
\$50 w/10X	12,000	500
\$50 × 10	24,000	250

When Any Of Your Numbers Match Any Of The Winning Numbers, Win Prize Shown Under The Matching Number. Win With Prize(s) Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 6,000,000 Tickets
\$10 w/50X	\$500	12,000	500
\$100 w/5X	\$500	12,000	500
\$100 × 5	\$500	24,000	250
(\$200 w/2X) + (\$10 × 10)	\$500	8,000	750
\$500	\$500	12,000	500
(\$20 w/5X) × 10	\$1,000	17,143	350
(\$20 w/20X) + (\$40 × 15)	\$1,000	17,143	350
\$20 w/50X	\$1,000	17,143	350
(\$40 w/5X) × 5	\$1,000	17,143	350
(\$50 w/2X) × 10	\$1,000	17,143	350
(\$50 w/4X) × 5	\$1,000	17,143	350
\$50 × 20	\$1,000	17,143	350
\$50 w/20X	\$1,000	17,143	350
\$100 × 10	\$1,000	17,143	350
\$100 w/10X	\$1,000	17,143	350
\$500 w/2X	\$1,000	17,143	350
\$500 × 2	\$1,000	17,143	350
\$1,000	\$1,000	17,143	350
(\$50 w/10X) × 20	\$10,000	120,000	50
(\$100 w/10X) × 10	\$10,000	120,000	50
\$200 w/50X	\$10,000	120,000	50
(\$500 w/2X) × 10	\$10,000	120,000	50
\$500 × 20	\$10,000	240,000	25
\$500 w/20X	\$10,000	120,000	50
\$1,000 × 10	\$10,000	240,000	25
\$1,000 w/10X	\$10,000	240,000	25
\$10,000	\$10,000	240,000	25
(\$1,000 w/5X) × 20	\$100,000	6,000,000	1
(\$1,000 w/20X) × 5	\$100,000	6,000,000	1
\$10,000 w/10X	\$100,000	6,000,000	1
\$10,000 × 10	\$100,000	6,000,000	1
\$100,000	\$100,000	6,000,000	1
\$1,000,000	\$1,000,000	1,200,000	5

MEGA MULTIPLIER BONUS: Scratch the MULTIPLIER for each ROW.

- Get a "2X" (2TIMES) symbol, win 2 TIMES any prize won in that ROW.
- Get a "4X" (4TIMES) symbol, win 4 TIMES any prize won in that ROW.
- Get a "5X" (5TIMES) symbol, win 5 TIMES any prize won in that ROW.
- Get a "10X" (10TIMES) symbol, win 10 TIMES any prize won in that ROW.
- Get a "20X" (20TIMES) symbol, win 20 TIMES any prize won in that ROW.
- Get a "50X" (50TIMES) symbol, win 50 TIMES any prize won in that ROW.

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 Million Dollar Mega Multiplier 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 Million Dollar Mega Multiplier, prize money from winning Pennsylvania Million Dollar Mega Multiplier 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 Million Dollar Mega Multiplier 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 Million Dollar Mega Multiplier or through normal communications methods.

C. DANIEL HASSELL,  
*Secretary*

[Pa.B. Doc. No. 10-2418. Filed for public inspection December 17, 2010, 9:00 a.m.]

**Public Utility Realty Tax Act (PURTA); Revised Surcharge Rate Notice for the Tax Year Beginning January 1, 2011**

This notice replaces the PURTA Surcharge Rate Notice previously published at 40 Pa.B. 5423 (September 18, 2010).

72 P. S. § 8111-A(d) requires the Secretary of Revenue to publish the rate of the Public Utility Realty Tax Act (PURTA) surcharge in the form of an annual notice in the *Pennsylvania Bulletin*. The tax rate established in 72 P. S. § 8111-A(d) shall be imposed upon gross receipts taxes as provided in 72 P. S. § 8111-A(d) for the period beginning the next January 1.

The result of the PURTA surcharge calculation provided in 72 P. S. § 8111-A for the tax year beginning January 1, 2011, is 1.6 mills (0.0016). Therefore, a surcharge pursuant to 72 P. S. § 8111-A(d) will be imposed for the taxable period beginning January 1, 2011. The additional 1.6 mills (0.0016) shall be paid upon each dollar of gross receipts reported and settled in accordance with 72 P. S. § 8101, except gross receipts from providing mobile telecommunication services and telegraph or telephone messages transmitted in interstate commerce.

C. DANIEL HASSELL,  
*Secretary*

[Pa.B. Doc. No. 10-2419. Filed for public inspection December 17, 2010, 9:00 a.m.]

**Realty Transfer Tax; Revised 2009 Common Level Ratio; Real Estate Valuation Factor**

The following real estate valuation factors are based on sales data compiled by the State Tax Equalization Board in 2009. These factors are the mathematical reciprocals of the actual common level ratio (CLR). For Pennsylvania Realty Transfer Tax purposes, these factors are applicable for documents accepted from January 1, 2011, to June 30, 2011. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument (61 Pa. Code § 91.102).

<i>County</i>	<i>Revised Common Level Ratio Factor</i>
* Adams	1.00
* Cumberland	1.00
* Perry	1.00

\* Adjusted by the Department of Revenue to reflect an assessment base change effective January 1, 2011.

C. DANIEL HASSELL,  
*Secretary*

[Pa.B. Doc. No. 10-2420. Filed for public inspection December 17, 2010, 9:00 a.m.]

## DEPARTMENT OF STATE

**Pennsylvania Statewide Latino Coalition; Cease and Desist Order**

The Pennsylvania Statewide Latino Coalition are ordered to cease and desist from soliciting charitable contri-

butions in this Commonwealth until a time as Pennsylvania Statewide Latino Coalition responds to the Bureau of Charitable Organizations and duly registers or provides information that it is excluded or exempt from registration under the Solicitation of Funds for Charitable Purposes Act (10 P. S. §§ 162.1—162.22).

