

PENNSYLVANIA BULLETIN

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

No. 447, February 2012

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at www.pacode.com.

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

A chronological table of the history of *Pennsylvania Code* sections may be found at www.legis.state.pa.us.

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

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Printing Format

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

Fiscal Notes

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

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

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Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

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Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2012.

4 Pa. Code (Administration)		67 Pa. Code (Transportation)	
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9	27	231	25
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THE COURTS

Title 255—LOCAL COURT RULES

CARBON COUNTY

Adoption of Orphans' Court Local Rule O.C.R.15.5(c) Adoption; No. 12-9020

Administrative Order 8-2012

And Now, this 27th day of January, 2012, in order to implement a procedure for investigations in adoption petitions, it is hereby

Ordered and Decried that, effective March 1, 2012, Carbon County Orphans Court Rule CARB.Co.O.C.R. 15.5(c) governing investigations in Petitions for Adoption be and is hereby Adopted as follows.

1. File seven (7) certified copies of this Administrative Order and Local Rule with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) computer diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Orphans Court Procedural Rules Committee.

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

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

6. Keep continuously available for public inspection copies of the Administrative Order and Local Rule in the Register of Wills/Orphans Court Office.

By the Court

ROGER N. NANOVIC,
President Judge

Rule 15.5(c). Adoption.

(c) Investigation

Intra-Family Adoptions. If no Report of Intention to Adopt is required by 23 Pa.C.S.A. § 2531, prior to hearing on the Petition for Adoption, Petitioner shall obtain and file with the Court with respect to each prospective adoptive parent and any individual over 18 years of age residing in the home (excluding a biological parent whose parental rights have not been previously terminated), the information described and identified in 23 Pa.C.S.A § 6344(b).

[Pa.B. Doc. No. 12-222. Filed for public inspection February 10, 2012, 9:00 a.m.]

FAYETTE COUNTY

Administrative Order: Fayette County Youth Commission Program; No. CP-26-AD-0000001-2012

Administrative Order

And Now, this 25th day of January, 2012, it is hereby Ordered and Directed that the Fayette County Youth Commission Program is adopted as follows.

The Clerk of Courts is directed as follows:

(1) One certified copy of the order and program shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two certified copies and diskette of the order and program and one copy of the written notification received from the Juvenile Court Procedural Rules Committee shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy shall be sent to the Fayette County Law Library and the Editor of the *Fayette Legal Journal*.

The adoption of the Juvenile Court Restitution Fund shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin* and on the UJS Portal.

By the Court

GERALD R. SOLOMON,
President Judge

Fayette County Youth Commission Program

Program History and Description

The Fayette County Youth Commission (Youth Commission) is a diversionary program established by the Fayette County Juvenile Court (Court) in January 1996. The Youth Commission is a Court approved program and is authorized to provide guidance and supervision to children under the supervision of the Juvenile Court whose dispositions are consistent with 18 Pa.C.S. Section 6323, Informal Adjustment and 42 Pa.C.S. Section 6340 Consent Decree.

The Youth Commission is comprised of residents of Fayette County who have agreed to volunteer their time in order to provide guidance and supervision to alleged delinquent children and who are eligible for supervision through the Youth Commission Program.

In addition to an unspecified and changing number of volunteers the Youth Commission is staffed by a Juvenile Probation Officer who has been designated at the "Youth Commission Coordinator" (YC Coordinator). The YC Coordinator acts as the liaison between the Court, Juvenile Probation Office and the Youth Commission. The YC Coordinator is authorized to allocate up to one third (1/3) of their time, or not more than 12.5 hours per week, to the overall operation of the Youth Commission.

The Youth Commission falls under the direct supervision of the Chief Juvenile Probation Officer or his designate.

Definitions

For the purpose of this document the following words and phrases will be defined as follows:

Child: The individual who is alleged to have committed a delinquent act and who is the object of the proceedings before the Court.

CJPO: Chief Juvenile Probation Officer

County: Fayette County Board of Commissioners and all entities of the County of Fayette

Court: Court of Common Pleas of Fayette County, Pennsylvania including the Juvenile Division of said Court.

CPO: Community Probation Officer

Juvenile Probation: Fayette County Juvenile Probation Office

Parent: To include the mother, father, grandparents, guardians, foster parents of the child who is the object of the proceedings before the Court.

YC Coordinator: Juvenile Probation Officer on staff who is assigned to supervise the Youth Commission Program and act as the liaison between the Court, Juvenile Probation Office, and Youth Commission

YLS: Youth Level of Service Assessment Instrument

Youth Commission: Fayette County Youth Commission Program

Program Principals

The Youth Commission will operate with the following principals as its guide:

1. To provide the Court with a viable dispositional alternative for minor delinquent offenders who, based upon the YLS, should be supervised by a community based group as opposed to traditional Juvenile Probation supervision while at the same time holding the child accountable for their delinquent behavior;

2. To provide community members with the opportunity to engage in a constructive activity with the hopes of positively impacting the lives of young persons who reside in the same community with the ultimate goal of reducing delinquent behavior and therefore improving the overall safety and quality of life in that community;

3. To link children with in a community with natural supports that will last well into adulthood and therefore serve as a long term positive influence.

Legislative Authority

Through this document and the accompanying administrative order, the Court will recognize the Youth Commission as a Court operated program which is authorized to provide guidance and supervision to individuals who fall within the jurisdiction of the Juvenile Court who are alleged delinquent children as defined in 42 Pa.C.S. Section 6302 of the Juvenile Act entitled Definitions, wherein the Juvenile Act defines "child" and "delinquent act." Furthermore, the Court will also authorize the Youth Commission to provide supervision over children who are subject to the jurisdiction of the Court as a result of their delinquency case has received a disposition pursuant to 42 Pa.C.S. Section 6323 entitled Informal Adjustment and Section 42 Pa.C.S. Section 6340 Consent Decree.

Youth Commission Members

The Youth Commission will be comprised of volunteers from the communities in which they reside. Persons wishing to be Youth Commission members should have genuine interest in working with children between the age of 10 and 18 years who have engaged in a wide variety of delinquent behavior.

Potential Youth Commission members must be at least eighteen (18) years of age at the time of application and be individuals of good character and moral standing.

All potential Youth Commission members will be subject to a screening process that will include the following:

1. Completed Youth Commission Application (copy attached)

2. Criminal History Clearance from the Pennsylvania State Police

3. Child Abuse Clearance from the Pennsylvania Department of Public Welfare

4. Federal Bureau of Investigation Criminal History Check

Applicants who have been convicted or adjudicated delinquent of the following offense(s) will be disqualified from serving on the Youth Commission:

Violation of the Controlled Substance, Drug, Device or Cosmetic Act or similar State or Federal laws that are graded as a felony;

Any offense enumerated in 18 Pa.C.S. Section 3101 et. seq., Sexual Offenses or equivalent law from another State or Federal statute;

Any offense which would bring the applicant's credibility into question.

Persons seeking to become Youth Commission members may, upon request, be reimbursed for the costs associated with obtaining the above-listed clearances.

A person seeking to become a member of the Youth Commission will have their application and corresponding information reviewed by the YC Coordinator and the CJPO. Applicants will be notified in writing as to whether their request to become a member of the Youth Commission is approved or rejected.

Persons who are accepted as member of the Youth Commission may be barred from participation in the program for just cause. Examples of just cause to exclude an individual from participation in the Youth Commission may include, but is not limited to one or more of the following:

Failure to participate in the program on a regular or consistent basis;

Engaging in a course of conduct that is contrary to the best interest of the Youth Commission;

Arrest and conviction of one or more of the above-mentioned criminal acts;

Violating rules pertaining to confidentiality;

Any other behavior that in the opinion of the YC Coordinator and the CJPO is detrimental to the overall demeanor and workings of the Youth Commission.

Notice that a Youth Commission member has been expelled will be provided to the member in writing.

Youth Commission Structure and Responsibilities

It is recommended that the Youth Commission be a county wide program which is made up of individual commissions that serve specific geographic areas. In order to be consistent with the supervision model utilized by the Juvenile Probation Office, individual youth commissions should be developed to serve children based upon the school district that its clients attend. The individual youth commission may assume the name of the school district in which they are located (i.e. Uniontown Youth Commission, Connellsville Youth Commission, etc.). Regardless of the number of individual commissions, they will all be part of the Fayette County Youth Commission.

Individual youth commissions shall be structured in such a manner that enables them to conduct their responsibilities of providing guidance and supervision to children assigned to them for such a purpose. At a minimum the individual youth commissions will require a person designated as the Chairperson and a person designated as the Secretary.

The Chairperson will be responsible for coordinating with the YC Coordinator at the Juvenile Probation Office with regard to cases being referred to the Youth Commission for supervision and cases being returned to the Juvenile Probation Office upon conclusion of supervision. The Secretary will be responsible for organizing and retaining all records as they relate to children referred for supervision.

An individual youth commission may also designate an individual as a Co-Chairperson who may act in the Chairperson's absence.

Each youth commission will also be required to have individuals designated as Community Probation Officers (CPO). A CPO is an individual who will be responsible for providing direct services (guidance and supervision) to a child that is subject to supervision by the Youth Commission. CPO's will be responsible for maintaining, at a minimum once per month, face to face contact with a child under their supervision. CPO will also be responsible for assuring that the child subject to the supervision of the Youth Commission successfully completes all of the specific terms and conditions of their probationary period including the payment of fines, costs, and restitution, completion of specific competency development and victimization programs, community service obligations, and other specific requirements as reflected in the child's disposition.

To further define the role of the CPO, individuals assigned to this position within the Youth Commission will be responsible to monitor the overall behavior of a child under the Youth Commission's supervision in the following areas:

- Adherence to parental guidance, supervision and authority;
- Adherence to the curfew set by the parents or the Juvenile Probation Office;
- Level of school attendance;
- Behavior issues experienced at home, school, or in the community;
- The extent, if any, of the child's use of alcohol or illegal drugs;
- The nature of the child's peer group and the influence exercised by this group;
- The child's level of participation in Court directed programs or activities.

The recommended minimum number of volunteers required to be considered a Youth Commission be six (6) while there is no recommended maximum number.

Training

Youth Commission members will receive training in a wide variety of areas including the following:

- Operation of the Juvenile Court in Pennsylvania
- The Pennsylvania Juvenile Act
- Laws governing confidentiality
- Effective communication skills

The YC Coordinator will be responsible for assuring that Youth Commission member received training on an ongoing and timely basis.

Youth Commission members are encouraged to seek out and attend training not provided directly the Youth Commission program that is pertinent their role and which would be beneficial to the Youth Commission program as a whole.

All costs associated with training Youth Commission members will be paid for by the Youth Commission.

Case Processing

All cases alleging delinquent behavior by a child shall be processed by the Intake Department at the Juvenile Probation Office. The Intake Department will file the Allegation / Complaint Forms, schedule and conduct the Intake Interviews and along with the appropriate level of supervision make a determination as to whether a child and his/her related case(s) are eligible for a disposition that does not include an adjudication of delinquency.

Those children and their related cases(s) deemed inappropriate for an adjudication of delinquency will therefore be eligible for a non-adjudication disposition of a Consent Decree or Informal Adjustment Consent. A child must also be deemed appropriate for supervision by the Youth Commission as a result of their YLS assessment results.

After the Intake Department has determined that the child and his/her case is eligible for either a Consent Decree or Informal Adjustment Consent the child will be scheduled for a YLS assessment. The YLS assessment is a tool used to aid probation staff in determining the level of supervision required to best meet the child's and the community's best interests.

After the YLS assessment has been completed and it is determined that the child's and community's best interest will be served by a level of supervision that can be best served by the Youth Commission the referral will be effectuated. The Intake Department will prepare and execute the Informal Adjustment Consent or Consent Decree and review the terms and conditions of the same with the child and his parents.

The Informal Adjustment Consent or Consent Decree will include traditional rules of probation as well as any specific conditions that are deemed necessary, appropriate and in the child's and community's best interest.

The Intake Department internally process this case as it pertains to entry of dispositional data on all appropriate data bases including the JCMS. At the same time the Intake Department will notify the YC Coordinator that a case is being referred to the Youth Commission for supervision and provide the YC Coordinator with sufficient case related information to effectuate that function. At a minimum the Intake Department will provide the YC Coordinator with copies of the following information:

- Allegation / Complaint Form;
- JPO Fact Sheet;
- Informal Adjustment Consent;
- YLS Assessment Report;
- Other information deemed necessary and appropriate to effectuate supervision.

The YC Coordinator will assign the case to the Youth Commission for supervision that is located in this child's school district.

The YC Coordinator will deliver the above-mentioned information to the Chairperson of the Youth Commission that will provide supervision in the instant case. The YC Coordinator and the Chairperson of the Youth Commission providing supervision will work jointly to notify the child and his/her parents of all subsequent meetings and appointments which will enable the Youth Commission to provide supervision.

The YC Coordinator will be responsible for making all referrals for purchased services for the child subject to supervision by the Youth Commission and monitoring the same.

At the initial meeting with the Youth Commission the case will be reviewed by the YC Coordinator, Youth

Commission personnel, child and parents and the case will be assigned to a CPO for ongoing supervision.

Case Termination

The supervision of a case assigned to the Youth Commission may be terminated in one of the following manner:

Successful Case Closure: A successful case closure will occur when a child has met the expectations of the conditions of his/her probationary period and the Youth Commission recommends the child's release from supervision.

Unsuccessful Case Closure: An unsuccessful case closure will occur when a child has failed to meet the expectations of the conditions of his probationary period and Youth Commission recommends that the child and his/her corresponding case be returned to the Juvenile Probation Office for continued supervision or further disposition.

Files and Reports

Information generated as a result of cases referred to the Youth Commission for supervision will be recorded and retained for future use. Upon receiving a referral the YC Coordinator or the Chairperson of the Youth Commission providing supervision will be responsible for creating a file which contains the original referral information.

The CPO assigned to supervise a case will be required to submit written reports on an approved document each time that the child is seen as part of his/her supervision. These reports are to accurately reflect the progress of the child subject to supervision in the areas indicated in section entitled

The files and reports pertaining to a case subject to supervision by the Youth Commission shall be maintained in a secure location on the premises where the supervision is provided.

Upon discharge of a child from the Youth Commission's supervision *ALL* case related information shall be returned to the Juvenile Probation Office and placed into the child's permanent file at the Juvenile Probation Office.

Confidentiality

All written and verbal information received or obtained by the Youth Commission pertaining to a case subject to their supervision is considered to be confidential and access to this information is governed by 42 Pa.C.S. Section 6307 Inspection of court files and records. All members of the Youth Commission are bound by the provisions of this law. Members of the Youth Commission should address questions concerning the release of information and their ability to share information with individuals or agencies beyond the scope of the Youth Commission should be directed to the YC Coordinator or the Chief Juvenile Probation Officer.

Costs of operation

All expenses associated with the day to day operation of the Fayette County Youth Commission shall be paid for through the Youth Commission Account that is maintained at and by the Juvenile Probation Office. The provisions associated with the Youth Commission Account are described in the section of this program description entitled "Fayette County Youth Commission Income/Revenue Sources and Allowable Expense".

Expungement of records

Cases receiving supervision by the Youth Commission are eligible for expungement as per the provisions of 18 Pa.C.S. Section 9123.

Children who have successfully completed their supervision through the Youth Commission may request that their record be expunged by contact the YC Coordinator. The YC Coordinator will determine the child's eligibility as per the above statute as well as reviewing whether all fines, costs, and restitution have been paid in full.

All financial obligations must be paid in full before a case handled by the Youth Commission may be expunged.

In the event that at the time a request is made by the juvenile to expunge his/her Juvenile Court Record the only record maintained by the Juvenile Probation Office is the one that was subject to the supervision by the Youth Commission, there will be no cost associated with the expungement.

Revenue and Expenses

The Youth Commission encounters ongoing expenses in order to meet its goals of providing guidance and supervision to alleged delinquent children who are subject to its supervision. At the time the Youth Commission was created it was the goal of the Court to allow for revenue options that would make the operation of the program cost neutral for the County of Fayette.

Revenue

At the time that the Youth Commission was created the Court authorized the Juvenile Probation Office to assess all children who come under the Court's jurisdiction as a result of a final disposition of a Consent Decree or an adjudication of delinquency be required to pay a fine through the Juvenile Probation Office in the amount of one hundred dollars (\$100.00) with the money generated from this fine to be used to offset the overall costs associated with the operation of the Youth Commission.

Furthermore, on April 1, 2006 the Chief Juvenile Probation Officer gave authorization that allowed fifty percent (50%) of all of the funds received from processing cases certified to the Juvenile Court by the Minor Judiciary where the defendants are juveniles who have failed to pay fines and costs pursuant to a summary offense conviction shall likewise be as a source of revenue to support the operation of the Youth Commission.

All funds collected as a result of this these revenue sources are deposited in an account which is used for the operation of the Fayette County Youth Commission.

Revenue Deposits

All funds received and intended for use by the Youth Commission shall be deposited into the YC Account described herein. Deposits shall be prepared and deposited in to the YC Account on a timely basis and the deposit ticket received at the time of the deposit shall be attached to the NCR or other copy of the deposit ticket.

Copies of checks or other sources of revenue which make up the deposit shall be copied and recorded for audit purposes.

Expenses

The expenses generally associated with the operation of the Youth Commission fall into one of three different categories:

1. Expenses relating to the Youth Commission Members and the business of operating the Youth Commission. The expenses that generally fall into this category are as follows:

materials and supplies including printed materials; advertising as associated with soliciting new members; advertising as associated with the program itself; liability and related insurance; training and related expenses.