Individuals may obtain a copy of order by writing to Drew Koser, Investigator, Department of State, Bureau of Charitable Organizations, 212 North Office Building, Harrisburg, PA 17120.

THOMAS J. WEAVER,  
*Executive Deputy Secretary*

[Pa.B. Doc. No. 10-2421. Filed for public inspection December 17, 2010, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**Citizens for Pennsylvania's Future (PennFuture) v. DEP and Cooney Brothers Coal Company; EHB Doc. No. 2010-176-L**

Citizens for Pennsylvania's Future (PennFuture) has appealed by the Department of Environmental Protection renewal of an NPDES permit to Cooney Brothers Coal Company for a facility in Adams and Ogle Townships, Cambria and Somerset Counties.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 10-2422. Filed for public inspection December 17, 2010, 9:00 a.m.]

**Citizens for Pennsylvania's Future (PennFuture) v. DEP and Cooney Brothers Coal Company; EHB Doc. No. 2010-177-L**

Citizens for Pennsylvania's Future (PennFuture) has appealed by the Department of Environmental Protection renewal of an NPDES permit to Cooney Brothers Coal Company for a facility in Adams and Ogle Townships, Cambria and Somerset Counties.

A date for the hearing on the appeal has not yet been scheduled.



The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 10-2423. Filed for public inspection December 17, 2010, 9:00 a.m.]

**Citizens for Pennsylvania's Future (PennFuture) v. DEP and Cooney Brothers Coal Company; EHB Doc. No. 2010-182-L**

Citizens for Pennsylvania's Future (PennFuture) has appealed by the Department of Environmental Protection renewal of an NPDES permit to Cooney Brothers Coal Company for a facility in Adams Township, Cambria County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 10-2424. Filed for public inspection December 17, 2010, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Classification of Wild Trout Streams; Adjustments to the List

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Fish and Boat Commission (Commission) to accurately identify and clas-

sify stream sections supporting naturally reproducing populations of trout as wild trout streams. The Commission's Fisheries Management Division maintains the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time-to-time publish the list of wild trout streams in the *Pennsylvania Bulletin*. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams.

At the next Commission meeting on January 24 and 25, 2011, the Commission will consider the following adjustment to its list of wild trout streams. Based on previous inventory information, the Commission designated the Little Juniata River as a wild trout stream from the headwaters downstream to the Bellwood Sewage Treatment Plant outflow. Inventory information collected during August 2010 confirmed that a naturally reproducing trout population extends approximately 19.7 miles further downstream to the Barree Road Bridge (SR 4004). Therefore, the Commission will consider extending the wild trout stream limits of the Little Juniata River to include this area. If approved, the revised limits will be from the headwaters downstream to the Barree Road Bridge (SR 4004).

Persons with comments, objections or suggestions concerning the classification of this stream may submit them in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

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

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 10-2425. Filed for public inspection December 17, 2010, 9:00 a.m.]

### Proposed Changes to List of Class A Wild Trout Waters

The Fish and Boat Commission (Commission) is considering changes to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. The Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

The criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout Abundance Class Criteria include provisions for:

(i) *Wild Brook Trout Fisheries*

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lb/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) *Wild Brown Trout Fisheries*

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lb/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) *Mixed Wild Brook and Brown Trout Fisheries*

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lb/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lb/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) *Wild Rainbow Trout Fisheries*

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

For a water to be removed from the Class A Wild Trout Streams designation, total trout biomass must be documented as follows the set criteria for two consecutive stream examinations.

During recent surveys, Commission staff have documented the following stream sections to have Class A Wild Trout populations. The Commission intends to consider adding these waters to its list of Class A Wild Trout Streams at its meeting on January 24 and 25, 2011.

<i>County</i>	<i>Stream</i>	<i>Section</i>	<i>Limits</i>	<i>Brook Trout (kg/ha)</i>	<i>Brown Trout (kg/ha)</i>	<i>Rainbow Trout (kg/ha)</i>	<i>Stream or Section Length (miles)</i>	<i>Survey Year</i>
Venango	Bear Run	01	Headwaters to mouth	55.19			0.87	2005
Venango	Reese Run	01	Headwaters to mouth			6.54	3.41	2005
Warren	Mix Run	01	Headwaters to mouth	32.51			1.13	2006
Blair/ Huntingdon	Little Juniata River	05	RR bridge at the east (downstream) border of Ironville to the mouth of Spruce Creek		181.50		6.96	2010
Huntingdon	Little Juniata River	06	Mouth of Spruce Creek to Barree Road Bridge (SR 4004)		159.34		3.60	2010
Lycoming	Jacobs Run	01	Headwaters to mouth	42.60			5.62	2010
Lycoming	Hagermans Run	02	Confluence with UNT at RM 2.41 downstream to US Rt 15	46.30			1.51	2010
Potter	Little Lyman Run	01	Headwaters to mouth	39.68	0.82		4.08	2010

Persons with comments, objections or suggestions concerning the additions are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 10-2426. Filed for public inspection December 17, 2010, 9:00 a.m.]

### Triploid Grass Carp Permit Application

Under 58 Pa. Code § 71.7 (relating to triploid grass carp), the Fish and Boat Commission (Commission) may issue permits to stock triploid grass carp in Commonwealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined consistent with 58 Pa. Code § 71.7(e)(3) to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres.

Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 10 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be

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

The following application to stock triploid grass carp in waters having a surface area of greater than 5 acres is currently undergoing staff review:

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
Lake Sheridan Cottagers Association	Lake Sheridan	Nicholson and Benton Townships Wyoming and Lackawanna Counties	95 acre lake which discharges into the South Branch Tunkhannock Creek, then into the Susquehanna River	<i>Elodea canadensis</i> <i>Ceratophyllum demersum</i> <i>Myriophyllum spicatum</i> <i>Potamogeton amplifolius</i>

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 10-2427. Filed for public inspection December 17, 2010, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
4-92	Department of Community and Economic Development Film Tax Credit 40 Pa.B. 5816 (October 9, 2010)	11/8/10	12/08/10

**Department of Community and Economic Development**  
**Regulation #4-92 (IRRC #2876)**  
**Film Tax Credit**  
**December 8, 2010**

We submit for your consideration the following comments on the proposed rulemaking published in the October 9, 2010 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (RRA) (71 P. S. § 745.5b). Section 5.1(a) of the RRA (71 P. S. § 745.5a(a)) directs the Department of Community and Economic Development (Department) to respond to all comments received from us or any other source.

**1. Determining whether the regulation is in the public interest.**

This proposed regulation details the requirements to obtain a film tax credit award. This regulation is mandated by Act 55 of 2007 (as amended by Act 48 of 2009) of the Tax Reform Code of 1971, also known as the PA Film Production Tax Credit Law (Law).

Section 5.2 of the RRA (71 P. S. § 745.5b) directs the Independent Regulatory Review Commission (IRRC) to determine whether a regulation is in the public interest. When making this determination, IRRC considers criteria such as economic or fiscal impact and reasonableness. To make that determination, IRRC must analyze the text of the Preamble and proposed regulation and the reasons for the new or amended language. IRRC also considers the information a promulgating agency is required to provide under § 745.5(a) in the Regulatory Analysis Form (RAF).

The explanation of the regulation in the Preamble and the information contained in the RAF are not sufficient to allow IRRC to determine if the regulation is in the public interest. In the Preamble and RAF submitted with the final-form rulemaking, the Department should provide more detailed information required under § 745.5(a) of the RRA, including a description of the language proposed for each section of the regulation and why the provisions are required.

**2. Economic or fiscal impact of the regulation.**

This regulation deals almost entirely with accounting procedures and financial compliance. However, the RAF states that: "the costs and/or savings to the regulated



community resulting from this regulation cannot be calculated with any precision.” (RAF #17).

As noted above in our comments pertaining to “determining whether the regulation is in the public interest,” there is insufficient information in the RAF and Preamble to enable us to determine what fiscal impact, if any, the rulemaking will have on the regulated community. In the final-form regulation, the Department needs to provide a more detailed cost-benefit and fiscal impact analysis of the regulation.

In addition, how many film production companies are currently participating in the film tax credit program? How will the implementation of this regulation affect them? As part of their fiscal impact analysis, the Department should provide this information.

### **3. Section 36.2. Application.—Implementation procedures; Clarity.**

This section sets forth the required information submitted to the Department with an application for film tax credit. We raise four issues.

First, Subsection (a)(3) requires a comparison of “total production expenses and qualified Pennsylvania production expenses.” The Law defines “production expense” but does not use the term “qualified Pennsylvania production expense.” Did the Department intend to use the term “qualified film production expense,” which the Law defines? To improve clarity, we recommend that the final-form regulation use the appropriate statutory term.

Second, Subsection (a)(4) requires a statement indicating whether financing has been or “will be secured prior to the planned start date of principal photography.” Can the statement provide that financing will be secured at any time before the planned start date, including the day before? The final-form regulation should include a deadline for when financing must be secured. Similar concerns apply to Section 36.4(4).

Third, Subsection (a)(4) also states that a taxpayer shall provide “appropriate documentation and notify the Pennsylvania Film Office of any change in financing prior to completion of the project.” What does the Department consider “appropriate documentation?” In addition, what is proper notice (e.g., by telephone, in writing)? The final-form regulation should specify what qualifies as “appropriate documentation” and what type of notice is acceptable.

Finally, Subsection (a)(5) refers to an interview with the Department and a potential applicant for a film tax credit. Is such an interview conducted for every tax credit application? The final-form regulation should clarify whether this interview is required as part of the application process.

### **4. Section 36.3. Special circumstances.—Clarity.**

This section describes the process for applicants for film tax credits with special circumstances. It is unclear whether applicants under Section 36.3 must also comply with Section 36.2. The final-form regulation should clarify this issue and, where appropriate, include in Section 36.3 a cross-reference to Section 36.2.

### **5. Section 36.4. Review.—Clarity.**

This section contains the phrase, “the law, regulations, and guidelines.” What are the applicable laws and regulations? To facilitate compliance and improve clarity, this phrase should be replaced with a cross-reference to the specific laws and regulations that apply. Additionally, why is there a reference to guidelines? Guidelines, unlike

regulations, cannot be mandatory for third parties. Further, under Section 8710-D of the Law, the guidelines currently in place are to be in effect until regulations are promulgated. We recommend that the reference to “guidelines” be deleted. Similar language is also contained in Subsections 36.6(d)(1)(ii), (iii), and (d)(2)(iv).

In Paragraph (6), what qualifies as “job training opportunities?” The final-form regulation should include a definition for this term.

### **6. Section 36.5. Contract.—Consistency with the statute; Implementation procedures; Clarity.**

This section details the contractual obligations of a taxpayer who has been approved for a film tax credit award. We raise three issues.

First, Section 8703-D(c) of the Law details information required in the contract, however, this language is not included in the regulation. In addition, Section 8703-D(d) states that once the contract is executed, the film tax credit will be awarded and a certificate issued, yet this section of the regulation does not contain any information on what happens after a contract has been executed. To improve clarity, we recommend that the final-form regulation include cross-references to both of these sections of the Law.

Second, Paragraphs (1)—(3) of this section require the taxpayer to “provide evidence” in the contract of various circumstances. The final-form regulation should clarify what is acceptable “evidence.”