2. Expenses relating directly Youth Commission clients. The expenses that generally fall into this category are as follows:

materials and supplies for educational and community service programs where Youth Commission clients are participants,

the cost of personal items which the client is in need of and if not provided may prove to be detrimental to the overall health, safety and wellbeing of the client;

any other reasonable expenses relating to the supervision of the client deemed appropriate and agreed upon by the YC Coordinator and the Chief or Deputy Chief Juvenile Probation Officer.

3. Expenses relating to the YC Coordinator. The expenses that generally fall into this category are items such as:

materials and supplies;
training fees and related expenses;
travel and transportation expenses;
proportionate share of the salary, benefits and allocated costs associated with the YC Coordinator;*

* It should be noted that the proportionate share of the YC Coordinator's salary, benefits and allocated costs that may be considered as Youth Commission related expense is not to exceed one third (1/3rd) of the amounts for these items as established on January 1. As a general rule the cost of benefits may be established as that amount equal to but not to exceed twenty-eight percent (28%) of the YC Coordinator's salary for the calendar year. The value associated with the cost of employment of the YC Coordinator, including allocated costs, as determined above *shall not* be forwarded to the County as a form of reimbursement, however this amount shall be made available to the Chief or Deputy Chief Juvenile Probation Officer as a discretionary amount to be used to offset the costs associated with the overall operation of the Juvenile Probation Office.

Accounting

On November 30, 2006 the Juvenile Probation Office established a checking account at First National Bank of Pennsylvania, Uniontown, Pennsylvania. The account created in this matter is entitled "Fayette County Juvenile Probation Office—Youth Commission Program Account".

The above-mentioned account is an interest generating account which requires two (2) signatures for check processing. The two signatures required at the time of the creation of this account were the Chief and Deputy Chief Juvenile Probation Officers. Signatures on this account will be changed on an as needed basis.

This account is subject to reconciliation on a monthly basis. The reconciliation is to be performed by an individual who is not the person who administers the account or who is signature authority on the account.

This account shall be subject to audit on an annual basis by the Controller of Fayette County with the results of the audit to be forwarded to the Chief Juvenile Probation Officer and the Court. The day to day activi-

ties, deposits and withdraws, of this account will be maintained in the customary checkbook ledger method as well as electronically.

Reimbursement for expenses

Eligible expenses associated with the operation of the Youth Commission shall be paid out of the YC Account.

Persons seeking reimbursement for expenses or seeking funds for purchases, etc. will be required to prepare and submit for approval a "Youth Commission Account Requisition for Funds" form.

This form will contain the following information:

Date that the requisition is made;
Name of the person making the request;
Description of the service or product for which payment or reimbursement is requested;
Estimated amount that the service or product will cost;
Name and title of the person approving the request;
Amount paid for the service or product;
Check number of the check used for payment;
An indication as to whether there is a receipt for the service or product.

All requisition shall be submitted to the Chief or Deputy Chief Juvenile Probation Officer for approval.

The Chief or Deputy Chief Juvenile Probation Officer shall prepare, record, and distribute the check for payment to the appropriate party.

A copy of the receipt for the service or product shall be attached to the requisition form and properly recorded.

The Chief for Deputy Chief Juvenile Probation Officer is empowered to authorize and make payments for services or products associated with the operation of the Youth Commission in an amount up to three thousand dollars (\$3,000.00). Services and products in excess of three thousand dollars (\$3,000.00) will require the approval of the President Judge.

Reporting

A report which reflects the financial activity of the YC Account will be generated on a monthly basis. This report will be forwarded to the Court with a copy to be retained along with other financial and program reports generated for that month.

[Pa.B. Doc. No. 12-223. Filed for public inspection February 10, 2012, 9:00 a.m.]

SOMERSET COUNTY

Consolidated Rules of Court; No. 11 Misc. 2012

Adopting Order

Now, this 20th day of *January*, 2012, it is hereby Ordered:

1. The following designated Somerset County Rule of Criminal Procedure 117 (Som. R. Crim. P. 117) Continuous Coverage for Issuance of Warrants, Preliminary Arraignments; and Setting and Accepting Bail., a copy of which follows, is hereby adopted as a Rule of this Court, effective thirty (30) days after publication in the *Pennsylvania Bulletin* and after publishing a copy of the local rule on the Unified Judicial System's website.

2. The Somerset County Court Administrator is directed to:

A. File seven (7) certified copies of this Order and the Local Rule with the Administrative Office of Pennsylvania Courts.

B. File two (2) certified copies of this Order and Local Rule, along with a diskette or CD, to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

C. File one (1) certified copy of this Order and Local Rule with the Pennsylvania Criminal Procedural Rules Committee.

D. File proof of compliance with this Order in the docket for this Rule, which shall include a copy of each transmittal letter, keep continuously available for public inspection, copies of this Order and Rule in the Office of the Prothonotary of Somerset County, PA.

By the Court

JOHN M. CASCIO,
President Judge

Rules of Court

Citation of Rules and District Justice Procedure

Rule 117. Coverage: Issuing Warrants; Preliminary Arraignments; and Setting and Accepting Bail.

A. Each Magisterial District Court shall be open for regular business Monday through Friday, excluding holidays, during such hours as established by the President Judge, and as may be modified with the approval of the President Judge to meet the needs of the public and the Court.

B. Magisterial District Judges shall be available twenty-four hours a day, every day of the calendar year to provide continuous coverage for issuance of arrest warrants and search warrants, setting and acceptance of bail and the issuance of emergency orders under the Protection from Abuse Act.

This rule shall be satisfied by a Magisterial District Judge remaining on-call during non-business hours on a rotating basis, pursuant to an annual schedule prepared by the District Court Administrator.

C. Each Magisterial District Court during regular business hours, an on-call Magisterial District Judge while on-call, the Somerset County Jail and the Clerk of Courts during business hours, are all authorized to accept bail in accordance with the provisions and subject to the limitations of the Pennsylvania Rules of Criminal Procedure.

D. A Magisterial District Judge assigned to on-call duty shall be available for preliminary arraignments in accordance with the following schedule:

(1) For arrests occurring after the close of regular business hours but before 10:00 p.m., and for arrests occurring on weekends or holidays between 8:00 a.m. and 10:00 p.m. the Magisterial District Judge shall respond to the call and conduct a preliminary arraignment prior to detention at the Somerset County Jail.

(2) Arrests occurring after 10:00 p.m. but before 8:00 a.m. shall be subject to the following rules:

a. For arrests requiring preliminary arraignment pursuant to Pennsylvania Rule of Criminal Procedure 519, the arresting agency, including the state police, municipal police, sheriff or constable is authorized to detain the prisoner at the Somerset County Jail until 8:30 a.m. the following morning. For Defendants so detained, the on duty Magisterial District Judge shall appear in person or

by advanced communication technology at the Somerset County Jail at 8:30 a.m. to preside at the Preliminary Arraignment;

b. Prior to detaining a prisoner at the Somerset County Jail under this Rule, the arresting agency shall contact the facility to ascertain that adequate detention facilities are available for temporary detention in accordance with this Rule. If no detention facilities are available at the facility, then the arresting agency shall notify the Magisterial District Judge of that fact and a preliminary arraignment shall be required prior to detention or commitment to the Jail.

c. The arresting agency detaining the Defendant shall provide to the Magisterial District Judge the original and copies of the Criminal Complaint with Probable Cause Affidavit attached, a copy of the Defendant's criminal record, and any recommendation regarding bail for the Defendant, by depositing the same at the Somerset County Jail and faxing copies to the Magisterial District Court Office.

d. The arresting officer or officers need not appear at the Preliminary Arraignment provided the documents identified in paragraph 4(d) are provided. In the alternative, the arresting officer may appear at the Preliminary Arraignment in lieu of prior submission of the criminal record or bail recommendation forms. However, no person shall be detained under this rule without the completion and submission of a completed criminal Complaint and Affidavit of Probable Cause which shall be delivered to the Somerset County Jail for use by the Magisterial District Judge.

e. The provisions of this Rule allowing for temporary detention of prisoners shall not apply to the performance of any other duties on the on-duty Magisterial District Judge during the hours of 10:00 p.m. to 8:00 a.m.

(3) The Somerset County Jail is directed to identify a detention area for prisoners so detained in accordance with the Standard Operating Procedures of the Somerset County Jail for temporary detention of individuals at the Jail.

(4) The Somerset County Jail is directed to make available to the on-duty Magisterial District Judge appropriate space or advanced communication technology availability between the hours of 8:30 a.m. and 9:00 a.m. to perform the Preliminary Arraignment at the Facility.

(5) Upon completion of the Preliminary Arraignment, the detention authorized by this Rule shall terminate and the person detained shall be processed in accordance with the Orders of the Magisterial District Judge at the Preliminary Arraignment or, if no Preliminary Arraignment has been done, the person shall be released from detention and the arresting agency shall arrange for the Preliminary Arraignment of the person otherwise in accordance with the Rules of Criminal Procedure.

(6) If the Preliminary Arraignment is done by advanced communication technology, upon completion of the Preliminary Arraignment, copies of all commitment orders, bail orders, etc. shall be faxed from the Magisterial District Judge to the Jail, and the originals mailed to the facility on the next regular business day. If the Preliminary Arraignment is done at the Jail, original documents shall be provided to the Jail at the time of the Preliminary Arraignment.

[Pa.B. Doc. No. 12-224. Filed for public inspection February 10, 2012, 9:00 a.m.]

YORK COUNTY

Administrative Order Appointing and Approving Custody Mediators; No. AD-01-2012**Administrative Order**

And Now, To Wit, this 4th day of January, 2012, it is *Ordered* that the following individuals have been appointed and approved as custody mediators, under Pa.R.Civ.P. § 1940.4, effective immediately and until further Order:

Leslie S. Arzt, Esquire
 Timothy J. Colgan, Esquire
 Claudia DeArment, Esquire
 Angela N. Dobrinoff-Blake, Esquire
 Nicole M. Ehrhart, Esquire
 Edna M. Moore, Esquire
 Kathleen J. Prendergast, Esquire
 Scott A. Ruth, Esquire
 Barbara Orsburn Stump, Esquire
 Rebecca Tortorici, Esquire
 Audrey E. Woloshin, Esquire

Any individual approved as a mediator shall remain in compliance with any and all rules and regulations of the Commonwealth of Pennsylvania, and shall only mediate custody cases in conformity with procedures and duties set forth under Pa.R.Civ.P. § 1940.1—1940.9.

It Is Further Ordered that, in accordance with Pa.R.Civ.P. § 239, the District Court Administrator shall:

(a) File seven copies hereof with the Administrative Office of Pennsylvania Courts;

(b) Distribute two certified copies hereof to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(c) File one certified copy hereof with the Domestic Relations Procedural Rules Committee; and

(d) Supervise the distribution hereof to all Judges, the mediator appointed, and to the custody conciliators.

STEPHEN P. LINEBAUGH,
President Judge

[Pa.B. Doc. No. 12-225. Filed for public inspection February 10, 2012, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that John A. Misco, Jr., 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 8, 2011, the Supreme Court of Pennsylvania issued an Order dated January 25, 2012, suspending John A. Misco, Jr. from the practice of law in this Commonwealth for a period of 3 months, effective February 24, 2012. 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. 12-226. Filed for public inspection February 10, 2012, 9:00 a.m.]

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF DENTISTRY [49 PA. CODE CH. 33] EFDA Program Approval

The State Board of Dentistry (Board) amends §§ 33.1, 33.3 and 33.102 (relating to definitions; fees; and professional education) and adopts § 33.117 (relating to EFDA program approval) to read as set forth in Annex A.

Effective Date

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

Statutory Authority

The final-form rulemaking is authorized by section 3(a) and (b), (d.1)(1) and (o) of The Dental Law (act) (63 P. S. § 122(a), (d.1)(1) and (o)). Section 3(a) of the act authorizes the Board to “establish and alter, from time to time, the standards of preliminary and professional education and training required for . . . certification for expanded function dental assistants.” Section 3(b) of the act authorizes the Board to “investigate and determine the acceptability and to approve and disapprove institutions and colleges of this State and of other states and countries for the education of students desiring to be . . . certified as expanded function dental assistants, and to revoke approvals where such institutions and colleges no longer deemed are proper.” Section 3(d.1)(1) of the act provides the general authority for the Board to provide for and to regulate the certification of expanded function dental assistants (EFDA). Section 3(o) of the act provides the general authority of the Board “to adopt, promulgate, and enforce such rules and regulations as may be deemed necessary by the board”

Background and Purpose

The act of December 27, 1994 (P. L. 1361, No. 160) (Act 160) amended the act to require the certification and regulation of EFDAs. Act 160 required dental assistants who wished to be certified as EFDAs to complete an education program and pass an examination approved by the Board. The Board, through regulations published at 30 Pa.B. 2359 (May 13, 2000), determined that the examination would include both a written component and a clinical component to ensure that certificateholders possess the requisite knowledge and skills to properly and safely perform their job functions. At the time, many interested parties and stakeholders, including dentists, dental hygienists, dental assistants and their professional associations, participated in the development of the rulemaking. A major impetus for including the clinical component came from the dental assisting community itself who felt that a clinical exam was necessary.

Ultimately, after years of attempts at obtaining a suitable examination through requests for proposals as well as through sole-source contracting, the Board was unable to identify a vendor who could provide a valid, reliable and defensible clinical exam that was also affordable to candidates. Because there is not a widely available regional or National examination for EFDAs, the

costs of developing and administering a Pennsylvania-specific examination for EFDAs would have to be borne by a rather small pool of candidates. Due in part to the projected costs of the clinical component of the examination, temporary permit holders and members of the General Assembly asked the Board to take another look at the clinical component requirement. As a result, the Board held a public hearing on July 21, 2001. Based upon the testimony received, as well as written comments, the Board was persuaded that the clinical component could be eliminated while still meeting its goals of public protection by placing more emphasis on standardizing EFDA education. Thereafter, the Board initiated a proposed rulemaking to eliminate the clinical component of the examination and developed nonbinding guidelines for EFDA education programs.

In the intervening years, the Board developed five drafts of the EFDA curriculum guidelines by working with members of the dental community as well as dental educators. Eventually, the Board determined that the guidelines should be promulgated as regulations to assure that EFDA education programs meet minimum requirements and that candidates for EFDA certification demonstrate competence in performing each of the dental procedures permitted under the act prior to graduation from an EFDA program.

Summary of Comments and the Board's Response

Notice of proposed rulemaking was published at 39 Pa.B. 5916 (October 10, 2009) followed by 30 days of public comment. During the public comment period, the Board received public comments from the Pennsylvania Academy of General Dentistry (PAGD) and the Pennsylvania Association of Private School Administrators (PAPSA). In addition, as part of its review under the Regulatory Review Act (71 P. S. §§ 745.1—745.12), on October 21, 2009, the House Professional Licensure Committee (HPLC) submitted comments. On December 9, 2009, the Independent Regulatory Review Commission (IRRC) submitted comments. The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment. The following represents a summary of the comments received and the Board's response.

PAGD

The PAGD recommended that the Board require that EFDA programs only admit individuals to an EFDA training program who either worked as a dental assistant for 2 years or who have 1 year of experience and are certified by the Dental Assisting National Board (DANB) as a certified dental assistant (CDA). The PAGD observed that EFDAs are expected to perform at a higher level within the dental team and their job duties require a greater sense of professional understanding. However, it is possible for an individual to complete general dental assisting training and EFDA training back-to-back without intervening experience working in a dental office. The PAGD observed that “some EFDAs that have gone for back-to-back training cannot even properly suction let alone place complex restorations.”

The Board understands and shares the PAGD's concerns that EFDAs must enter the dental office with a basic understanding of how the dental team interacts and with proper knowledge of procedures and materials. This is precisely why the Board initially planned to offer a clinical examination and ultimately designed these regulations to assure that EFDA education would include a

clinical component and would require a licensed dentist evaluator to “sign off” regarding the clinical competence of the candidate. Unfortunately, the Board does not believe it has the statutory authority to impose an experience requirement on EFDA applicants, nor can it impose one indirectly by setting an admission standard for EFDA education programs. It is up to the educators to assure that they are properly preparing EFDA candidates to function in a dental office, regardless of the amount of practical experience the candidate has upon entering the EFDA training program.

Additionally, as set forth in section 2 of the act (63 P. S. § 121), EFDAs shall work under the direct supervision of a dentist, meaning that “a dentist is in the dental office or treatment facility, personally diagnoses the condition to be treated, personally authorizes the procedure and remains in the dental office or treatment facility while the procedure is being performed and, before dismissal of the patient, personally evaluates the work performed.” Further, it is considered unprofessional conduct for an EFDA to practice without the direct supervision of a dentist or to perform a service that the EFDA is not competent to perform. See § 33.211(c)(1) and (2) (relating to unprofessional conduct). Likewise, it is considered unprofessional conduct for a dentist to fail to properly supervise the EFDA or to delegate duties to the EFDA that the dentist knows, or has reason to know, the EFDA is not competent to perform. See § 33.211(a)(2) and (3). Therefore, the supervising dentist is another layer of patient safety protection. For these reasons, the Board did not make changes to the final-form rulemaking in response to the PAGD’s comment.

PAPSA

PAPSA, which represents nine Pennsylvania schools with EFDA programs, offered five comments. First, PAPSA asked if existing programs that were previously approved by the Board under the prior curriculum guidelines would need to apply for approval based on these regulations or would they be grandfathered. EFDA programs will need to apply for approval under this final-form rulemaking and renew those approvals on a biennial basis.