Finally, what is the difference between an “economic impact report” in Paragraph (4)(i) and a “monthly report” in Paragraph (4)(ii)? The final-form regulation should define these terms.

### **7. Section 36.6. Financial compliance.—Statutory authority; Reasonableness; Implementation procedures; Clarity.**

#### *Subsection (a) Description.*

What are “agreed upon procedures?” The term is vague and the final-form regulation should include a definition.

#### *Subsection (c) Audit.*

Subsection (c)(2)(vi) requires an audit to include a “compliance report including all findings.” However, a parenthetical immediately follows this provision which states: “(that is, instances of noncompliance or deficiencies in the internal control structure).” Does the Department intend for the audit to include all findings or just instances of noncompliance or deficiencies? The final-form regulation should clarify this inconsistency in the language in this subsection.

#### *Subsection (d)(1) Scope.*

Subsection (d)(1) states that if a taxpayer chooses to submit a report on agreed upon procedures, then the CPA must first submit a draft engagement letter. Subsection (d)(1) also lists six procedures which must be included in the letter. What is the Department’s statutory authority to regulate the actions of a CPA?

EisnerAmper (Accountants & Advisors) also expressed concern with the draft engagement letter and its contents, indicating that professional standards prohibit CPAs from conducting certain procedures required by this subsection, including using professional judgment in determining the scope and sample size for the engagement. Since Subsection (d)(2) requires agreed upon procedures to be conducted in accordance with national accounting standards, the Department should explain how the provi-

sions under Subsection (d)(1) are aligned with the professional accounting standards. If a CPA fails to comply with this subsection due to its already-existing professional responsibilities, does the Department plan to issue a penalty over a member of an already-regulated profession? The final-form regulation should clarify these issues.

*Subsection (d)(2) Components.*

In Subsection (d)(2), it appears that a word is missing. We recommend that the final-form regulation add the word “letter” after “the agreed upon procedures engagement.”

In Subsection (d)(2)(iv), what are “the other materials provided by the Department?” The final-form regulation should clarify what these “materials” are.

*Subsection (f) Submission of materials.*

Subsection (f) references a request for an extension to submit materials to the Department. Is there a timeline for Department review of an extension request? To improve clarity, we recommend that the final-form regulation include the timeline within which the Department will approve or deny an extension.

**8. Section 36.7. Issuance of tax credits.—Consistency with the statute.**

This section states that “provided that the information submitted meets the financial reporting requirements of the regulations, a tax credit certificate will be issued within 45 days of receipt.” However, Section 8703-D(d) of the Law states that a certificate shall be issued upon execution of the contract. The final-form regulation should explain this inconsistency between the Law and the proposed regulation.

**9. Section 36.8. Use and transfer of tax credits.—Statutory authority; Consistency with the statute; Reasonableness; Need; Implementation procedures; Clarity.**

This section details the procedures for the use and transfer of tax credits. It also includes provisions for carrying forward and assigning the unused portion of the tax credit. We have five issues.

First, the Law states that both the Department and the Department of Revenue should “jointly promulgate regulations” for the approval of applications relating to “carryover, carryback and assignment of credit.” 72 P. S. § 8705-D(e)(2). Therefore, what is the Department’s statutory authority for unilaterally promulgating this rulemaking without the Department of Revenue?

Second, Subsection (a) states that the credit cannot be applied against the liability until the return for the year has been filed. Tax Credits, LLC suggests that this is burdensome for the taxpayer and subjects the sale of the credit to an unnecessary delay. This commentator recommends that the production company be current on its filings and have no outstanding liability prior to selling its credit. Has the Department considered this option?

Third, Subsection (e) refers to “statutory requirements.” In the final-form regulation, this phrase should be replaced with a cross-reference to the specific laws that apply.

Fourth, Subsection (e) also states that “the effective taxable year for the transferred tax credits will be the date of approval of the application for transfer by the Department, the tax report filing date or the date the seller becomes compliant, whichever is latest.” However, the Law states that the purchaser or assignee “shall

immediately claim the credit in the taxable year in which the purchase or assignment is made.” § 8705-D(f). We request that the Department explain how the language in Subsection(e) is consistent with Section 8705-D(f) of the Law.

Finally, the provisions contained in Subsection (g) are redundant as they already appear in prior sections of the proposed regulation. We recommend that this subsection be deleted from the final-form regulation.

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 10-2428. Filed for public inspection December 17, 2010, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Approval to Acquire Control of Mid-Continent Insurance Company, Inc.

Conifer Holdings, Inc. has filed an application to acquire control of Mid-Continent Insurance Company, Inc., a Pennsylvania domiciled stock property insurance company. The filing was made under Article XIV of The Insurance Company Law of 1921 (40 P. S. §§ 991.1401—991.1413).

Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or rbrackbill@state.pa.us.

ROBERT L. PRATTER,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 10-2429. Filed for public inspection December 17, 2010, 9:00 a.m.]

### Application for Approval of Proposed Merger of Philadelphia-United Life Insurance Company with and into The Baltimore Life Insurance Company

The Baltimore Life Insurance Company, a Maryland domiciled stock life insurance company, has filed an application for approval to merge with Philadelphia-United Life Insurance Company, a domestic stock life insurance company, with the Baltimore Life Insurance Company surviving the merger. The filing was made under Article XIV of The Insurance Company Law of 1921 (40 P. S. §§ 991.1401—991.1413); 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets) and the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21208).

Persons wishing to comment on the merger are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of this

issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or rbrackbill@state.pa.us.

ROBERT L. PRATTER,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 10-2430. Filed for public inspection December 17, 2010, 9:00 a.m.]

### **Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Guardian Elder Care at Tyrone I, LLC**

Guardian Elder Care at Tyrone I, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Epworth Manor in Tyrone, PA. The initial filing was received on December 2, 2010, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 10 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or syerger@state.pa.us.

ROBERT L. PRATTER,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 10-2431. Filed for public inspection December 17, 2010, 9:00 a.m.]

### **Coal Mine Compensation Rating Bureau; Workers' Compensation Loss Cost Filing**

On December 3, 2010, the Insurance Department received from the Coal Mine Compensation Rating Bureau (CMCRB) a filing for a loss cost level change for Workers' Compensation insurance. This filing is made in accordance with section 705 of the act of July 2, 1993 (P. L. 190, No. 44). The CMCRB requests an overall 15.3% decrease in collectible loss costs, effective April 1, 2011, on a new and renewal basis. Also, the CMCRB has calculated the Employer Assessment Factor effective April 1, 2011, to be 1.88%, as compared to the currently approved provision of 2.05%.

The entire April 1, 2011, loss cost filing is available for review on the CMCRB's web site at <http://www.cmcrbpa.com> under "Filings."

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Office of 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. 10-2432. Filed for public inspection December 17, 2010, 9:00 a.m.]

### **Geisinger Health Plan; Employer Group HMO (with 51 or More Employees) Rate Filing**

Geisinger Health Plan requests approval to increase the Employer Group (with 51 or more employees). The average requested rate increase is 6.1%. The proposed rate increase would affect approximately 27,414 members and would produce additional income of about \$5.8 million annually. The requested effective date of the change is April 1, 2011.

Unless formal administrative action is taken prior to March 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](http://www.insurance.pa.gov). To access the filing, under "How to Find . . ." click on "View Current Rate Filings."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, rmathur@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

ROBERT L. PRATTER,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 10-2433. Filed for public inspection December 17, 2010, 9:00 a.m.]

### **Geisinger Health Plan; Employer Group HMO (with Fewer than 51 Employees) Rate Filing**

Geisinger Health Plan requests approval to increase the Employer Group (with fewer than 51 employees). The average requested rate increase is 7.1%. The proposed rate increase would affect approximately 11,748 members and would produce additional income of about \$2.8 million annually. The requested effective date of the change is April 1, 2011.

Unless formal administrative action is taken prior to March 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](http://www.insurance.pa.gov). To access the filing, under "How to Find . . ." click on "View Current Rate Filings."



A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [rmathur@state.pa.us](mailto:rmathur@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

ROBERT L. PRATTER,  
Acting Insurance Commissioner

[Pa.B. Doc. No. 10-2434. Filed for public inspection December 17, 2010, 9:00 a.m.]

### **Pennsylvania Compensation Rating Bureau; Workers' Compensation Loss Cost Filing**

*This is a correction to the notice published at 40 Pa.B. 7165 (December 11, 2010). Contact language has been added.*

On November 30, 2010, the Insurance Department (Department) received from the Pennsylvania Compensation Rating Bureau (PCRB) a filing for a loss cost level change for Workers' Compensation insurance. This filing is made in accordance with section 705 of the act of July 2, 1993 (P. L. 190, No. 44). The PCRB requests an overall 0.87% increase in collectible loss costs, effective April 1, 2011, on a new and renewal basis. Also, the PCRB has calculated the Employer Assessment Factor effective April 1, 2011, to be 1.88%, as compared to the currently approved provision of 2.07%. Updates to a variety of other rating values to reflect the most recent available experience are also being submitted for approval.

The entire April 1, 2011, loss cost filing is available for review on the PCRB's web site at [www.pcrb.com](http://www.pcrb.com) in the "Filings" section.

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [gzhou@state.pa.us](mailto: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. 10-2435. Filed for public inspection December 17, 2010, 9:00 a.m.]

### **Time Insurance Company and Union Security Insurance Company; Requested Rate Increase Filing for Several Long-Term Care Policies**

Time Insurance Company (formerly Fortis Insurance Company) and Union Security Insurance Company (formerly Fortis Benefits Insurance Company) are requesting an average increase of 45.3% on the following forms: 4060-PA, 4061-PA, 4062-PA, 4063-PA, 4072-PA, 4073-PA, 6034-PA, 6035-PA, 6036-PA, 6060-PA, 6062-PA, 6063-PA, 6072-PA and 6073-PA.

This increase will impact 1,738 policyholders in this Commonwealth.

Unless formal administrative action is taken prior to March 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 web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under "How to Find . . ." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [jlaverty@state.pa.us](mailto:jlaverty@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. 10-2436. Filed for public inspection December 17, 2010, 9:00 a.m.]

## **PENNSYLVANIA PUBLIC UTILITY COMMISSION**

### **Amended Petition for Rescission; Doc. No. C-00019560**

On September 1, 2010, Norfolk Southern Railway Company (Norfolk Southern) filed an Amended Petition for Rescission of the Pennsylvania Public Utility Commission's (Commission) June 12, 1975 Order regarding prevention of run outs in the 400 and 500 classification yards of Conway Yard in Beaver County. In its Amended Petition, Norfolk Southern requests that the Commission rescind its June 12, 1975 Order, Doc. No. C-00019560, so that skatemen may be assigned to other positions, consistent with their seniority under their applicable collective bargaining agreement, with the handling of any remaining skates between now and the second quarter of 2011 to be performed by pull out crews consistent with current practice. Alternatively, Norfolk Southern requests that the Commission rescind its June 12, 1975 Order, Doc. No. C-00019560, effective upon the installation of hydraulic skates on all classification tracks at Conway Yard, when portable skates will no longer be in use and there will be no work for the skatemen to perform. A copy of Norfolk Southern's Amended Petition is available at the Commission or through the Commission's web site, <http://www.puc.state.pa.us>.