PAPSA also asked whether the EFDA program must be an associate degree program or must the school offer an associate degree in some of its programs. An EFDA program does not need to be an associate degree program. There are three alternative educational paths provided in section 3(d.1) of the act: 1) an EFDA program at an accredited 2-year college or other accredited institution which offers an associate degree; 2) an accredited dental hygiene program which requires the successful completion of at least 75 hours of clinical and didactic instruction in restorative functions; or 3) an EFDA certification program of at least 200 hours clinical and didactic instructions from an accredited dental assisting program. The Board has always interpreted the first pathway as a 2-year or associate degree EFDA program. The third pathway is for other EFDA programs that are less than a 2-year or associate degree program.

PAPSA also asked if each program must be accredited or if institutional accreditation is acceptable. The Board believes that programmatic accreditation is necessary to fulfill its goals of assuring that the educational standards for EFDAs are high enough to assure public protection by standardizing EFDA education to overcome the lack of a clinical examination. The Board understands that the American Dental Association’s Commission on Dental Accreditation (CODA) does not currently accredit EFDA

programs. For that reason, the Board will approve an EFDA program that is either offered by a school whose dental assisting program is accredited by CODA or that is accredited by an accrediting agency approved by the United States Department of Education Council on Postsecondary Accreditation whose educational standards are approved by the Board. PAPSA goes on to ask if other allied medical program accrediting agencies such as the Accrediting Bureau of Health Education Schools (ABHES) would be included as an accrediting option to CODA. The Board notes that ABHES offers both institutional and programmatic accreditation. Because ABHES currently only offers programmatic accreditation for three types of programs (medical assisting, medical laboratory technology and surgical technology), programmatic accreditation by ABHES would not be possible at this time. If an EFDA program applies for approval and is accredited by another accrediting body, the Board will review the educational standards of that particular accrediting body to determine if Board approval is warranted as provided in § 33.102(c)(1)(iii)(B).

PAPSA also asked for clarification of the clinical instruction component of an approved EFDA education program. PAPSA felt it was unclear whether clinical instruction can be done on the school premises, including laboratory or preclinical instruction. The clinical component of the EFDA curriculum may be done on school premises, for example when a school has its own clinic or through an internship or externship at a dental facility that has contracted with the school. PAPSA also asked if a student is doing an internship or externship at a separate dental facility, whether the instructor shall be present at all times. The student shall be directly supervised by a licensed dentist at any time the student is performing expanded functions on patients. That licensed dentist may be the instructor or may be a licensed dentist overseeing the internship or externship experience. It is anticipated that the licensed dentist shall sign off regarding the clinical competence of the student before the student graduates and documentation of clinical competence shall be maintained by the school and included with the EFDA applicant’s application materials.

Finally, PAPSA questioned why certification as a CDA by the DANB was the only alternative for EFDA faculty and suggested that the Board consider those individuals who hold the registered dental assistant (RDA) credential from the American Medical Technologists (AMT). In considering this comment, the Board compared the requirements of these two credentials.

To be eligible for the CDA certification from DANB, an individual shall comply with one of the following: 1) be a graduate of a dental assisting program accredited by CODA; 2) complete a minimum of 3,500 hours of work experience as a dental assistant for 2 to 4 years; or 3) be a former DANB CDA, a graduate of a CODA-accredited D.D.S. or D.M.D. program or be a graduate from a foreign dental degree program. The candidate shall have CPR certification and pass the three components of the CDA exam (general chairside assisting; radiation health and safety; and infection control) within a 5-year period. The three components consist of a total of 320 multiple-choice items and candidates have a total of 4 hours to complete the exams. To maintain the CDA credential, which is renewable annually, the dental assistant shall do the following: earn 12 continuing dental education credits; maintain current CPR certification; apply and respond to background information questions; and pay a fee.

To be eligible for the RDA credential from the AMT, an individual shall have done one of the following: 1) gradu-

ated from a dental assisting program accredited by an organization approved by the United States Department of Education (which would include CODA); 2) graduated from a dental assisting program in an institution accredited by a regional accrediting commission or by a National accrediting organization approved by the United States Department of Education; 3) completed a dental assisting training program offered and approved by the Armed Forces and have completed a minimum of 1 year of full-time (or equivalent) experience in the dental assisting profession; or 4) been employed in the occupation of dental assisting for a minimum of 3 years full time (5,250 hours of experience) and present a recommendation from an employer of the applicant who is a dentist. The applicant shall also be of good moral character, hold current CPR certification and pass the AMT Certification Exam for Registered Dental Assistant. The RDA exam consists of 200-210 multiple-choice items covering the following four topics: office assisting skills (office procedures, patient management and communication, ethics and professional conduct); dental sciences (dental anatomy and terminology, patient education, local anesthesia, medical emergencies, sterilization and dental materials); clinical procedures (instruments and equipment, chairside procedures and laboratory); and radiography. The exam shall be completed in 3 hours. To maintain the RDA credential, which is renewable every 3 years, the dental assistant shall accrue a combination of employment experience, continuing education, professional leadership experience, experience in presenting educational instruction or experience in the authorship of written works; complete a compliance evaluation worksheet and attestation; and pay the required fee.

While the two certifications might look similar, there are significant differences. First, the DANB is an organization that is dedicated solely to the dental assisting profession, whereas the AMT primarily offers medical certifications including medical technologist, medical lab technician, medical assistant, phlebotomist, medical administrative specialist, allied health instructor and clinical lab consultant. The only dental-related certification offered by the AMT is the RDA. In addition, to qualify for the CDA credential based on education, the dental assistant shall have graduated from a dental assisting program accredited by CODA. To qualify for the RDA credential based on education, a dental assistant only needs to graduate from an institution accredited by an accrediting organization approved by the United States Department of Education; programmatic accreditation by CODA is not required, although would be accepted. The Board notes that there are currently eight schools in this Commonwealth that have dental assisting programs accredited by CODA. Further, to maintain the CDA credential, which is renewable annually, a CDA shall complete 12 hours of continuing dental education each year. To maintain the RDA credential, which is renewable every 3 years, an RDA shall participate in AMT's continued certification program and obtain 30 points for approved activities during the 3-year renewal cycle. Although continuing dental education is one of the approved activities for the purpose of earning continued certification program points, employment as a dental assistant also qualifies. Simply being employed as a dental assistant for the 3-year renewal cycle could earn the 30 required points without a need for continuing dental education. For these reasons, the Board finds that the CDA credential should remain the requirement for EFDA educators in this Commonwealth.

HPLC

The HPLC submitted two comments for the Board's consideration. First, the HPLC questioned whether there should be a renewal process for an EFDA program after initial approval of its application. The Board considered this comment and agreed that approval of EFDA education programs should be renewed every 2 years to allow approved EFDA programs to report changes to programs that may have occurred since initial approval. The final-form rulemaking has been amended to provide for the renewal of EFDA program approval every 2 years and to include the fees for renewal. With the input from the Bureau of Professional and Occupational Affairs' (Bureau) Revenue Office, it was determined that the biennial fee for renewing the approval of an EFDA program would be initially set at \$100 until there is enough historical data to determine if the fee is adequate. This fee should be enough to evaluate changes in a program, such as changes to curriculum, faculty, and so on.

The discussion regarding renewal lead the Board to consider the possibility of conducting site visits to confirm the information submitted by the EFDA program applying for approval. After much discussion, the Board determined that it would go forward with the rulemaking as drafted and evaluate the need of site visits by the Board, or an agent of the Board, and if the Board determines that site visits are necessary, to adopt a requirement by regulation at some point in the future. At that time, the fees would be reevaluated.

The HPLC also asked if § 33.117(c)(7) should be amended to provide that a student is required to attain a passing grade on written and oral examinations, rather than "written or oral examinations." The HPLC is concerned that the language could be interpreted in a way as to permit a student, for example, to pass written examinations but fail oral examinations. In response, the Board amended the language to require the student to attain a passing grade on examinations. This change was made in recognition of the fact that not all schools offer both written and oral examinations. Whether the examinations are written or oral, or some other method such as computer-based or even practical examinations, the student shall attain a passing grade to demonstrate competency.

IRRC

IRRC reiterated the HPLC's comment regarding renewal. IRRC believes that a renewal process would be a reasonable requirement that would ensure these programs continue to provide the education and training needed for EFDAs. As previously discussed, the Board amended the final-form rulemaking to provide for renewal of program approval biennially. IRRC also questioned the \$80 EFDA program approval application fee, which is based on a 2-hour review of an application. IRRC asked the Board to explain how a 2-hour review of an application for approval, which requires review of several dozen requirements, adequately protects the public health and safety. The Board, in consultation with the Bureau's Revenue Office, reviewed the proposed fee and agrees with IRRC that the fee, and the 2-hour review that is contemplated by the fee, is inadequate. A revised fee has been calculated to be \$200 based on review by the Board's administrative and legal staff and presentation to the Board at a regular Board meeting. In addition, the Board determined that a biennial renewal fee of \$100 should be adopted so that these approved programs will continue to be reviewed by the Board on a regular basis.

IRRC also questioned the use of the phrases “Board-approved EFDA program” and “Board-approved certification program” in § 33.102(c)(1)(i) and (iii). As previously noted, there are three educational pathways to becoming an EFDA. One is to take a CODA-accredited dental hygiene program that meets certain requirements. The other two require an individual to participate in a Board-approved EFDA program. The difference is that under subparagraph (i) the program is one that confers an associate degree. Subparagraph (iii) contemplates those EFDA programs that offer a diploma or certificate. This type of program is generally used by those individuals who are already trained as dental assistants and who would only need additional training in the expanded functions. The review process is the same for either associate degree or certificate/diploma programs. The Board amended these sections in the final-form rulemaking to aid clarity. IRRC also asked how a person would know if an EFDA program had been approved by the Board and suggested that the Board publish a list of approved EFDA programs on its web site. In response, the Board amended § 33.102(c)(2) to state that the approved list will be maintained on the Board’s web site. In addition, each approved EFDA program will be provided an approval number, which will be searchable on the Department of State’s LicensePA web site (www.licensepa.state.pa.us). Therefore, a prospective student will be able to verify online whether a program has been approved and whether its approval has been renewed as required.

In regard to § 33.117, IRRC suggested that the requirement for applicants to provide “other information requested by the Board” is overly broad and should be limited to information related to the EFDA program. The Board understands this concern and amended the final-form rulemaking to clarify its intent. IRRC also commented that subsection (c)(3)(viii), which requires the applicant to identify a program director who is involved in the maintenance of records related to the EFDA program, is also vague because it does not list the records that shall be kept and it does not specify how long the records shall be maintained. The intent of the Board in this section was merely to have the EFDA program identify the individual who is involved in and responsible for the enumerated tasks. The Board did not intend to mandate a specific list of documents that must be maintained, nor dictate how long the EFDA program shall maintain those records. For that reason, the Board did not amend the final-form rulemaking in response to this comment.

IRRC also commented that the requirement that an EFDA instructor have completed or is in the process of completing a course in education methodology is vague because almost anyone could claim to be in the process of completing it but as written would never have to complete it. In response, the Board amended subsection (c)(4)(iv) to require an EFDA educator complete the course in education methodology within 18 months of hire, if the EFDA educator have not already done so.

Additionally, IRRC questioned the use of the phrase “adequate physical facilities and equipment” as vague and asked for more detail. In considering this comment, the Board reviewed the regulations of the Department of Education to determine what existing requirements might apply to EFDA education programs. The Board notes that the State Board of Private Licensed Schools addresses equipment and facilities in 22 Pa. Code §§ 73.91 and 73.92 (relating to equipment; and facilities). Because many of the schools that offer EFDA programs are

already required to follow the existing regulations, the Board determined that it should adopt similar language. Therefore, the final-form rulemaking has been amended to be consistent with the regulations of the Department of Education, State Board of Private Licensed Schools.

IRRC also questioned whether the phrase “all restorative materials” was overly broad. The Board reviewed this comment and amended the final-form rulemaking to clarify that the Board intended EFDAs to demonstrate competency in using restorative materials commonly used in direct restorations such as amalgam and composite resin, not those materials used in indirect restorations or fabricated in a laboratory, such as the metals, metal alloys, gold or porcelain used in crowns, inlays, onlays or veneers.

Finally, IRRC noted that EFDA program directors are required to provide “documentation” of the student’s competency attainment to the Board as part of the student’s application for certification and asked that the final-form rulemaking specify what type of documentation will be required. The Board intends to have the program director certify on a form provided by the Board that the student has demonstrated each of the competencies in § 33.117(c)(7)(i)—(iii) as part of the application process, and to maintain supporting documentation for 5 years after the student graduates from the EFDA program. Supporting documentation could consist of the source records of the school, such as the exams themselves, instructor’s grade reports, evaluations of the student’s clinical competence by the licensed dentist evaluator and any other record that the school uses to document competency that is used by the program director as a basis for the certification provided to the Board. The Board amended the final-form rulemaking to clarify its intent.

In addition to these comments received during the regulatory review process, while discussing the draft final rulemaking with stakeholders and interested parties at a regularly scheduled meeting of the Board on April 29, 2011, it was pointed out that the act of April 29, 2010 (P. L. 176, No. 19) (Act 19) amended the act to expand the scope of practice of EFDAs to include performing coronal polishing, performing fluoride treatments and taking impressions of teeth for limited purposes. It was suggested that these functions be added to § 33.117 with regard to content of approved EFDA program curriculum and with regard to demonstration of required competencies. The Board agreed and has added these functions to the final-form rulemaking, noting that a separate rulemaking will address other aspects of the implementation of Act 19.

Description of Amendments to the Final-Form Rulemaking

Section 33.3 is amended to change the EFDA program approval application fee to \$200 and to add a biennial renewal fee of \$100. Section 33.102(c)(1)(iii) has been amended to clarify that the Board requires EFDA programs, both associate degree programs, as well as those that offer a certificate or diploma, to go through the approval process. Subsection (c)(2) has been amended to provide that the list of approved EFDA programs will be available on the Board’s web site.

Section 33.117(b)(9) is amended to clarify the requirement for applicants for Board approval to provide other information regarding the EFDA program requested by the Board. Section 33.117(c)(4)(iii) is amended to clarify that EFDA faculty shall have completed a course in education methodology no later than 18 months after

employment as a faculty member. Section 33.117(c)(5) has been amended to conform the facilities and equipment requirements to those of the Department of Education, State Board of Private Licensed Schools.

Section 33.117(c)(6)(ii) is amended to add coronal polishing, fluoride treatments and the taking of impressions of the teeth to the curriculum requirements. Section 33.117(c)(7)(i) is amended to provide that students shall demonstrate competence in general education subjects by attaining passing grades on examinations, rather than “written or oral examinations” to allow the EFDA programs the flexibility to use either type of examination or other types of examinations such as computer-based examinations or practical examinations. Section 33.117(c)(7)(ii) has been amended to clarify that EFDA students shall demonstrate competency using restorative materials commonly used in direct restorations, such as amalgam and composite resin, and to include the requirement that EFDA students demonstrate competency in performing coronal polishing, fluoride treatments and taking impressions of teeth for study models, diagnostic casts and athletic appliances. Section 33.117(c)(7)(iv)(C) and (D) has been amended to clarify that the EFDA program director shall certify as to the EFDA student’s competence and maintain supporting documentation for a minimum of 5 years. Finally, subsection (e) has been added to § 33.117 to address the topic of biennial renewal of EFDA program approval.

Fiscal Impact and Paperwork Requirements

The final-form rulemaking should not have fiscal impact on the Commonwealth or its political subdivisions because the costs associated with processing EFDA program approval applications will be borne by applicants, who will pay a \$200 initial fee and a biennial renewal fee of \$100. The Board anticipates that 10 to 12 schools will apply for approval and renew their approvals biennially.

The final-form rulemaking requires the Board to develop an application for EFDA program approval, but should not result in additional legal, accounting or reporting requirements for the Commonwealth. The regulated community will have the additional legal and paperwork requirements of applying for approval and renewing that approval biennially.

Sunset Date

The Board continuously monitors the cost effectiveness of its regulations. Therefore, a sunset date has not been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 10, 2009, the Board submitted a copy of the notice of proposed rulemaking, published at 39 Pa.B. 5916, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on December 14, 2011, the final-form rulemaking was approved by the HPLC. On October 19, 2011, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory

Review Act, IRRC met on December 15, 2011, and approved the final-form rulemaking.

Contact Person

Further information may be obtained by contacting Cynthia Montgomery, Regulatory Counsel, State Board of Dentistry, P. O. Box 2649, Harrisburg, PA 17105-2649.

Findings

The Board finds that:

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

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

(3) The amendments to the final form rulemaking do not enlarge the purpose of proposed rulemaking published at 40 Pa.B. 5916.

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

Order

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

(a) The regulations of the Board, 49 Pa. Code Chapter 33, are amended by amending §§ 33.1, 33.3 and 33.102 and by adding § 33.117 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

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

PHILIP T. SIEGEL, D.D.S.,
Chairperson

(Editor’s Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 41 Pa.B. 7045 (December 31, 2011).)

Fiscal Note: Fiscal Note 16A-4616 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 33. STATE BOARD OF DENTISTRY

Subchapter A. GENERAL PROVISIONS

§ 33.1. Definitions.

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

* * * * *

Direct supervision—Supervision by a dentist who examines the patient, authorizes the procedure to be performed, is physically present in the dental facility and

available during performance of the procedure, and examines and takes full professional responsibility for the completed procedure.

EFDA program—An expanded function dental assisting training program.

General supervision—In a dental facility, supervision by a dentist who examines the patient, develops a treatment plan, authorizes the performance of dental hygiene services to be performed within 1 year of the examination, and takes full professional responsibility for the performance of the dental hygienist. In facilities identified in § 33.205(c)(2) and (3) (relating to practice as a dental hygienist), general supervision is defined in § 33.205(d)(2).

* * * * *

§ 33.3. Fees.

(a) Following is the schedule of fees charged by the Board:

Application fee—dentists, dental hygienists and expanded function dental assistants	\$20
Application fee—certificate of public health dental hygiene practitioner	\$20
Application fee—local anesthesia permit	\$20
Criteria approval application fee—dentists, dental hygienists and expanded function dental assistants..	\$35
Fictitious name registration fee	\$35
Verification of license, permit or registration fee—dentists, dental hygienists and expanded function dental assistants	\$15
Certification of scores, permit or registration fee—dentists, dental hygienists and expanded function dental assistants	\$25
EFDA program approval application fee	\$200
Biennial renewal fee—dentists (for the renewal period beginning April 1, 2005, and thereafter)	\$250
Biennial renewal fee—dental hygienists	\$40
Biennial renewal fee—expanded function dental assistants	\$25
Biennial renewal fee—EFDA program approval ...	\$100
Biennial renewal fee—certificate of public health dental hygiene practitioner	\$40
Biennial renewal fee—local anesthesia permit	\$40
Temporary permit—expanded dental assistants ...	\$15
Application fee—dental radiology authorization ...	\$20
Notification application—postgraduate training or faculty member	\$25

(b) For fees related to anesthesia permits, refer to § 33.339 (relating to fees for issuance of permits).

Subchapter B. LICENSURE OF DENTISTS AND DENTAL HYGIENISTS AND CERTIFICATION OF EXPANDED FUNCTION DENTAL ASSISTANTS

§ 33.102. Professional education.

(a) *Dentists.*

(1) Candidates for licensure as dentists shall show compliance with section 3(c) of the act (63 P. S. § 122(c)) which requires a diploma from an “approved institution or college,” by submitting certification of graduation from a dental school accredited or provisionally accredited by the Commission on Accreditation of the American Dental Association.

(2) Candidates for licensure who received their professional education outside the United States in a nonaccredited school may satisfy the education requirement by submitting their credentials to an accredited or provisionally accredited school and obtaining additional preclinical and clinical training that will lead to the awarding of the D.M.D. or D.D.S. degree by that school.

(b) *Dental hygienists.*

(1) Candidates for licensure as dental hygienists shall show compliance with section 3(d) of the act by submitting certification of graduation from a dental hygiene school accredited or provisionally accredited by an approved United States Department of Education-recognized regional accrediting agency or the Commission on Dental Accreditation (CODA) of the American Dental Association, if the school’s dental hygiene course of study comprises a minimum of 2 years of at least 32 weeks of at least 30 hours each week or its equivalent.

(2) Candidates for licensure who received their professional education outside the United States in a nonaccredited school may satisfy the education requirement by submitting their credentials to an accredited or provisionally accredited school and obtaining additional training that will lead to the awarding of a degree in dental hygiene by that school.

(c) *Expanded function dental assistants.*

(1) Candidates for certification as expanded function dental assistants shall show compliance with section 3(d.1) of the act by submitting verification of one of the following:

(i) Graduation from a Board-approved EFDA program at a 2-year college or other institution accredited or provisionally accredited by an accrediting agency approved by the United States Department of Education Council on Postsecondary Accreditation which offers an Associate Degree.

(ii) Graduation from a dental hygiene school which required the successful completion of at least 75 hours of clinical and didactic instruction in restorative functions accredited or provisionally accredited by the Commission on Dental Accreditation (CODA) of the American Dental Association.

(iii) Completion of a Board-approved EFDA program, which offers a certificate or diploma, consisting of at least 200 hours of clinical and didactic instruction from a dental assisting program accredited by one of the following:

(A) The Commission on Dental Accreditation (CODA) of the American Dental Association.

(B) An accrediting agency approved by the United States Department of Education Council on Postsecondary Accreditation whose expanded function educational standards are approved by the Board.

(2) The Board will approve EFDA programs that meet the criteria in § 33.117 (relating to EFDA program approval). A list of Board-approved EFDA programs will be maintained on the Board’s web site.

(3) Candidates for certification who receive their professional education outside the United States or from a nonaccredited program may satisfy the education requirement by submitting their credentials to a program listed in paragraph (1) and obtaining additional training that will lead to the awarding of a degree by that school.

(4) This subsection does not apply to persons who are not required to meet the educational requirements under section (3)(d.1)(2) of the act.

§ 33.117. EFDA program approval.

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

Clinical evaluation—An evaluation system based on observation of a student’s performance of clinical skills in contexts that resemble those the student will be expected to encounter as an expanded function dental assistant in a dental office.

Clinical instruction—A learning experience in a clinical setting where the student performs expanded functions on patients under the supervision of an instructor.

Clinical setting—

(i) A setting in which expanded function dental assisting procedures are performed through direct patient care.

(ii) The term does not include a setting where procedures are performed on typodonts, manikins or by other simulation methods.

Competencies—Statements describing the necessary requirements to perform each procedure in § 33.205a (relating to practice as an expanded function dental assistant) to the level required to meet the acceptable and prevailing standard of care within the dental community in this Commonwealth.

Competent—Having sufficient knowledge, skill and expertise in performing expanded functions to meet and maintain the acceptable and prevailing standard of care within the dental community in this Commonwealth.

Laboratory or preclinical instruction—A learning experience in which students perform expanded functions using study models, typodonts, manikins or other simulation methods under the supervision of the instructor.

(b) *Application.* EFDA programs shall apply for Board approval on forms to be provided by the Board and pay the fee in § 33.3 (relating to fees). The application must include the following information:

- (1) The EFDA program goals and objectives.
- (2) The criteria for measuring competencies.
- (3) Documentation of accreditation as required under section 3(d.1) of the act (63 P. S. § 122(d.1)).
- (4) The curriculum vitae and job description of the EFDA program director.
- (5) The curriculum vitae and job description of each faculty member assigned to the EFDA program.
- (6) A description of the physical facilities and equipment used by the EFDA program for laboratory, preclinical and clinical instruction.
- (7) A copy of the formal written agreement for the use of off-campus laboratory, preclinical or clinical facilities, if applicable.
- (8) Course outlines, course descriptions or syllabi for the EFDA program curriculum.
- (9) Other information related to the EFDA program requested by the Board.

(c) *Requirements for approval.* The Board will approve EFDA programs that meet the following requirements:

(1) *Planning and assessment.*

(i) The EFDA program shall delineate its program goals and objectives for preparing individuals in the expanded function dental assisting procedures in § 33.205a to a level consistent with the acceptable and prevailing standard of care within the dental community in this Commonwealth.

(ii) The EFDA program shall develop specific criteria for measuring levels of competency for the procedures in § 33.205a which reflect the acceptable and prevailing standards and expectations of the dental community. Students shall be evaluated by faculty according to these predetermined criteria.

(iii) The EFDA program shall record and retain student clinical evaluations as documentation of student competency for a minimum of 5 years from the student’s graduation or completion of the EFDA program.

(2) *Institutional accreditation.* The EFDA program shall comply with the accreditation requirements of section 3(d.1) of the act and § 33.102(c) (relating to professional education).

(3) *Program director.* The EFDA program shall identify a program director who is responsible for and involved in the following:

- (i) Student selection.
- (ii) Curriculum development and implementation.
- (iii) Ongoing evaluation of program goals, objectives, content and outcomes assessment.
- (iv) Annual evaluations of faculty performance including a discussion of the evaluation with each faculty member.
- (v) Evaluation of student performance and maintenance of competency records for 5 years from graduation or completion of the EFDA program.
- (vi) Participation in planning for and operation of facilities used in the EFDA program.
- (vii) Evaluation of the clinical training and supervision provided in affiliated offices and off-campus facilities, as applicable.
- (viii) Maintenance of records related to the EFDA program, including instructional objectives and course outcomes.

(ix) Instruction of licensed dentists overseeing off-campus clinical procedures performed by expanded function dental assistant students to ensure that the policies and procedures of the off-campus facility are consistent with the philosophy and objectives of the EFDA program.

(4) *Faculty.* An EFDA program faculty member shall either be a dentist who holds a current license in good standing from the Board or meets the following criteria:

- (i) Holds a current expanded function dental assistant certificate issued by the Board.
- (ii) Has a minimum of 2 years of practical clinical experience as an expanded function dental assistant.
- (iii) Holds National certification as a certified dental assistant issued by the Dental Assisting National Board.
- (iv) Has completed a course in education methodology of at least 3 credits or 45 hours offered by an accredited institution of postsecondary education or complete a course in educational methodology no later than 18 months after employment as a faculty member.

(5) *Facilities and equipment.*

(i) The EFDA program shall provide physical facilities which provide space adequate to the size of its student body and sufficient to enable it to meet its educational objectives for laboratory, preclinical and clinical instruction.

(ii) The EFDA program shall provide equipment suitable to meet the training objectives of the course or program and shall be adequate in quantity and variety to provide the training specified in the course curriculum or program content.

(iii) If the EFDA program contracts for off-campus laboratory, preclinical or clinical instruction facilities, the following conditions must be met:

(A) There must be a formal written agreement between the EFDA program and the laboratory, preclinical or clinical facility.

(B) In off-campus clinical facilities, a licensed dentist shall oversee dental procedures performed on patients by EFDA program students. The licensed dentist shall receive instruction to ensure that the policies and procedures of the off-campus facility are consistent with the philosophy and objectives of the EFDA program.

(iv) The standards in this paragraph are equally applicable to extramural dental offices or clinic sites used for clinical practice experiences, such as internships or externships.

(6) *Curriculum.* The curriculum of an EFDA program must consist of the following components:

(i) *General education.* The EFDA program shall include general education subjects as determined by the educational institution with a goal of preparing the student to work and communicate effectively with patients and other health care professionals.

(ii) *Dental sciences.* The EFDA program shall include content in general dentistry related to the expanded functions in section 11.10(a) of the act (63 P. S. § 130k(a)) and as set forth in § 33.205a, including courses covering the following topics:

- (A) Dental anatomy.
- (B) Occlusion.
- (C) Rubber dams.
- (D) Matrix and wedge.
- (E) Cavity classification and preparation design.
- (F) Bases and liners.
- (G) Amalgam restoration.
- (H) Composite restoration.
- (I) Sealants.
- (J) Crown and bridge provisional fabrication.
- (K) Dental law and ethics.
- (L) Coronal polishing.
- (M) Fluoride treatments, including fluoride varnish.
- (N) Taking impressions of teeth for study models, diagnostic casts and athletic appliances.

(iii) *Clinical experience component.* The EFDA program shall include a minimum of 120 hours of clinical experience performing expanded function dental assisting procedures as an integral part of the EFDA program. The clinical experience component shall be designed to achieve

a student's clinical competence in each of the expanded function dental assisting procedures in § 33.205a.

(7) *Demonstrating competency.*

(i) *General education.* Students of the EFDA program shall be required to demonstrate competency in general education subjects by attaining a passing grade on examinations.

(ii) *Laboratory and preclinical instruction.* Students in the EFDA program shall be required to demonstrate competency by attaining a score of at least 80% in laboratory and preclinical courses. Students shall be required to demonstrate the knowledge and skills required to:

(A) Carve the anatomy of all teeth.

(B) Establish proper contact areas, embrasures, marginal adaptation, as well as facial and lingual heights of contour to restore the proper tooth form and function in restorative materials commonly used for direct restorations, such as amalgam and composite resin.

(C) Apply the basic concepts and terms of occlusion and carving concepts in the restoration of proper occlusal relationships.

(D) Describe the problems associated with improper contouring of restorations.

(E) Identify and differentiate G.V. Black's cavity classifications.

(F) Select, prepare, assemble, place and remove a variety of matrices and wedges.

(G) Place and finish Class I—VI restorations with correct marginal adaptation contour, contact and occlusion.

(H) Assemble, place and remove rubber dams.

(I) Place sealants.

(J) Crown and bridge provisional fabrication.

(K) Understand the act and this chapter as they apply to an expanded function dental assistant's responsibilities.

(L) Perform coronal polishing.

(M) Perform fluoride treatments, including fluoride varnish.

(N) Take impressions of teeth for study models, diagnostic casts and athletic appliances.

(iii) *Clinical experience.* EFDA program students shall be evaluated and deemed clinically competent by at least one licensed dentist evaluator in a clinical setting. The EFDA program director shall instruct the dentist clinical evaluators regarding the required competencies to ensure consistency in evaluation. Clinical competency is achieved when the dentist evaluator confirms the student has sufficient knowledge, skill and expertise in performing expanded functions to meet and maintain the acceptable and prevailing standard of care within the dental community in this Commonwealth.

(iv) *Documenting competency.*

(A) The EFDA program faculty and program director shall document the student's general education, preclinical and laboratory competency attainment.

(B) The licensed dentist evaluator shall document the student's clinical competency attainment prior to graduation from the EFDA program.

(C) The EFDA program director shall sign a statement certifying the student's competency attainment in general education, laboratory and preclinical instruction, and clinical experience to the Board as part of the student's application for certification as an expanded function dental assistant.

(D) The EFDA program shall retain supporting documentation evidencing the student's competency attainment for a minimum of 5 years from graduation or completion of the EFDA program.

(d) *Refusal or withdrawal of approval.* The Board may refuse to approve an EFDA program or may remove an EFDA program from the approved list if it fails to meet and maintain the requirements set forth in this section, in accordance with the following:

(1) The Board will give an EFDA program notice of its provisional denial of approval or of its intent to remove the program from the approved list.

(2) The notice will set forth the requirements that are not being met or maintained by the EFDA program.

(3) A program served with a provisional denial or notice of intent to remove will be given 45 days in which to file a written answer to the notice.

(4) The EFDA program will be provided an opportunity to appear at a hearing to demonstrate why approval should not be refused or withdrawn.

(5) The Board will issue a written decision.

(6) The Board's written decision is a final decision of a governmental agency subject to review under 2 Pa.C.S. § 702 (relating to appeals).

(e) *Biennial renewal of EFDA program approval.* EFDA program approvals are renewable for a 2-year period beginning on April 1 of each odd-numbered year. An EFDA program shall apply for renewal of Board approval on forms provided by the Board and pay the fee for biennial renewal in § 33.3. Upon applying for renewal, the EFDA program shall update all of the information required under subsection (b)(1)—(9) or certify that there have not been changes to the EFDA program.

[Pa.B. Doc. No. 12-227. Filed for public inspection February 10, 2012, 9:00 a.m.]

Title 52—PUBLIC UTILITIES

PHILADELPHIA PARKING AUTHORITY

[52 PA. CODE CH. 1055]

Corrective Amendment to 52 Pa. Code § 1055.3

The Philadelphia Parking Authority has discovered a discrepancy between the agency text of 52 Pa. Code § 1055.3 (relating to limousine age and mileage parameters) as deposited with the Legislative Reference Bureau and the official text as published at 41 Pa.B. 6499, 6646 (December 3, 2011) and as currently appearing in the *Pennsylvania Code*. The word "not" was inadvertently omitted from the first sentence in subsection (b).

Therefore, under 45 Pa.C.S. § 901: The Philadelphia Parking Authority has deposited with the Legislative Reference Bureau a corrective amendment to 52 Pa. Code § 1055.3. The corrective amendment to 52 Pa. Code

§ 1055.3 is effective December 3, 2011, the date the defective official text was printed in the *Pennsylvania Bulletin*.

The correct version of 52 Pa. Code § 1055.3 appears in Annex A.

Annex

TITLE 52. PUBLIC UTILITIES

PART II. PHILADELPHIA PARKING AUTHORITY

Subpart C. LIMOUSINES

CHAPTER 1055. VEHICLES AND EQUIPMENT REQUIREMENTS

Subchapter A. GENERAL PROVISIONS

§ 1055.3. Limousine age and mileage parameters.

(a) *Method of age computation.* The age of a limousine will be determined by comparing its model year to the current model year.

(b) *Age.* A vehicle which is more than 8 years old may not continue in operation as a limousine, except that the Director may authorize the operation of antique vehicles as limousines upon review of a petition for waiver as provided in § 1005.23 (relating to petitions for issuance, amendment, repeal or waiver of Authority regulations) and completion of a compliance inspection. For example, the last day on which a 2006 model year vehicle may be operated in limousine service is December 31, 2014.

(c) *Mileage.*

(1) A vehicle may not be first introduced for limousine service with a cumulative mileage registered on the odometer of 51,000 miles or more, except that a limousine with a model year age of 5 or less and a cumulative mileage registered on the odometer of less than 75,000 miles may qualify for certification by the Authority contingent upon completion of a compliance inspection.

(2) Except as provided in paragraph (3), a vehicle shall be removed from limousine service prior to the date the cumulative mileage registered on the vehicle's odometer reaches 350,000 miles.

(3) The owner of a vehicle with a model year of 5 or less that is otherwise precluded from continued Philadelphia limousine service under paragraph (2) may continue in service for 1 year upon the successful completion of a compliance inspection.

(d) *Imputed mileage.*

(1) A vehicle with an odometer reading that differs from the number of miles the vehicle has actually traveled or that has had a prior history involving the disconnection or malfunctioning of an odometer or which appears to the Authority to have an inaccurate odometer reading based on prior inspection records, will be assigned an imputed mileage for each month from the last reliable odometer recording through the date of inspection, as provided in paragraph (2). A certificate holder may seek review of the determination to assign imputed mileage as provided in § 1005.24 (relating to appeals from actions of the staff).