Comments to Norfolk Southern's Amended Petition may be filed within 20 days of the date of publication of this notice in the *Pennsylvania Bulletin*. Comments should be filed with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 10-2437. Filed for public inspection December 17, 2010, 9:00 a.m.]

### **Default Service Program and Procurement Plan**

**P-2010-2213354. PPL Electric Utilities Corporation.** Petition of PPL Electric Utilities Corporation for

approval of a default service program and procurement plan for the period of January 1, 2011, through May 31, 2013.

Formal protests, petitions to intervene and answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the petitioner and a copy provided to the Administrative Law Judge, on or before December 28, 2010. The documents filed in support of the petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the petitioner's business address.

*Petitioner:* PPL Electric Utilities Corporation

*Through and By Counsel:* Paul E. Russell, Associate General Counsel, PPL Services Corporation, Two North Ninth Street, Allentown, PA 18101

Michael W. Hassell, Esquire, Andres S. Tubbs, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

David B. MacGregor, Esquire, Post & Schell, PC, Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, PA 19103-2808

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 10-2438. Filed for public inspection December 17, 2010, 9:00 a.m.]

## Pennsylvania Solar Project Working Group Meeting

### Policy Statement in Support of Pennsylvania Solar Projects; Doc. No. M-2009-2140263

On September 16, 2010, the Pennsylvania Public Utility Commission (Commission) adopted a final policy statement, the purpose of which is to outline a process to provide more solar alternative energy credit price certainty and to reduce or eliminate barriers to solar project development to further the goals of the Commonwealth's Alternative Energy Portfolio Standards Act (AEPS Act). In conjunction with the adoption of the final policy statement, the Commission established a solar project stakeholder working group, comprised of representatives from electric distribution companies (EDCs), electric generation suppliers, Commission staff, public advocates, solar aggregators, solar developers and other interested stakeholders.

With this Secretarial Letter, the Commission is announcing the first meeting of the solar projects working group to be held on January 27, 2011, at 1 p.m. in Hearing Room 1. Interested stakeholders can participate in person or by telephone. A call in telephone number and a meeting agenda will be posted on the Commission's web site at [http://www.puc.state.pa.us/electric/electric\\_alt\\_energy.aspx](http://www.puc.state.pa.us/electric/electric_alt_energy.aspx) under the Pennsylvania Solar Projects—Working Group heading.

The purpose of the working group is to explore and develop standardized contracts and other related documents for EDC purchase of solar alternative energy credits from solar developers of both large- and small-scale solar projects. This working group is to meet at

least semiannually. The Commission has placed some proposed standard contracts and other documents on the Commission's Alternative Energy web page at the previously referenced link to help facilitate the efforts of the working group.

The purpose of this first meeting is to establish an organizational structure, identify priorities and action items for the working group and establish a schedule for future meetings. The Commission is soliciting suggested agenda items for this first meeting. In addition, the Commission requests that stakeholders provide a list of concerns relating to the proposed standard contracts, as well as what they consider to be barriers to the development of solar projects. Interested stakeholders should provide this information by January 10, 2011, to [ra-Solar@state.pa.us](mailto:ra-Solar@state.pa.us).

Persons who have any questions regarding this working group or the January 27, 2011, meeting should contact Kriss Brown at (717) 787-4518 or [kribrown@state.pa.us](mailto:kribrown@state.pa.us). The Commission appreciates cooperation in furthering the goals of this Commonwealth's AEPS Act.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 10-2439. Filed for public inspection December 17, 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 January 3, 2011. 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.

**Application of the following for approval to *begin operating as common carriers for transportation of persons as described under the application.***

**A-2010-2214160. Timothy J. Matthewson, t/a The Bethlehem Cab Co.** (1016 West Broad Street, Bethlehem, Lehigh County, PA 18018)—upon call or demand service, in the City of Bethlehem, situated in both the Counties of Lehigh and Northampton.

**Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.***

**A-2010-2213929. Smart Move Makers, Inc.** (P. O. Box 0164, New Cumberland, York County, PA 17070)—household goods in use, between points in the Counties of Dauphin, Cumberland and York, limited to services for senior citizens and disabled persons.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer of rights as described under the application.**

**A-2010-2214113. McGhee Moving and Logistics, Inc.** (3243 Old Frankstown Road, Pittsburgh, Allegheny County, PA 15239)—household goods in use, which is to be a transfer of all rights authorized under the certificates issued at A-00101743, F.1 to Monroeville Moving and Storage, Inc., subject to the same limitations and conditions.

**Application of the following for the approval of the right and privilege to *discontinue/abandon* operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.**

**A-2010-2213922. Absolutely Pittsburgh, LLC** (200 Queenston, Pittsburgh, Allegheny County, PA 15210)—to discontinue service as a common carrier by motor vehicle, at A-00122118, to operate as a broker, to arrange for the transportation of persons, between points in Pennsylvania.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
 Transportation and Safety v. LPIB, Inc.;*  
*Doc. No. C-2010-2196904*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That LPIB, Inc., Respondent, maintains a principal place of business at 441 Tomlinson Road, Apt. E-10, Philadelphia, PA 19116.

2. That Respondent was issued a certificate of public convenience by this Commission on September 23, 1993, at Docket No. A-00110973, F. 1, and on December 12, 1994, at Docket No. A-00110973, F. 2, for call or demand authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine LPIB, Inc. the sum of two hundred and fifty dollars

((\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
 Bureau of Transportation and Safety  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel, Chief of Enforcement  
 Motor Carrier Services and Enforcement  
 Division  
 Bureau of Transportation and Safety

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to



issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
 Transportation and Safety v. W-D Cab Co.;*  
*Doc. No. C-2010-2196767*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That W-D Cab Co., Respondent, maintains a principal place of business at 7238 Meadow Lark Place, Philadelphia, PA 19153.