(2) The imputed mileage will be calculated by adding the mileage of the vehicle recorded at the two most recent State inspections or two most recent compliance inspections, or a combination of any two, and dividing that sum by 24. The quotient is the imputed monthly mileage.

(3) Unless otherwise provided by the Authority, a vehicle may not be introduced for limousine service or continue in limousine service if a reliable baseline odometer reading cannot be ascertained.

(e) *Reporting of odometer malfunctions.* A certificate holder or limousine driver who knows or suspects that the odometer reading of a limousine differs from the number of miles the limousine has actually traveled shall disclose that status to the Enforcement Department immediately.

[Pa.B. Doc. No. 12-228. Filed for public inspection February 10, 2012, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 121, 129 AND 130]

Flexible Packaging Printing Presses, Offset Lithographic Printing Presses and Letterpress Printing Presses; Adhesives, Sealants, Primers and Solvents

The Environmental Quality Board (Board) proposes to amend Chapters 121, 129 and 130 (relating to general provisions; standards for sources; and standards for products) to read as set forth in Annex A. The proposed rulemaking would amend Chapter 121 to add terms and definitions in § 121.1 (relating to definitions) and Chapter 129 to limit emissions of volatile organic compounds (VOC) from inks, coatings, adhesives, fountain solutions and cleaning materials used or applied on or with flexible packaging printing presses, offset lithographic printing presses and letterpress printing presses. The proposed rulemaking would also amend the recently promulgated adhesives, sealants, primers and solvents regulations under Chapters 129 and 130 published at 40 Pa.B. 7340 (December 25, 2010) to clarify the applicability of the adhesive, sealant, adhesive primer and sealant primer requirements of §§ 129.77 and 130.703 (relating to control of emissions from the use or application of adhesives, sealants, primers and solvents; and exemptions and exceptions) to the adhesives used or applied on or with the printing presses proposed for regulation under this rulemaking.

The proposed rulemaking would amend §§ 129.51, 129.67, 129.77 and 130.703 and add §§ 129.67a and 129.67b (relating to control of VOC emissions from flexible packaging printing presses; and control of VOC emissions from offset lithographic printing presses and letterpress printing presses).

This proposed rulemaking was adopted by the Board at its meeting on September 20, 2011.

A. Effective Date

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

B. Contact Persons

For further information, contact Arleen J. 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. Information regarding submitting comments on this proposed rulemaking appears in section J of this preamble. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (DEP Search/Keyword: Public Participation).

C. Statutory Authority

This proposed 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 Clean Air Act (CAA) (42 U.S.C.A. §§ 7401—7671q).

D. Background and Purpose

The purpose of this proposed rulemaking is to reduce VOC emissions from inks, coatings, adhesives, fountain solutions and cleaning materials used or applied on or with flexible packaging printing presses, offset lithographic printing presses and letterpress printing presses. VOCs are a precursor for ground-level ozone formation. Ground-level ozone is not emitted directly by inks, coatings and other materials to the atmosphere, but is formed by a photochemical reaction between VOCs and nitrogen oxides (NOx) in the presence of sunlight. In accordance with sections 172(c)(1), 182(b)(2)(A) and 184(b)(1)(B) of the CAA (42 U.S.C.A. §§ 7502(c)(1), 7511a(b)(2)(A) and 7511c(b)(1)(B)), the proposed rulemaking would establish the emission limits and other requirements of the United States Environmental Protection Agency's (EPA) 2006 Control Techniques Guidelines (CTG) for flexible packaging printing and for offset lithographic printing and letterpress printing for these sources in this Commonwealth. 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).

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

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

The EPA concluded that there is an association between high levels of ambient ozone and increased hospital admissions for respiratory ailments including asthma. While children, the elderly and those with respiratory problems are most at risk, even healthy individuals may experience increased respiratory ailments and other symptoms when they are exposed to high levels of

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

High levels of ground-level ozone can also cause damage to buildings and synthetic fibers, including nylon, and reduced visibility on roadways and in natural areas. The implementation of additional measures to address ozone air quality nonattainment in this Commonwealth is necessary to protect the public health and welfare, animal and plant health and welfare and the environment.

In July 1997, the EPA promulgated primary and secondary ozone standards at a level of 0.08 part 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. As of October 2010, all areas in this Commonwealth are monitoring attainment of the 1997 standard. The Department must ensure that the 1997 ozone standard is attained and maintained by implementing permanent and enforceable control measures to ensure violations of the standard 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 had begun a voluntary reconsideration of the 2008 ozone NAAQS in January 2010 to set a more protective 8-hour ozone standard (see 75 FR 2938 (January 19, 2010)), but withdrew that reconsideration at the request of the President of the United States on September 2, 2011, leaving the 2008 ozone standard in place. Once the EPA designates nonattainment areas under the 2008 standard, states will need to submit State Implementation Plan (SIP) revisions to demonstrate how they will bring the nonattainment areas into attainment of the standard. The Commonwealth's designation recommendations for the 2008 ozone standard were submitted under the CAA to the EPA in 2009 and identified 30 counties as being in nonattainment of the standard based on 2006-2008 monitoring data. The number of ozone nonattainment areas is expected to be lower if the EPA uses more current monitoring data (2008-2010) for its final designations. The Commonwealth must sub-

mit a SIP revision to demonstrate how it will bring the nonattainment areas into attainment and maintenance of the 2008 ozone standard.

There are not Federal statutory or regulatory limits for VOC emissions from flexible packaging printing presses, offset lithographic printing presses and letterpress printing presses. State regulations to control VOC emissions from flexible packaging printing presses, offset lithographic printing presses and letterpress printing presses are required under Federal law, however, and will be reviewed by the EPA to determine if the provisions 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.

The EPA defines RACT as "the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility." See *State Implementation Plans; General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas—Supplement (on Control Techniques Guidelines)*, 44 FR 53761 (September 17, 1979).

The National Emission Standards for Hazardous Air Pollutants (NESHAP) for the printing and publishing industry promulgated in May 1996 and codified at 40 CFR Part 63, Subpart KK (relating to National emission standards for the printing and publishing industry), apply to "major sources" of flexible package printing. For the purpose of regulating hazardous air pollutants (HAP), a "major source" is considered to be a stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit 10 tons per year (tpy) of any single listed HAP or 25 tpy of any combination of HAPs. See section 112(a)(1) of the CAA (42 U.S.C.A. § 7412(a)(1)); see also 61 FR 27133 (May 30, 1996). Many HAPs are VOCs, but not all VOCs are HAPs. The EPA took the 1996 NESHAP into account when developing its Flexible Packaging Printing CTG.

Section 172(c)(1) of the CAA provides that SIPs for nonattainment areas must include "reasonably available control measures," including RACT, for sources of emissions. Section 182(b)(2) of the CAA 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 requires that states in the Ozone Transport Region (OTR), including the Commonwealth, submit a SIP revision requiring implementation of RACT for all sources of VOC emissions in the state covered by a specific CTG.

Section 183(e) of the CAA (42 U.S.C.A. § 7511b(e)) directs the EPA to list for regulation those categories of products that account for at least 80% of the VOC emissions from consumer and commercial products in ozone nonattainment areas. Section 183(e)(3)(C) of the CAA further provides that the EPA may issue a CTG in place of a National regulation for a product category when the EPA determines that the CTG will be "substantially as effective as regulations" in reducing emissions of VOC in ozone nonattainment areas. In 1995, the EPA listed flexible packaging printing materials, lithographic

printing materials and letterpress printing materials on its Section 183(e) list and, in 2006, issued CTGs for flexible packaging printing materials and for offset lithographic printing and letterpress printing materials. See 60 FR 15264 (March 23, 1995) and 71 FR 58745.

In the 2006 notice, the EPA determined that the CTGs 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 CTGs provide states with the EPA's recommendation of what constitutes RACT for the covered category. States can use the recommendations provided in the CTGs 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 CTGs for flexible packaging printing presses and for offset lithographic printing presses and letterpress printing presses for their applicability to the ozone reduction measures necessary for this Commonwealth. The Department determined that the measures provided in the CTGs are appropriate to be implemented in this Commonwealth as RACT for these source categories.

This proposed rulemaking would achieve VOC emission reductions locally and would also reduce the transport of VOC emissions and ground-level ozone to downwind states. Adoption of VOC emission requirements for flexible packaging printing presses, offset lithographic printing presses and letterpress printing presses 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 proposed rulemaking is required under the CAA and is reasonably required to attain and maintain the health-based 8-hour ozone NAAQS and to satisfy related CAA requirements in this Commonwealth. If published as a final-form regulation in the *Pennsylvania Bulletin*, this proposed rulemaking will be submitted to the EPA as a revision to the SIP.

The proposed rulemaking was discussed with the Air Quality Technical Advisory Committee (AQTAC) on December 16, 2010. During the AQTAC's consideration of the proposed rulemaking, flexibility and compliance assistance for the daily recordkeeping and reporting requirements for small businesses were discussed. An AQTAC member asked whether the Department through its Small Business Assistance Program could provide spreadsheets for the regulated community to use to make its calculations for compliance monitoring purposes. The member suggested that the spreadsheets would provide an additional benefit to the Department of standardizing the data format, making it easier for the Department to determine compliance. Other AQTAC members suggested the Department could also offer workshops or develop a computer program to help companies with the calculations. The Department agreed to consider these suggestions during the rulemaking process. During the AQTAC meeting, there was also discussion of the number and extent of potentially affected facilities and there were questions pertaining to the definition of flexible packaging and a compliance monitoring equation. The Department has considered these items in developing this proposed rulemaking. The Board will consider comments

received during the public comment period concerning the implementation of the compliance monitoring, recordkeeping and reporting requirements. Following its discussion on December 16, 2010, the AQTAC voted to concur with the Department's recommendation to present the proposed rulemaking, with consideration of the issues discussed by AQTAC and identified in the minutes, to the Board for approval for publication as a proposed rulemaking.

The Department consulted with the Small Business Compliance Advisory Committee (SBCAC) on January 26, 2011. The SBCAC encouraged the Department to reach out to the potentially affected small businesses with information about the proposed rulemaking. The SBCAC concurred with the Department's recommendation to forward the proposed rulemaking to the Board for consideration for publication as a proposed rulemaking. The Department also consulted with the Citizens Advisory Council (CAC) Air Committee on January 24, 2011. The CAC Air Committee reported on the proposed rulemaking to the CAC at its meeting of February 15, 2011. The CAC, on the recommendation of the Air Committee, concurred with presenting the proposed rulemaking to the Board.

The Department communicated with several industry associations during development of the proposed rulemaking, namely Printing Industries of America, the Graphic Arts Association (GAA) and the National Federation of Independent Business. The Department will notify these groups, as well as other parties that have expressed interest, when the proposed rulemaking is available for public comment. Outreach by the associations to their members will also be useful.

E. Summary of Regulatory Requirements

§ 121.1. Definitions

The proposed rulemaking would add definitions of the following terms to § 121.1 to support the addition of proposed §§ 129.67a and 129.67b: "alcohol," "alcohol substitute," "batch," "first installation date," "flexible packaging," "flexible packaging printing press," "fountain solution," "heatset dryer," "heatset ink," "letterpress printing," "lithographic plate," "lithographic printing," "offset lithographic printing," "printing press," "sheet-fed printing," "varnish" and "web printing." The proposed rulemaking would amend the definition of the term "rotogravure printing" to insert a missing word. The proposed rulemaking would also amend the definition of the term "paper, film or foil coating or paper, film or foil surface coating" to clarify that a coating applied to a flexible packaging substrate is considered surface coating and not printing, if the coating is not applied on or in-line with a flexible packaging printing press. These coating processes would be regulated under § 129.52b (relating to control of VOC emissions from paper, film and foil surface coating processes).

Several AQTAC members questioned the scope of the definition of "flexible packaging" at their December 16, 2010, meeting and questioned the need to list certain items that are excluded from the definition. In response, the Department has simplified the definition. The proposed rulemaking defines the term as:

- (i) A package or part of a package, such as a bag, pouch, liner or wrap, the shape of which can be readily changed. Flexible packaging may be made of paper, plastic, film, aluminum foil, metalized or coated paper, metalized or coated film, or other material.

(ii) The term also includes a shrink-wrap label or wrapper printed on or in-line with a flexible packaging printing press.

(iii) The term does not include folding cartons or other rigid packaging or self-adhesive labels.

Rigid packaging printing operations are often located at the same facility as a flexible packaging printing operation, but rigid packaging is not included in the definition of "flexible packaging." Folding cartons, some labels and wrappers, gift wraps, wall coverings, vinyl products, decorative laminates, floor coverings, tissue products and miscellaneous specialty products are not considered flexible packaging. Printing of self-adhesive labels would also not be considered flexible packaging. Adhesives used on or applied to self-adhesive labels would be regulated under the paper, film or foil surface coating process category "pressure sensitive tapes and labels" found in § 129.52b. Other nonpackaging materials sometimes manufactured at a facility with a flexible packaging printing press (due to the capability of flexible packaging manufacturers to apply coatings), such as gift wraps and hot stamp foils, are not included in the definition of the term.

§ 129.51. General

The proposed rulemaking would amend § 129.51(a) (relating to general) to extend its applicability to the owners and operators of flexible packaging printing presses, offset lithographic printing presses and letterpress printing presses covered by this proposed rulemaking. Section 129.51(a) provides an alternative method for the owner and operator of an affected facility to achieve compliance with air emission limits.

§ 129.67. Graphic arts systems

The proposed rulemaking would amend § 129.67 (relating to graphic arts systems) to account for the proposed requirements that would apply to the owners and operators of flexible packaging printing presses under § 129.67a. Section 129.67 applies more broadly than proposed § 129.67a would, in two ways. Firstly, § 129.67 applies to rotogravure and flexographic printing presses beyond those used for flexible packaging printing. Secondly, § 129.67 requires VOC emissions from surface coating operations to count toward the total VOC emissions that trigger applicability of the section to the owner and operator of a facility that has emissions from a rotogravure or flexographic printing press. The VOC emission applicability threshold is higher, however, than under proposed § 129.67a.

The proposed amendments to § 129.67 would clarify that an owner or operator of a flexible packaging printing press, who was required to install a control device under § 129.67 prior to the effective date of this proposed rulemaking and who is also subject to the recordkeeping, reporting and work practice requirements of proposed § 129.67a by virtue of meeting the 15 pounds per day (lb/day) or 2.7 tons per 12-month rolling period, or both, VOC emission threshold in proposed § 129.67a(a)(1)(ii), would be subject both to the existing control device requirement of § 129.67 and the new recordkeeping, reporting and work practice requirements of § 129.67a.

The proposed amendments to § 129.67 also clarify, however, that an owner or operator of a flexible packaging printing press who is subject to the control requirements of proposed § 129.67a by virtue of meeting the threshold of 25 tpy of potential emissions of VOC, before consideration of add-on controls, for an individual flexible packaging printing press dryer under proposed

§ 129.67a(a)(1)(i) would not be subject to § 129.67 because they will be subject to more stringent control requirements under § 129.67a. This owner and operator would also be subject to the recordkeeping, reporting, work practice and other requirements of § 129.67a.

§ 129.67a. Control of VOC emissions from flexible packaging printing presses

The proposed rulemaking would add § 129.67a to regulate VOC emissions from flexible packaging printing presses. As explained in proposed subsection (b), § 129.67a would supersede the requirements of a RACT permit for VOC emissions from a flexible packaging printing press already issued to the owner or operator of a source subject to § 129.67a, except to the extent the RACT permit contains more stringent requirements.

The applicability of proposed § 129.67a is described in subsection (a), which establishes a threshold with broad applicability in subsection (a)(1)(ii) and a threshold for control requirements on higher VOC-emitting presses in subsection (a)(1)(i).

The broadly applicable threshold in subsection (a)(1)(ii) is as follows: 15 pounds (6.8 kilograms) per day or 2.7 tons (2,455 kilograms) per 12-month rolling period of actual VOC emissions, before consideration of add-on controls, from all flexible packaging printing operations, and all emissions from related cleaning activities, at the facility. An owner and operator of a facility that meets or exceeds this threshold shall comply with the recordkeeping, reporting and work practice requirements of subsections (e) and (g) and the sampling and testing requirements in subsection (f).

The threshold for control requirements on higher VOC-emitting presses in subsection (a)(1)(i) is 25 tpy potential emissions from the dryer of an individual flexible packaging printing press of VOC from inks, coatings and adhesives combined, before consideration of add-on controls. An owner and operator of a press that meets or exceeds this threshold shall comply with the emission limits in subsection (c) and the compliance monitoring requirements in subsection (d), as well as the sampling and testing requirements in subsection (f) and the recordkeeping, reporting and work practice requirements of subsections (e) and (g).

The applicability of proposed § 129.67a is further described in subsection (a)(2), which establishes that an owner or operator of a flexographic or rotogravure printing press subject to subsection (a)(1)(ii) and § 129.67 that prints flexible packaging materials, who was required to install a control device under § 129.67 prior to the effective date of this section shall continue the operation of that control device and also meet the requirements of this section.

Proposed subsection (a)(3) clarifies that VOCs from adhesives used at the facility that are not used or applied on or with the flexible packaging printing press are not subject to § 129.67a and may be regulated under § 129.52b, § 129.77 or Chapter 130, Subchapter D (relating to adhesives, sealants, primers and solvents).