2. That Respondent was issued a certificate of public convenience by this Commission on August 11, 1992, at Docket No. A-00110297, F. 1, for call or demand authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine W-D Cab Co. the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
 Bureau of Transportation and Safety  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in

this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
 Wendy J. Keezel, Chief of Enforcement  
 Motor Carrier Services and Enforcement  
 Division  
 Bureau of Transportation and Safety

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Atibas Taxicab Co.;*  
Doc. No. C-2010-2196762

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Atibas Taxicab Co., Respondent, maintains a principal place of business at 5029 Cedar Avenue, Philadelphia, PA 19143.

2. That Respondent was issued a certificate of public convenience by this Commission on April 11, 1988, at Docket No. A-00103391, for call or demand authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Atibas Taxicab Co. the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial

cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. D & W Cab Company;*  
Doc. No. C-2010-2196769

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section

701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That D & W Cab Company, Respondent, maintains a principal place of business at 2316 Vista Street, Philadelphia, PA 19152.

2. That Respondent was issued a certificate of public convenience by this Commission on March 4, 1993, at Docket No. A-00110453, F. 1, for call or demand authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine D & W Cab Company the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Oscar M. V., Inc.;*  
*Doc. No. C-2010-2196770*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Oscar M. V., Inc., Respondent, maintains a principal place of business at 107 East Mentor Street, Philadelphia, PA 19120.

2. That Respondent was issued a certificate of public convenience by this Commission on October 14, 1992, at Docket No. A-00110466, F. 1, for call or demand authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and



registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Oscar M. V., Inc. the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your

certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Edomobi Enterprises, Inc.;*  
*Doc. No. C-2010-2196766*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Edomobi Enterprises, Inc., Respondent, maintains a principal place of business at 457 East Rively Avenue, Aldan, PA 19018.

2. That Respondent was issued a certificate of public convenience by this Commission on April 29, 1992, at Docket No. A-00110145, F. 1, on September 18, 1998, at Docket No. A-00110145, F. 2, and on March 19, 2002, at Docket No. A-00110145, F. 3, for call or demand authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission

fine Edomobi Enterprises, Inc. the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of

Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. H.I.P., Inc.;*  
*Doc. No. C-2010-2196346*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That H.I.P., Inc., Respondent, maintains a principal place of business at P. O. Box 34616, Philadelphia, PA 19101.

2. That Respondent was issued a certificate of public convenience by this Commission on August 30, 1990, at Docket No. A-00109199, F. 2, on January 31, 1994, at Docket No. A-00109199, F. 4, on May 26, 1994, at Docket No. A-00109199, F. 5, on September 16, 1994, at Docket No. A-00109199, F. 6, and on September 16, 1994, at Docket No. A-00109199, F. 7, for call or demand authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine H.I.P., Inc. the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 10-2440. Filed for public inspection December 17, 2010, 9:00 a.m.]

Telecommunications

**A-2010-2213066. US LEC of Pennsylvania, Inc. and United Telephone Company of Pennsylvania, LLC.** Joint petition of US LEC of Pennsylvania, Inc. and United Telephone Company of Pennsylvania, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

US LEC of Pennsylvania, Inc. and United Telephone Company of Pennsylvania, LLC, by its counsel, filed on December 1, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the US LEC of Pennsylvania, Inc. and United Telephone Company of Pennsylvania, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 10-2441. Filed for public inspection December 17, 2010, 9:00 a.m.]

Transfer of Interests and Shares

**A-2010-2213369. DQE Holdings, LLC and Epsom Investment Pte Ltd.** Joint application for approval to transfer the interests and shares in DQE Holdings, LLC, currently owned by DUET Investment Holdings Limited, to Epsom Investment Pte Ltd., a subsidiary of GIC Infra Holdings Pte Ltd., and to approve the Resulting Change in control of Duquesne Light Company.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before January 3, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.



*Applicant:* Duquesne Light Company

*Through and By Counsel:* Michael W. Gang, Esquire, Andrew S. Tubbs, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

David B. MacGregor, Esquire, Post & Schell, PC, Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, PA 19103-2808

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 10-2442. Filed for public inspection December 17, 2010, 9:00 a.m.]

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### Transfer by Sale

**A-2010-2213893. UGI Penn Natural Gas, Inc.** Application of UGI Penn Natural Gas, Inc. for approval of the transfer by sale of a 9-mile natural gas pipeline, appurtenant facilities and right of way located in Mehoopany.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before January 3, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* UGI Penn Natural Gas, Inc.

*Through and By Counsel:* Kent D. Murphy, Senior Counsel, 460 North Gulph Road, King of Prussia, PA 19406

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 10-2443. Filed for public inspection December 17, 2010, 9:00 a.m.]

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## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearing Scheduled

A hearing has been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimants' requests concerning the indicated accounts.

The hearing will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

January 12, 2011    Joseph M. Kundrot    1 p.m.  
(Waiver of Adjustment)

Persons with a disability, who wish to attend the previously-listed hearing, and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Barbara Flurie, Assistant to

the Executive Director at (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

JEFFREY B. CLAY,  
*Executive Director*

[Pa.B. Doc. No. 10-2444. Filed for public inspection December 17, 2010, 9:00 a.m.]

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## STATE BOARD OF COSMETOLOGY

### Bureau of Professional and Occupational Affairs v. Quynh Trang Ngo, t/d/b/a Nail Perfection; File No. 09-45-10348

On October 22, 2010, Quynh Trang Ngo, t/d/b/a Nail Perfection, license no. CY109430, of Aston, Delaware County, was assessed a civil penalty of \$5,100 for demonstrating gross incompetency or unethical conduct in the practice of nail technology by using metal razor tools and razor blades, and failing to maintain tools that come into contact with clients in a sanitary condition at all times.