Proposed subsection (c) would establish VOC emission limits for a person subject to § 129.67a by virtue of meeting or exceeding the 25 tpy threshold in subsection (a)(1)(i). Beginning January 1, 2013, a person subject to subsection (a)(1)(i) may not cause or permit the emission into the outdoor atmosphere of VOCs from a flexible packaging printing press, unless one or more of the VOC content limits for inks, coatings and adhesives in subsection (c) is met; one or more of the VOC vapor recovery, incineration or other control system requirements in

subsection (c) is met; or the Department has issued a plan approval, operating permit or Title V permit to the owner or operator prior to January 1, 2013, establishing a Federally-enforceable limitation to limit potential emissions of VOC from the flexible packaging printing press below 25 tpy. The dates in subsection (c)(3), Table I reflect the date of the proposed 1996 NESHAP for the printing and publishing industry, namely March 14, 1995, and the compliance date of this proposed rulemaking, namely January 1, 2013. The EPA used these events for suggested cut-off dates, in the CTG.

Proposed subsection (d) describes compliance monitoring requirements for a person subject to § 129.67a by virtue of meeting or exceeding the 25 tpy threshold in subsection (a)(1)(i). Subsection (d)(1) describes how the VOC content of the as applied ink, coating or adhesive, expressed in units of weight of VOC per weight of solids, would be calculated for purposes of subsection (c)(1). Subsection (d)(2) describes the minimum overall efficiency that would be required for a control system for a single flexible packaging printing press that uses a combination of a control system and a noncomplying ink, coating or adhesive or a combination of noncomplying and complying inks, coatings or adhesives for purposes of subsection (c)(4) or a combination of subsection (c)(3) and (4). Subsection (d)(3) describes monitoring equipment and operational records supporting the compliance monitoring system used, that would be required of an owner or operator of a printing press using an add-on air pollution control device under subsection (c)(3).

Proposed subsection (e) identifies daily records that would be required to demonstrate compliance for persons subject to § 129.67a, beginning January 1, 2013. Subsection (e)(1) requires records of specified parameters of each VOC-containing material, including of each ink, coating, adhesive, thinner, component or cleaning solvent, as supplied. Subsection (e)(2) and (3) requires that daily records be kept of the VOC content and volume used of each ink, coating, adhesive, thinner, component and cleaning solvent as applied. Subsection (e)(4) 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). The records shall be submitted to the Department upon receipt of a written request.

Proposed subsection (f), applicable to persons subject to § 129.67a, would require that sampling and testing be done in accordance with the procedures and test methods specified in Chapter 139 (relating to sampling and testing), unless the Department approves another test method in writing in advance.

Proposed subsection (g) establishes work practice requirements for cleaning materials applicable to persons subject to § 129.67a. Subsection (g)(1) establishes work practices for cleaning materials, with which an owner or operator of a flexible packaging printing press shall comply, beginning January 1, 2013. Subsection (g)(2) and (3) specifies the cleaning-relating activities to which the work practices would apply. Consistent with a one-page internal EPA memorandum clarifying this aspect of the CTG, the proposed rulemaking does not specify work practices for cleaning activities addressed by the EPA's 2006 Industrial Cleaning Solvents CTG. See *Reasonably Available Control Technology (RACT) for Cleaning in Flexible Package Printing*, Peter Tsigotis, Director, Sector Policies and Programs Division (D205-01), EPA, February 9, 2009. Subsection (g) is more stringent than what is recommended in the CTG for flexible packaging print-

ing presses. The CTG recommends that the work practices for cleaning materials apply to parts washers or cold cleaners used for cleaning press parts. The use of parts washers and cold cleaners is regulated under § 129.63 (relating to degreasing operations). The requirements of § 129.63 are more stringent than the recommendation in the CTG, but must be maintained to satisfy the antibacksliding provisions of sections 110 and 193 of the CAA (42 U.S.C.A. §§ 7410 and 7515).

§ 129.67b. Control of VOC emissions from offset lithographic printing presses and letterpress printing presses

The proposed rulemaking would add § 129.67b to regulate VOC emissions from offset lithographic printing presses and letterpress printing presses. As explained in proposed subsection (b), § 129.67b would supersede the requirements of a RACT permit for VOC emissions from an offset lithographic printing press or a letterpress printing press, or both, already issued to the owner or operator of a source subject to § 129.67b, except to the extent the RACT permit contains more stringent requirements.

The applicability of proposed § 129.67b is described in subsection (a), which establishes a threshold with broad applicability in subsection (a)(1)(ii) and (iii), and a threshold for control requirements on higher VOC-emitting heatset presses in subsection (a)(1)(i).

The broadly applicable thresholds for letterpress and offset lithographic printing presses are the same. Subsection (a)(1)(ii) explains that § 129.67b would apply to the owner and operator of a letterpress printing press if the total actual VOC emissions from all letterpress printing presses and all emissions from related cleaning activities, at the facility are equal to or greater than 15 pounds (6.8 kilograms) per day or 2.7 tons (2,455 kilograms) per 12-month rolling period, before consideration of add-on controls. Similarly, subsection (a)(1)(iii) explains that the section would apply to the owner and operator of an offset lithographic printing press, if the total actual VOC emissions from all offset lithographic printing presses, and all emissions from related cleaning activities, at the facility are equal to or greater than 15 pounds (6.8 kilograms) per day or 2.7 tons (2,455 kilograms) per 12-month rolling period, before consideration of add-on controls. The owner and operator of a facility that meets or exceeds the broadly applicable 15 lb/day or 2.7 tons per 12-month rolling period threshold shall comply with the emission limits of subsection (c), the compliance and monitoring requirements of subsection (e)(2) and (3), the recordkeeping, reporting and work practice requirements of subsections (f), (g)(1) and (i), and the requirements pertaining to vapor pressure of cleaning materials in subsections (j) and (k).

Proposed subsection (a)(1)(i) establishes the threshold for control requirements on higher VOC-emitting heatset presses. Subsection (a)(1)(i) explains that the owner and operator of a single heatset web offset lithographic printing press or a single heatset web letterpress printing press that has potential emissions from the dryer, before consideration of add-on controls, of at least 25 tpy of VOC from heatset inks would be subject to § 129.67b. The owner and operator of a heatset press that meets or exceeds this 25 tpy threshold shall comply with the control requirements in subsection (d), compliance and monitoring requirements in subsection (e)(1), reporting requirement relating to control efficiency in subsection (g)(2) and the sampling and testing requirements in subsection (h), as well as the broadly applicable emission

limits, recordkeeping, reporting and work practice requirements of subsections (c), (e)(2) and (3), (f), (g)(1), (i), (j) and (k).

Proposed subsection (a)(2) clarifies that VOCs from adhesives used at the facility that are not used or applied on or with an offset lithographic printing press or a letterpress printing press are not subject to § 129.67b and may be regulated under § 129.77 or Chapter 130, Subchapter D.

Proposed subsection (c) would establish emission limits for all printing presses subject to this section, beginning January 1, 2013. Subsection (c)(1) would prohibit VOC emissions into the outdoor atmosphere from cleaning materials used in an offset lithographic printing press or a letterpress printing press, unless specified conditions are met. This paragraph would require a VOC content less than 30% by weight for cleaning materials, consistent with the EPA's 1994 Alternative Control Techniques Document for offset lithographic printing and the Department's Air Quality General Permits 7 and 10; and would allow a total gallon exemption for up to 55 gallons of noncomplying cleaning materials, consistent with the Department's Air Quality General Permits 7 and 10. The Department's Air Quality General Permits 7 and 10 for Sheet-fed Offset Lithographic Printing Presses and Non-Heatset Web Offset Lithographic Printing Presses, respectively, require a composite partial vapor pressure less than or equal to 10 mm Hg or a VOC content less than or equal to 30% by weight for cleaning materials and allow a total gallon exemption of up to 55 gallons for noncomplying cleaning materials. These two provisions in the proposed rulemaking are more stringent than the recommendation in the CTG. The Department is specifically seeking comment on these two provisions. Subsection (c)(2) would prohibit VOC emissions into the outdoor atmosphere from fountain solution used in an offset lithographic printing press, unless the fountain solution meets a specified VOC limit. Subsection (c)(3) provides two exemptions from subsection (c)(2).

Proposed subsection (d) applies to a person subject to § 129.67b by virtue of meeting or exceeding the 25 tpy threshold for a heatset press in subsection (a)(1)(i). Beginning January 1, 2013, proposed subsection (d) would prohibit the emission into the outdoor atmosphere of VOCs from a single heatset web offset lithographic printing press or a single heatset web letterpress printing press, unless the overall weight of VOCs emitted to the atmosphere from the heatset press dryer is reduced through the use of vapor recovery or incineration, or another method that is authorized under § 129.51(a). Proposed subsection (d) addresses dryer pressure and overall efficiency of an add-on air pollution control device for a heatset press dryer. Proposed subsection (d) also lists exceptions to the requirement for an add-on air pollution control device, and would not apply if the Department has issued a plan approval, operating permit or Title V permit prior to January 1, 2013, to the owner or operator establishing a Federally enforceable limitation to limit potential emissions below 25 tpy before consideration of add-on controls.

Proposed subsection (e) describes compliance and monitoring requirements. Subsection (e)(1) sets forth compliance and monitoring requirements applicable to the owner or operator of a printing press using an add-on air pollution control device as a result of meeting or exceeding the 25 tpy threshold for a heatset press in subsection (a)(1)(i). Subsection (e)(2) indicates how an owner or operator of an offset lithographic printing press, who is

subject to the fountain solution VOC limits of subsection (c)(2), may demonstrate compliance. Subsection (e)(3) indicates the acceptable methods by which the owner or operator of an offset lithographic printing press or letterpress printing press may demonstrate compliance with the VOC content limit or VOC composite partial vapor pressure limit for cleaning materials specified in subsection (c)(1).

Proposed subsection (f) identifies daily records required to demonstrate compliance for persons subject to § 129.67b, beginning January 1, 2013. Subsection (f)(1) requires records of specified parameters for each ink, varnish, coating, adhesive, thinner or component, as supplied. Subsection (f)(2) and (3) requires that daily records be kept of the VOC content and volume used of each ink, varnish, coating or adhesive as applied. Subsection (f)(4)—(6) applies to cleaning materials. Subsection (f)(4) requires records of specified parameters for each blanket, roller or other concentrated cleaning material used, as supplied. Subsection (f)(5) requires records of the VOC content or VOC composite partial vapor pressure of each cleaning material, as applied. Subsection (f)(6) requires records of the volume used of each cleaning material, as applied. The remainder of subsection (f) applies to fountain solution. Subsection (f)(7) requires records of specified parameters for each concentrated component or additive, as supplied, used to prepare the press-ready (as applied) fountain solution batch. Subsection (f)(8) requires records of the VOC content of each batch of the press-ready (as applied) fountain solution and subsection (f)(9) requires records of the volume used of each press-ready (as applied) fountain solution.

Proposed subsection (g) applies to persons subject to § 129.67b. Subsection (g)(1) requires that records be maintained for 2 years unless a longer period is required under § 127.511(b)(2). The records shall be submitted to the Department upon receipt of a written request. Subsection (g)(2) also specifies that the owner or operator of an offset lithographic printing press required to demonstrate control efficiency in subsection (d) shall submit reports to the Department in accordance with Chapter 139.

Proposed subsection (h), applicable to a person subject to § 129.67b by virtue of meeting or exceeding the 25 tpy threshold for a heatset press in subsection (a)(1)(i), would require that sampling and testing be done in accordance with the procedures and test methods specified in Chapter 139 or in accordance with one of the methods and procedures listed in subsection (h), or both. Subsection (h)(1) lists methods and procedures for determining overall efficiency of the add-on air pollution control device. Subsection (h)(2) explains how constant negative pressure into the dryer, as required in subsection (d), must be demonstrated.

Proposed subsection (i), applicable to persons subject to § 129.67b, would establish work practice requirements for cleaning materials. Subsection (i)(1) sets forth work practices with which an owner or operator of an offset lithographic printing press or letterpress printing press shall comply for cleaning materials, beginning January 1, 2013. Subsection (i)(2) and (3) specifies the cleaning-related activities to which the work practices would apply.

Subsection (i) of the proposed rulemaking is more stringent than what is required in the CTG for offset lithographic printing presses and letterpress printing presses. The CTG recommends that the work practices for cleaning materials apply to parts washers or cold cleaners

used for cleaning press parts. The use of parts washers and cold cleaners is regulated under § 129.63. The requirements of § 129.63 are more stringent than the requirements recommended by the CTG, but must be maintained to satisfy the anti-backsliding provisions of sections 110 and 193 of the CAA.

Proposed subsection (j), applicable to persons subject to § 129.67b, would set forth the procedure for determining the composite partial vapor pressure of organic compounds in cleaning materials. Subsection (j)(1) addresses quantifying the amount of each compound in the blend using gas chromatographic analysis. Subsection (j)(2) provides the equation for calculating composite partial vapor pressure.

Proposed subsection (k), applicable to persons subject to § 129.67b, would list acceptable methods for determining vapor pressure of each single component compound in cleaning materials.

§ 129.77(k)(2). *Control of emissions from the use or application of adhesives, sealants, primers and solvents*

The proposed rulemaking would amend § 129.77(k)(2) to clarify that § 129.77 does not apply to the use or application of adhesives, sealants, adhesive primers and sealant primers that are subject to other regulations in Chapter 129 or 130.

§ 130.703(a)(2). *Exemptions and exceptions*

The proposed rulemaking would amend § 130.703(a)(2) to clarify that Chapter 130, Subchapter D does not apply to the use, application, sale, supply, offer for sale or manufacture for sale for use in this Commonwealth of adhesives, sealants, adhesive primers and sealant primers that are subject to other regulations in Chapter 129 or 130.

F. *Benefits, Costs and Compliance*

Benefits

Implementation of the proposed control measures would benefit the health and welfare of the approximately 12 million residents and the numerous animals, crops, vegetation and natural areas of this Commonwealth by reducing emissions of VOCs, which are precursors to the formation of ground-level ozone air pollution. Although the proposed rulemaking is designed primarily to improve air quality by reducing VOC emissions, the reformulation or substitution of printing materials 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 proposed rulemaking provides as one compliance option that inks, coatings and adhesives used or applied on or with flexible packaging printing presses and inks, coatings, adhesives and cleaning materials used or applied on or with offset lithographic printing presses and letterpress printing presses 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 would also benefit water quality through reduced loading on water treatment plants and in reduced quantities of high VOC-content solvents leaching into the ground. Products that are technologically and economically feasible for use in meeting the VOC content limits in the proposed rulemaking are available in this region, as similar requirements in other OTR states have helped create a market. The owner and operator of an affected flexible packaging printing press, offset lithographic printing press or letterpress printing press may

also reduce VOC emissions with add-on controls, or a combination of complying inks, coatings, adhesives, cleaning materials and add-on controls.

The VOC emission reductions from the flexible packaging printing portion of the proposed rulemaking are estimated to be approximately 69 tpy to 84 tpy. A search of the Department's Air Information Management System (AIMS) database generated a list of 17 flexible packaging printing facilities, with 2009 VOC emissions totaling 139 tons, that could potentially be subject to the proposed rulemaking based on the type of printing activity. AIMS does not provide an exhaustive list of all printing facilities in this Commonwealth but contains the largest emitters. The AIMS database is a record of permitted and some previously inspected facilities for which permits are not required.

By proportioning the known emissions of these 17 facilities to the unknown emissions of the potentially affected 52 facilities in this Commonwealth estimated using information provided by the GAA and the CTG for this source category, the Department estimates that the emissions from the 52 facilities would be 425 tpy (139 tons / 17 facilities = X tons / 52 facilities). Calculating further using the assumption in the CTG that 25% of affected facilities have potential VOC emissions equal to or greater than 25 tpy from a single press, before consideration of add-on controls, 106 tons of VOC emissions could require add-on control meeting 65%–80% efficiency (425 tpy × 25% = 106 tons possibly requiring add-on control). The estimated maximum amount of VOC emission reduction from add-on control to flexible packaging printing presses with potential VOC emissions equal to or greater than 25 tpy from a single press, before consideration of add-on controls, could be 69 tpy to 84 tpy (106 × 65% = 69-ton reduction; 106 × 80% = 84-ton reduction).

The emission reductions from the offset lithographic printing press and letterpress printing press portion of the proposed rulemaking are estimated to be approximately 306 tpy to 323 tpy. A search of the Department's AIMS database generated a list of 60 offset lithographic printing press and letterpress printing press facilities, with 2009 VOC emissions totaling 527 tons, that could potentially be subject to the proposed rulemaking based on type of printing activity.

By proportioning the known emissions of these 60 facilities to the unknown emissions of the potentially affected 387 facilities in this Commonwealth estimated using information provided by the GAA and the CTG for these source categories, the Department estimates that the emissions from the 387 facilities could be 3,400 tpy (527 tons / 60 facilities = X tons / 387 facilities). Calculating further using the assumption in the CTG that 10% of the affected facilities have potential VOC emissions equal to or greater than 25 tpy from a single press, before consideration of add-on controls, 340 tons could require add-on control meeting 90%–95% efficiency (3,400 tpy × 10% = 340 tons possibly requiring add-on control). The estimated maximum amount of VOC emission reductions from add-on controls for heatset offset lithographic printing presses and heatset letterpress printing presses with potential VOC emissions equal to or greater than 25 tpy from a single press, before consideration of add-on controls could be 306 tpy to 323 tpy (340 × 90% = 306-ton reduction; 340 × 95% = 323-ton reduction).