Individuals may obtain a copy of the adjudication by writing to David Markowitz, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the State Board of Cosmetology's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

SUSANNE M. PHILO,  
*Chairperson*

[Pa.B. Doc. No. 10-2445. Filed for public inspection December 17, 2010, 9:00 a.m.]

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## STATE CONSERVATION COMMISSION

### Access to Odor Management Plans for Concentrated Animal Operations, and Concentrated Animal Feeding Operations and Volunteers Complying with Pennsylvania's Facility Odor Management Program

The State Conservation Commission's (SCC) Facility Odor Management Program web page, or alternatively to

the SCC's office to obtain information relating to Odor Management Plans submitted for SCC action under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

The SCC's Odor Management Program web page, accessed through the SCC's general web site at [www.agriculture.state.pa.us](http://www.agriculture.state.pa.us) (click on "Bureaus, Commissions & Councils," then select "State Conservation Commission"), provides the public with the name, address, animal equivalent units, animal type, Odor Site Index score and submission type for the various Odor Management Plans (OMPs) under review by the SCC. This listing of plans under review can also be accessed by contacting the SCC's Odor Management Program office in Tunkhannock at (570) 836-2181. The SCC will not take an action on a submitted OMP until it has been noticed on this list for a minimum of 21 days.

All SCC actions on submitted OMPs will be published in the *Pennsylvania Bulletin*.

Persons wishing to view or obtain a copy of submitted OMPs are directed to submit a formal Right-to-Know request to the Department of Agriculture (Department) to arrange access to the plans currently under review.

Persons wishing to comment on an OMP under review by the SCC are invited to submit a written statement outlining their comments on the plan to the SCC's Odor Management Program within 21 days from the plan notice date provided on the SCC's listing of plans under review. Persons with a question relating to the submission of comments on a plan under review may contact the SCC Odor Management Program office by phone to discuss the process for the submission of comments. Comments should include the name, address and telephone number of the writer, and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based.

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

The address for the SCC's Odor Management Program office is the Pennsylvania Agriculture Building, Route 92 South, P. O. Box C, Tunkhannock, PA 18657-0318. The

phone number for the SCC's Odor Management Program Coordinator, Karl Dymond is (570) 836-2181.

JOHN HANGER,  
*Chairperson*

[Pa.B. Doc. No. 10-2446. Filed for public inspection December 17, 2010, 9:00 a.m.]

**Action on Odor Management Plans for Concentrated Animal Operations, and Concentrated Animal Feeding Operations and Volunteers Complying with Pennsylvania's Facility Odor Management Program**

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under section 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

**Odor Management Plan—Public Notice Spreadsheet—Actions**

<i>Ag Operation Name, Address</i>	<i>County/ Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Advanced Racing Operations Consultants Corporation Church View Downs 1777 Ben Salem Road Andreas, PA 18211	Carbon County East Penn Township	219.0	Horse	New	Disapproved
Klejka Dairy 394 Deans Road Somerset, PA 15501	Somerset County Somerset Township	925.75	Cattle	New	Disapproved

<i>Ag Operation Name, Address</i>	<i>County/ Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Samuel Beiler 20 Greenleaf Road Bloomsburg, PA 17815	Columbia County Madison Township	52.14	Veal	New	Approved
Lance and Susan Heberlig 24 Shuman Road Newburg, PA 17240	Cumberland County Hopewell Township	498.02	Swine	New	Approved
James Landis 825 North Little Britain Road Quarryville, PA 17566	Lancaster County Little Britain Township	164.22	Broilers	New	Approved
Brian Zeiset 195 Fort Swatara Road Jonestown, PA 17038	Lebanon County Union Township	44.16	Layers	New	Approved
County View Family Farms, LLC—New Hope Sow Farm 23177 Back Road Concord, PA 17217	Franklin County Fannett Township	2,716.0	Swine	New	Approved
County View Family Farms, LLC—Van Blarcom Sow Farm R. R. 2 Box 54AA Columbia Cross Roads, PA 16914	Bradford County Columbia Township	2,716.0	Swine	New	Approved
Amos S. Zook 3438B Harvest Drive Gordonville, PA 17529	Lancaster County Leacock Township	0	Manure Storage Only	New	Approved
Blue Lake Farms 3370 Forest Hill Road Mifflinburg, PA 17844	Union County West Buffalo Township	84.9	Layers	New	Disapproved
Marvin Weaver 93 Church Road Selinsgrove, PA 17870	Snyder County Middlecreek Township	73.97	Broiler	New	Approved
Brent King 219 Pebley Lane Belleville, PA 17004	Mifflin County Union Township	52.04	Layers	New	Approved

JOHN HANGER,  
*Chairperson*

[Pa.B. Doc. No. 10-2447. Filed for public inspection December 17, 2010, 9:00 a.m.]

## STATE SYSTEM OF HIGHER EDUCATION

### Shippensburg University; Heating System Study

A study to determine if Shippensburg University (University) of the State System of Higher Education located in Shippensburg Township should be exempted from the requirements of section 2420 of The Administrative Code of 1929 (71 P. S. § 650) will be performed within the next 90 days. The result from this study may result in the conversion of the University's coal-fired heating system to a fuel other than coal.

For additional information, contact Lance Bryson, Associate Vice President for Facilities, Shippensburg University of Pennsylvania, 1871 Old Main Drive, Shippensburg University, PA 17257, (717) 477-1451, fax (717) 477-4032, jlbrys@ship.edu.

J. LANCE BRYSON,  
*Associate Vice President,  
Facilities Management and Planning  
Shippensburg University*

[Pa.B. Doc. No. 10-2448. Filed for public inspection December 17, 2010, 9:00 a.m.]