Compliance Costs

The cost of complying with the proposed rulemaking includes the cost of using low VOC-content or VOC-free

inks, coatings, adhesives and cleaning materials; add-on control systems; or a combination of these two approaches.

Based on information provided by the EPA in the CTG, the cost effectiveness of reducing VOC emissions from flexible packaging printing press operations is dependent on the flow rate, hourly solvent usage and operating hours. Using \$5,700 per ton of VOC reduced from a catalytic oxidizer (in 2005 dollars), because the emission reductions of that scenario fit the scale of current emission estimates, the total maximum anticipated annual costs to the regulated industry could range from \$393,300 to \$478,800 (69 tons VOC emissions reduced x \$5,700/ton reduced; 84 tons VOC emissions reduced x \$5,700/ton reduced). See Flexible Package Printing CTG, September 2006, p. 21, Table 2, Scenario 1.

Based on information provided by the EPA in the CTG, the cost effectiveness of reducing VOC emissions from heatset offset lithographic printing press and heatset letterpress printing press operations is estimated to range from \$855 to \$2,010 per ton of VOC reduced for control of VOC emissions from cleaning materials and heatset inks, respectively. Using the \$2,010 per ton of VOC removed for heatset inks, the total maximum anticipated annual costs to the regulated industry could range from \$615,060 to \$649,230 (306 tons VOC emissions reduced x \$2,010/ton reduced; 323 tons VOC emissions reduced x \$2,010/ton reduced). See Offset Lithographic Printing and Letterpress Printing CTG, September 2006, p. 18, Table 1.

The implementation of the work practices for the use and application of cleaning materials is expected to result in a net cost savings. The recommended work practices should reduce the amounts of cleaning materials used by reducing the amounts that are lost to evaporation, spillage and waste.

Compliance Assistance Plan

As described elsewhere in this preamble, the Department has already begun communications with several industry associations concerning development of this proposed rulemaking. Through ongoing communications with these groups and through the review of comments received during the public comment period, the Department expects to broaden its understanding of the needs of the regulated community. The Department plans to educate and assist the public and regulated community in understanding the new requirements and how to comply with them after a final-form rulemaking is adopted. This will be accomplished through the Department's ongoing compliance assistance program.

Paperwork Requirements

The owner and operator of an affected flexible packaging printing press, offset lithographic printing press or letterpress printing press would be required to keep daily operational records of information for inks, varnishes, coatings, adhesives, thinners, fountain solutions, cleaning solvents and cleaning materials sufficient to demonstrate compliance, including identification of materials, VOC content and volumes used. The records must be maintained for 2 years and submitted to the Department upon request. However, the owner or operator of a "Title V facility" as defined in § 121.1 shall maintain the records for at least 5 years. Persons claiming the small quantity exemption would be required to keep records demonstrating the validity of the exemption. Persons seeking to comply through the use of add-on controls would be required to meet the applicable reporting requirements specified in Chapter 139.

G. Pollution Prevention

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

The proposed rulemaking will assure that the citizens and the environment of this Commonwealth experience the benefits of reduced emissions of VOCs and HAPs from flexible packaging printing presses, offset lithographic printing presses and letterpress printing presses. Although the proposed rulemaking is designed primarily to improve air quality through reduced emissions of VOCs, the reformulation or substitution of inks, coatings, adhesives, cleaning materials and other 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 proposed rulemaking provides as one compliance option that inks, coatings and adhesives used or applied on or with flexible packaging printing presses and inks, coatings, adhesives and cleaning materials used or applied on or with offset lithographic printing presses and letterpress printing presses 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- and HAP-content solvents would also benefit water quality through reduced loading on water treatment plants and in reduced quantities of high VOC- and HAP-content solvents leaching into the ground.

H. 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.

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on January 31, 2012, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

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

J. Public Comments

Written comments—Interested persons are invited to submit comments, suggestions or objections regarding the

proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board on or before April 16, 2012. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received on or before April 16, 2012. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form regulation will be considered.

Electronic comments—Comments may be submitted electronically to the Board at RegComments@pa.gov and must also be received by the Board on or before April 16, 2012. A subject heading of the proposed rulemaking and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt.

K. *Public Hearings*

The Board will hold three public hearings for the purpose of accepting comments on this proposed rulemaking. The hearings will be held as follows:

- March 14, 2012 1:00 p.m. Department of Environmental Protection
Southwest Regional Office
Upper Allegheny Conference Room
400 Waterfront Drive
Pittsburgh, PA 15222-4745
- March 15, 2012 1:00 p.m. Department of Environmental Protection
Southeast Regional Office
Delaware Conference Room
2 East Main Street
Norristown, PA 19401
- March 16, 2012 1:00 p.m. Department of Environmental Protection
Rachel Carson State Office Building
Conference Room 105
400 Market Street
Harrisburg, PA 17105

Persons wishing to present testimony at a hearing are requested to contact the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Board at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Board may accommodate their needs.

MICHAEL L. KRANCER,
Chairperson

Fiscal Note: 7-469. No fiscal impact; (8) recommends adoption.

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:

* * * * *

Alcohol—A chemical compound consisting of the hydroxyl (OH) group attached to an alkyl radical and having the general formula C_nH_{2n+1}OH, such as ethanol, n-propanol and isopropyl alcohol.

Alcohol substitute—Nonalcohol additives that contain VOCs and are used in the fountain solution including ethylene glycol and glycol ethers. Some additives are used to reduce the surface tension of water and others are added to prevent piling (ink build up).

* * * * *

Batch—

(i) For purposes of § 129.67b (relating to control of VOC emissions from offset lithographic printing presses and letterpress printing presses), a supply of fountain solution that is prepared and used without alteration until completely used or removed from the printing process.

(ii) The term applies to either of the following:

- (A) A supply of fountain solution prepared in a discrete amount.
- (B) A supply of fountain solution that is continuously blended with an auto mix unit.

* * * * *

First installation date—For purposes of § 129.67a (relating to control of VOC emissions from flexible packaging printing presses) and § 129.67b, the first date of operation for a source or a control device. This date will not change if the source or control device is moved to a new location or when the control device is later used to control a new source.

* * * * *

Flexible packaging—

(i) A package or part of a package, such as a bag, pouch, liner or wrap, the shape of which can be readily changed. Flexible packaging may be made of paper, plastic, film, aluminum foil, metalized or coated paper, metalized or coated film, or other material.

(ii) The term includes a shrink-wrap label or wrapper printed on or in-line with a flexible packaging printing press.

(iii) The term does not include folding cartons or other rigid packaging or self-adhesive labels.

Flexible packaging printing press—A printing press used for the production of printed flexible packaging materials using flexographic printing or rotogravure printing, or both.

* * * * *

Fountain solution—A mixture of water, volatile and nonvolatile chemicals and one or more additives that reduce the surface tension of the water so that the mixture spreads easily across the printing surface of a lithographic plate. The mixture wets the nonimage area so that the printing ink is maintained within the image area.

(i) Alcohols, specifically isopropyl alcohol, and alcohol substitutes, including ethylene glycol and glycol ethers, are the most common VOC additives used.

(ii) Nonvolatile additives include mineral salts and hydrophilic gums.

* * * * *

Heatset dryer—A device used in a printing process to heat the printed substrate and promote the evaporation of ink oils.

Heatset ink—Printing ink that is set and dried with the use of heat.

* * * * *

Letterpress printing—A printing process in which the image area of the plate is raised relative to the nonimage area and the paste ink is transferred to the substrate directly from the image surface. The substrate can be fed to the press as either an individual sheet or a rolled web.

* * * * *

Lithographic plate—The thin metal plate used in lithographic or offset lithographic printing which has chemically differentiated image and nonimage areas so that the printing ink adheres to the image areas.

Lithographic printing—A printing process in which the image and nonimage areas are in the same plane on the surface of a thin metal lithographic plate. The image and nonimage areas are chemically differentiated; the image area is oil receptive and the nonimage area is water receptive. The substrate can be fed to the press as either an individual sheet or a rolled web.

* * * * *

Offset lithographic printing—A printing process in which the image and nonimage areas are in the same plane on the surface of a thin metal lithographic plate and the image and nonimage areas are chemically differentiated. The ink film is transferred from the lithographic plate to an intermediary surface, typically a rubber-covered cylinder called a blanket, which in turn transfers the ink film to the substrate. The substrate can be fed to the press as either an individual sheet or a rolled web.

* * * * *

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

to the substrate, saturate a substrate for lamination or provide adhesion between two substrates for lamination.

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

* * * * *

(E) Flexible packaging, including coating of non-woven polymer substrates for use in flexible packaging, **if the coating is not applied on or in-line with a flexible packaging printing press.**

(F) [Miscellaneous] Those used in miscellaneous coating operations, including the following:

* * * * *

Printing press—The equipment used to apply words, pictures or designs to a sheet or continuous substrate of paper, plastic or other material. The equipment must include at least one printing work station. The following equipment, if present, is also considered part of the term:

(i) One or multiple unwind or feed sections.

(ii) A series of individual work stations, which may include inboard and outboard work stations. A work station that employs another technology, including surface coating, is considered part of the printing press if the station is capable of printing or coating on the same substrate and if the work station is physically connected as part of the printing press.

(iii) A dryer associated with a work station.

(iv) A rewind, stack or collection section.

* * * * *

Rotogravure printing—The application of words, designs and pictures to a substrate by means of a roll printing technique which involves an intaglio or recessed image area in the form of cells.

* * * * *

Sheet-fed printing—A printing process in which individual sheets of substrate are fed sequentially to the printing press.

* * * * *

Varnish—For purposes of § 129.67b, an unpigmented offset lithographic ink which is used or applied on an offset lithographic printing press in the same manner as an offset lithographic ink. The term includes a heatset varnish, sheet-fed varnish and coldset varnish.

* * * * *

Web printing—A printing process in which continuous rolls of substrate material are fed to the printing press and rewound or cut to size after printing.

* * * * *

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] 129.54—129.69, 129.71—129.73 and 129.77 may be achieved by alternative methods if the following exist:

* * * * *

(3) Compliance by a method other than the use of a low VOC coating, adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent or cleanup solvent or ink which meets the applicable emission limitation in §§ 129.52, 129.52a, 129.52b, 129.52c, 129.67, **129.67a**, **129.67b**, 129.73 and 129.77 shall be determined on the basis of equal volumes of solids.

* * * * *

(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, § **129.67a**, § **129.67b**, § 129.68(b)(2) and (c)(2), § 129.73 or § 129.77.

* * * * *

(c) *Demonstration of compliance.* [**Test**] Unless otherwise set forth in this chapter, 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).

* * * * *

§ 129.67. **Graphic arts systems.**

(a) This section applies [**to facilities**] as follows:

(1) **This section applies to the owner and operator of a facility** whose rotogravure and flexographic printing presses by themselves or in combination with a surface coating operation subject to § 129.52 [**(relating to surface coating processes)**], § 129.52a, § 129.52b or § 129.52c or in combination with a flexible packaging printing press subject to § 129.67a (relating to control of VOC emissions from flexible packaging printing presses) have the potential to emit or have emitted VOCs into the outdoor atmosphere in quantities greater than 1,000 pounds (460 kilograms) per day or 100 tons (90,900 kilograms) per year during any calendar year since January 1, 1987.

(2) **This section applies to the owner and operator of a flexographic or rotogravure printing press that prints flexible packaging materials subject to § 129.67a(a)(1)(ii) if the owner or operator was required to install a control device under this section prior to _____** (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*).

(3) **This section does not apply to the owner or operator of a flexible packaging printing press subject to § 129.67a(a)(1)(i).**

* * * * *

(*Editor's Note: Sections 129.67a and 129.67b are new and printed in regular type to enhance readability.*)

§ 129.67a. **Control of VOC emissions from flexible packaging printing presses.**

(a) *Applicability.*

(1) Except as specified in paragraphs (3) and (4), this section applies to the owner and operator of a flexible packaging printing press if one or both of the following apply:

(i) An individual flexible packaging printing press has potential emissions from the dryer, before consideration of add-on controls, of at least 25 tpy of VOCs from inks, coatings and adhesives combined. This section supersedes § 129.67 (relating to graphic arts systems).

(ii) The total actual VOC emissions from all inks, coatings and adhesives combined from all flexible packaging printing presses and all emissions from related cleaning activities at the facility are equal to or greater than 15 pounds (6.8 kilograms) per day or 2.7 tons (2,455 kilograms) per 12-month rolling period, before consideration of add-on controls.

(2) The owner or operator of a flexographic or rotogravure printing press subject to paragraph (1)(ii) and § 129.67, who was required to install a control device under § 129.67 prior to _____, (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*) shall continue the operation of that control device and also meet the requirements of this section.

(3) VOCs from adhesives used at a facility that are not used or applied on or with a flexible packaging printing press are not subject to this section and may be regulated under § 129.52b, § 129.77 or Chapter 130, Subchapter D (relating to control of VOC emissions from paper, film and foil surface coating processes; control of emissions from the use or application of adhesives, sealants, primers and solvents; and adhesives, sealants, primers and solvents).

(4) This section does not apply to surface coating of flexible packaging substrates that is not done with a flexible packaging printing press. Surface coating of flexible packaging substrates is regulated under § 129.52b.

(b) *Existing RACT permit.* This section supersedes the requirements of a RACT permit issued to the owner or operator of a source subject to this section prior to January 1, 2013, under §§ 129.91—129.95 (relating to stationary sources of NOx and VOCs) to control, reduce or minimize VOCs from a flexible packaging printing press, except to the extent the RACT permit contains more stringent requirements.

(c) *Emission limits.* Beginning January 1, 2013, a person subject to subsection (a)(1)(i) may not cause or permit the emission into the outdoor atmosphere of VOCs from a flexible packaging printing press, unless one or more of the following limitations is met:

(1) The VOC content of each as applied ink, coating or adhesive used on a single flexible packaging printing press is equal to or less than one or both of the following limits:

- (i) 0.16 lb VOC per lb material as applied.
- (ii) 0.8 lb VOC per lb material solids as applied.

(2) The daily weighted-average VOC content of all inks, coatings and adhesives combined used on a single flexible packaging printing press meets one or both of the VOC content limits in paragraph (1). The use of averaging to meet the VOC content limits may not be used across multiple printing presses.

(3) The overall weight of VOCs emitted to the atmosphere from all inks, coatings and adhesives combined used on a single flexible packaging printing press is reduced through the use of vapor recovery or incineration or another method that is acceptable under § 129.51(a) (relating to general). The overall efficiency of a control system, as determined by the test methods and procedures specified in Chapter 139 (relating to sampling and testing), may not be less than that listed in Table 1.

Table 1

Overall Efficiency Requirement of a Control System on a Single Flexible Packaging Printing Press with Potential Emissions ≥ 25 tpy of VOC Before Control

Control System Overall Efficiency Requirement	Printing Press First Installation Date		Air Pollution Control Device First Installation Date	
	Prior to March 14, 1995*	On or after March 14, 1995	Prior to January 1, 2013**	On or after January 1, 2013
	$\geq 65\%$	X		X
$\geq 70\%$	X			X
$\geq 75\%$		X	X	
$\geq 80\%$		X		X

* March 14, 1995, is the date of the proposed 1996 NESHAP for the printing and publishing industry.

** January 1, 2013, is the proposed compliance date of the flexible packaging printing press regulation.

(4) The overall weight of VOCs emitted to the atmosphere from a single flexible packaging printing press that uses a noncomplying ink, coating or adhesive, or a combination of noncomplying and complying inks, coatings or adhesives, is reduced through the use of vapor recovery or incineration or another method that is authorized under § 129.51(a).

(5) The Department has issued a plan approval, operating permit or Title V permit to the owner or operator prior to January 1, 2013, establishing a Federally-enforceable limitation to limit the potential emissions of VOC from the flexible packaging printing press below 25 tpy before consideration of add-on controls.

(d) *Compliance monitoring requirements.*

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

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

Where:

VOC_B = VOC content in lb VOC/lb of solids as applied or kg VOC/kg of solids as applied

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

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

W_w = Weight percent of water

W_{ex} = Weight percent of exempt solvents

W_n = Weight percent of solids of the as applied ink, coating or adhesive

(2) The overall efficiency of a control system for a single flexible packaging printing press that uses a combination of controls and noncomplying and complying inks, coatings and adhesives, as determined by the test methods and procedures specified in Chapter 139, must be no less than 80% or the equivalent overall efficiency as calculated by the following equation, whichever is less stringent:

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

Where:

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

E = The emission limit from subsection (c)(1): either 0.16 lb VOC/lb material or 0.8 lb VOC/lb material solids.

O = The overall required control efficiency.

(3) The owner or operator of a printing press subject to this section using an add-on air pollution control device in accordance with subsection (c)(3) shall comply with the following requirements:

(i) The add-on air pollution control device must be equipped with the applicable monitoring equipment and the monitoring equipment shall be installed, calibrated, operated and maintained according to manufacturer's specifications at all times the add-on air pollution control device is in use.

(A) The combustion temperature must be continuously monitored and recorded daily if a thermal incinerator is operated.

(B) Inlet and exhaust gas temperatures must be continuously monitored and recorded daily if a catalytic incinerator is operated.

(ii) Operational records sufficient to demonstrate compliance with the requirements of this subsection shall be maintained in accordance with subsection (e), including the following:

(A) Daily records of the hours of operation of the add-on air pollution control device.

(B) Records of the maintenance performed on the add-on air pollution control device, including the date and type of maintenance.

(C) Records of the maintenance performed on the air pollution control device monitoring equipment, including the date and type of maintenance.

(iii) The air pollution control device must be in operation at all times that the source is operating.

(iv) The air pollution control device is approved, in writing, by the Department in an operating permit prior to use.

(e) *Recordkeeping and reporting requirements.* Beginning January 1, 2013, the owner or operator of a flexible packaging printing press subject to this section shall maintain records sufficient to demonstrate compliance with the requirements of this section. At a minimum, the owner or operator shall maintain daily records of the following information:

(1) The following parameters for each VOC-containing material, including ink, coating, adhesive, thinner, component or cleaning solvent, as supplied:

(i) The name and identification number of the ink, coating, adhesive, thinner, component or cleaning solvent.

(ii) The amount used.

(iii) The density or specific gravity.

(iv) The VOC content (weight % or pounds/gallon).

(2) The VOC content of each ink, coating, adhesive, thinner, component or cleaning solvent as applied.

(3) The volume used of each ink, coating, adhesive, thinner, component or cleaning solvent as applied.

(4) The records required under paragraphs (1)—(3) shall 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). The records shall be submitted to the Department upon receipt of a written request.

(f) *Sampling and testing.*

(1) Sampling and testing shall be done in accordance with the procedures and test methods specified in Chapter 139.

(2) Other test methods demonstrated to provide results that are acceptable for purposes of determining compliance with this section may be used if prior approval is obtained in writing from the Department and the EPA.

(g) *Work practice requirements for cleaning materials.*

(1) Beginning January 1, 2013, the owner or operator of a flexible packaging printing press subject to this section shall comply with the following work practices for cleaning activities at the facility:

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

(ii) 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.

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

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

(2) The requirements in paragraph (1) apply to the following activities:

(i) Cleaning of ink, coating or adhesive from a press.

(ii) Cleaning of ink, coating or adhesive from press parts, including press parts that have been removed from the press for cleaning.

(iii) Cleaning of ink, coating or adhesive from areas around a press.

(3) The requirements in paragraph (1) do not apply to the following activities:

(i) Cleaning electronic components of a press.

(ii) Cleaning in pre-press (that is, platemaking) operations.

(iii) Cleaning in post-press (that is, binding) operations.

(iv) Using janitorial supplies (for example, detergents or floor cleaners) for general cleaning around a press.

(v) The use of parts washers or cold cleaners at a flexible packaging printing facility. The use of parts washers and cold cleaners is regulated under § 129.63 (relating to degreasing operations).

§ 129.67b. Control of VOC emissions from offset lithographic printing presses and letterpress printing presses.

(a) *Applicability.*

(1) Except as specified in paragraph (2), this section applies to the owner and operator of an offset lithographic printing press or a letterpress printing press, or both, if the press meets one or a combination of the following:

(i) A single heatset web offset lithographic printing press or heatset web letterpress printing press that has potential emissions from the dryer, before consideration of add-on controls, of at least 25 tpy of VOCs from all heatset inks, coatings and adhesives combined.

(ii) A letterpress printing press if the total actual VOC emissions from all inks, coatings and adhesives combined from all letterpress printing presses and all emissions from related cleaning activities at the facility are equal to or greater than 15 pounds (6.8 kilograms) per day or 2.7 tons (2,455 kilograms) per 12-month rolling period, before consideration of add-on controls.

(iii) An offset lithographic printing press if the total actual VOC emissions from all inks, coatings and adhesives combined from all offset lithographic printing presses and all emissions from related cleaning activities at the facility are equal to or greater than 15 pounds (6.8 kilograms) per day or 2.7 tons (2,455 kilograms) per 12-month rolling period, before consideration of add-on controls.

(2) VOCs from adhesives used at a facility that are not used or applied on or with an offset lithographic printing press or a letterpress printing press are not subject to this section and may be regulated under § 129.77 or Chapter 130, Subchapter D (relating to control of emissions from the use or application of adhesives, sealants, primers and solvents; and adhesives, sealants, primers and solvents).

(b) *Existing RACT permit.* This section supersedes the requirements of a RACT permit issued to the owner or operator of a source subject to subsection (a) prior to January 1, 2013, under §§ 129.91—129.95 (relating to stationary sources of NO_x and VOCs) to control, reduce or minimize VOCs from an offset lithographic printing press or a letterpress printing press, or both, except to the extent the RACT permit contains more stringent requirements.

(c) *Emission limits for printing presses subject to this section.*

(1) Beginning January 1, 2013, a person subject to this section may not cause or permit the emission into the outdoor atmosphere of VOCs from cleaning materials used in an offset lithographic printing press or a letterpress printing press unless the following conditions are met:

(i) The cleaning materials used shall meet one or both of the following VOC limits:

(A) A VOC composite partial vapor pressure less than 10 millimeters of mercury at 68°F (20°C).

(B) A VOC content less than 30% by weight.

(ii) The use of one or more cleaning materials with a higher VOC composite partial vapor pressure or higher VOC content, or both, than is listed in subparagraph (i), is limited to 55 gallons per year, combined, of all cleaning materials that exceed the limits in subparagraph (i).

(2) Beginning January 1, 2013, a person subject to subsection (a)(1)(i) or (iii) may not cause or permit the emission into the outdoor atmosphere of VOCs from a fountain solution used in an offset lithographic printing press unless the fountain solution meets one or more of the following VOC limits. This paragraph does not apply to an owner or operator subject to paragraph (3).

(i) For heatset web offset lithographic printing, press-ready (as applied) fountain solution shall contain 1.6% or less alcohol by weight or equivalent. This limit may be met by one or more of the following methods:

(A) Reducing the press-ready (as applied) fountain solution alcohol content to 1.6% or less by weight.

(B) Using press-ready (as applied) fountain solution with alcohol content of 3% or less by weight if the fountain solution is refrigerated at or below 60°F (15.5°C).

(C) Using press-ready (as applied) fountain solution with alcohol substitute content of 5% or less by weight and no alcohol in the fountain solution.

(D) Using another method that achieves a level of control of VOC emissions from the press-ready (as applied) fountain solution equal to or better than the methods listed in clauses (A)—(C).

(ii) For sheet-fed offset lithographic printing, press-ready (as applied) fountain solution shall contain 5% or less alcohol by weight or equivalent. This limit may be met by one or more of the following methods:

(A) Reducing the press-ready (as applied) fountain solution alcohol content to 5% or less by weight.

(B) Using press-ready (as applied) fountain solution with alcohol content of 8.5% or less by weight if the fountain solution is refrigerated at or below 60°F (15.5°C).

(C) Using press-ready (as applied) fountain solution with alcohol substitute content of 5% or less by weight and no alcohol in the fountain solution.

(D) Using another method that achieves a level of control of VOC emissions from the press-ready (as applied) fountain solution equal to or better than the methods listed in clauses (A)—(C).

(iii) For coldset web offset lithographic printing, press-ready (as applied) fountain solution shall contain alcohol substitute of 5% or less by weight and no alcohol in the fountain solution.

(3) The control requirements under paragraph (2) for a fountain solution do not apply to the owner or operator of either of the following:

(i) A sheet-fed offset lithographic printing press with maximum sheet size 11 x 17 inches or smaller.

(ii) An offset lithographic printing press with total fountain solution reservoir of less than 1 gallon.

(d) *Emission limits for heatset web offset lithographic printing presses and heatset web letterpress printing presses.*

(1) This subsection only applies if a single heatset web offset lithographic printing press or heatset web letterpress printing press has potential emissions from the dryer, before consideration of add-on controls, of at least 25 tpy of VOCs from all heatset inks, coatings and adhesives combined.

(2) This subsection does not apply for one or a combination of the following circumstances:

(i) The press is used for book printing.

(ii) The press has a maximum web width of 22 inches or less.

(iii) When the press is operated with one or a combination of the following inks, coatings or varnishes:

(A) Waterborne coatings.

(B) Ultra-violet light or electron beam radiation-cured materials.

(C) Sheet-fed or coldset web inks.

(D) Sheet-fed or coldset web varnishes.

(3) This subsection does not apply to the owner or operator of the press if the Department has issued a plan approval, operating permit or Title V permit to the owner or operator prior to January 1, 2013, establishing a Federally-enforceable limitation to limit the potential emissions of VOC from the offset lithographic printing press or the letterpress printing press below 25 tpy, before consideration of add-on controls.

(4) Beginning January 1, 2013, a person subject to subsection (a)(1)(i) may not cause or permit the emission into the outdoor atmosphere of VOCs from a heatset web offset lithographic printing press or a heatset web letterpress printing press, or both, unless the overall weight of VOCs emitted to the atmosphere from the heatset dryer is reduced through the use of vapor recovery or incineration or another method that is authorized under § 129.51(a) (relating to general). The dryer pressure must be maintained lower than the press room area pressure so that air flows into the dryer at all times when the press is operating.

(i) The overall efficiency of an add-on air pollution control device for a heatset dryer, determined in accordance with this subsection, shall meet either of the following:

(A) At least 90% for an add-on air pollution control device whose first installation date was prior to January 1, 2013.

(B) At least 95% for an add-on air pollution control device whose first installation date is on or after January 1, 2013.

(ii) If the inlet VOC concentration to the control device is so low that compliance with the 90% or 95% overall efficiency in subparagraph (i) is not achievable, the owner or operator of the printing press may request approval for an alternative demonstration that meets the following requirements:

(A) The request is submitted to the Department in writing.

(B) The request demonstrates the inlet VOC concentration to the control device is so low that compliance with the 90% or 95% overall efficiency in subparagraph (i) is not achievable.

(C) The request is for an outlet VOC concentration less than or equal to 20 ppm as hexane on a dry basis.

(D) The Department approves the request in writing.

(e) *Compliance and monitoring requirements.*

(1) The owner or operator of a heatset web offset lithographic printing press or heatset web letterpress printing press subject to this section using an add-on air pollution control device in accordance with subsection (d) shall comply with the following requirements:

(i) The add-on air pollution control device shall be equipped with the applicable monitoring equipment and

the monitoring equipment is installed, calibrated, operated and maintained according to manufacturer's specifications at all times the add-on air pollution control device is in use.

(A) The combustion temperature must be continuously monitored and recorded daily if a thermal incinerator is operated.

(B) Inlet and exhaust gas temperatures must be continuously monitored and recorded daily if a catalytic incinerator is operated.

(ii) Operational records sufficient to demonstrate compliance with this subsection shall be maintained in accordance with subsection (e), including the following:

(A) Daily records of the hours of operation of the add-on air pollution control device.

(B) Records of the maintenance performed on the add-on air pollution control device, including the date and type of maintenance.

(C) Records of the maintenance performed on the air pollution control device monitoring equipment, including the date and type of maintenance.

(iii) The air pollution control device must be in operation at all times that the source is operating.

(iv) The air pollution control device shall be approved, in writing, by the Department in a plan approval, operating permit or Title V permit.

(2) The owner or operator of an offset lithographic printing press subject to this section that is required to meet one of the fountain solution VOC limits of subsection (c)(2) shall demonstrate compliance by using one or more of the following methods:

(i) Analysis of a sample of the press-ready (as applied) fountain solution for VOC content using EPA Reference Method 24, *Determination of Volatile Matter Content, Water Content, Density, Volume Solids and Weight Solids of Surface Coatings*, found in 40 CFR Part 60, Appendix A, including updates and revisions.

(ii) Maintenance onsite of MSDS, CPDS or other data provided by the manufacturer of the fountain solution that indicates the VOC content of the press-ready (as applied) fountain solution.

(iii) Calculation of the VOC content of the press-ready (as applied) fountain solution that combines the EPA Reference Method 24 analytical VOC content data for each of the concentrated materials used to prepare the press-ready fountain solution.

(A) The VOC content data of the concentrated materials shall be combined in the proportions in which the concentrated materials are mixed to make the batch of press-ready (as applied) fountain solution.

(B) The VOC content shall be calculated once for each batch of press-ready (as applied) fountain solution and recorded in the form of a batch log.

(C) The EPA Reference Method 24 analysis of the concentrated materials used to prepare the press-ready (as applied) fountain solution may be performed by the supplier of the materials and these results provided to the owner or operator of the affected press.

(iv) Measurement of the recirculating reservoir temperature of a refrigerated press-ready (as applied) fountain solution with a thermometer or other temperature detection device capable of reading to 0.5°F (0.28°C) to

ensure that the temperature of the refrigerated fountain solution containing alcohol is maintained at or below 60°F (15.5°C) at all times.

(A) A temperature monitor shall be installed on the fountain solution recirculating reservoir, calibrated, maintained and continuously operated.

(B) The temperature on the temperature monitor shall be recorded at least once per operating day to verify that the refrigeration system is operating properly.

(v) Monitoring of the press-ready (as applied) fountain solution shall be performed with one or more of the following instruments:

(A) A refractometer shall be used to monitor the fountain solution alcohol concentration. The refractometer must:

(I) Be corrected for temperature at least once for each 8-hour shift or once per batch, whichever is longer.

(II) Have a visual, analog or digital readout with an accuracy of 0.5%.

(III) Be calibrated with a standard solution for the type of alcohol used in the fountain solution.

(B) A hydrometer shall be used to monitor the fountain solution alcohol concentration. The hydrometer must:

(I) Be corrected for temperature at least once for each 8-hour shift or once per batch, whichever is longer.

(II) Have a visual, analog or digital readout with an accuracy of 0.5%.

(III) Be calibrated with a standard solution for the type of alcohol used in the fountain solution.

(C) A conductivity meter shall be used to determine the fountain solution VOC content. The conductivity meter:

(I) May only be used if the Department has determined, in writing, that a refractometer or hydrometer cannot be used for monitoring the alcohol concentration of the fountain solution. Requests for the use of a conductivity meter must be submitted to the Department in writing.

(II) Reading for the fountain solution must be referenced to the conductivity of the incoming water.

(vi) Another method may be used to determine compliance with the VOC content limits for fountain solutions in subsection (c)(2) if the written request submitted to the Department for approval meets the following requirements:

(A) The request demonstrates that the method provides results that accurately determine the fountain solution VOC content.

(B) The Department provides prior written approval of the alternative method.

(3) The owner or operator of an offset lithographic printing press or a letterpress printing press subject to this section shall demonstrate compliance with the VOC content limit or VOC composite partial vapor pressure limit for cleaning materials in subsection (c)(1) by one or more of the following methods:

(i) Analysis of a sample of press-ready (as applied) cleaning material for VOC content using EPA Reference Method 24.

(ii) Use of the equation in subsection (j) to calculate the composite partial vapor pressure of the press-ready (as applied) cleaning material.

(iii) Use of the methods in subsection (k) to determine the partial vapor pressure of a single component of the cleaning material.

(iv) Maintenance onsite of MSDS, CPDS or other data provided by the manufacturer of the cleaning material that indicates the VOC content or the VOC composite partial vapor pressure, or both, of the press-ready (as applied) cleaning material.

(v) Calculation of the VOC content of the press-ready (as applied) cleaning material that combines the EPA Reference Method 24 analytical VOC content data or analytical VOC partial vapor pressure data for each of the concentrated materials used to prepare the press-ready (as applied) cleaning material.

(A) The VOC content data or VOC composite partial vapor pressure data for each of the concentrated materials shall be combined in the proportions in which the concentrated materials are mixed to make the batch of press-ready (as applied) cleaning material.

(B) The VOC content or VOC composite partial vapor pressure calculation shall be calculated once for each press-ready (as applied) cleaning material and kept in the form of a batch log.

(C) The EPA Reference Method 24 analysis of the concentrated cleaning material may be performed or the VOC composite partial vapor pressure data may be determined by the supplier of the materials and these results provided to the owner or operator of the affected press.

(vi) Another method may be used to determine compliance with the VOC content limits for cleaning materials in subsection (c)(1) if the written request submitted to the Department for approval meets the following requirements:

(A) The request demonstrates that the method provides results that accurately determine the cleaning material VOC content or VOC composite partial vapor pressure.

(B) The Department provides prior written approval of the alternative method.

(f) *Recordkeeping requirements.* Beginning January 1, 2013, the owner or operator of a printing press subject to this section shall maintain records sufficient to demonstrate compliance with this section. At a minimum, the owner or operator shall maintain daily records as follows:

(1) The following parameters for each ink, varnish, coating, adhesive, thinner or component, as supplied:

(i) The name and identification number of the ink, varnish, coating, adhesive, thinner or component.

(ii) The amount used.

(iii) The density or specific gravity.

(iv) The VOC content (weight % or pounds/gallon).

(2) The VOC content of each ink, varnish, coating or adhesive as applied.

(3) The volume used of each ink, varnish, coating or adhesive as applied.

(4) The following parameters for each blanket, roller or other concentrated cleaning material used, as supplied:

(i) The name and identification number for the blanket, roller or other concentrated cleaning material.

(ii) The amount used.

(iii) The weight percent of total volatiles, water and exempt solvents.

(iv) The density or specific gravity.

(v) One of the following:

(A) VOC content (weight %).

(B) Composite partial vapor pressure.

(5) The VOC content or VOC composite partial vapor pressure of each cleaning material as applied.

(6) The volume used of each cleaning material as applied.

(7) The following parameters for each concentrated component or additive, as supplied, used to prepare the press-ready (as applied) fountain solution batch:

(i) The name and identification number of the component or additive.

(ii) The amount used.

(iii) The density or specific gravity.

(iv) The weight percent of total volatiles, water and exempt solvents of each concentrated component material or additive.

(v) The VOC content of each concentrated component or additive material (weight %).

(8) The VOC content (weight %) of each batch of the press-ready (as applied) fountain solution.

(9) The volume used of each press-ready (as applied) fountain solution.

(g) *Reporting requirements.* Beginning January 1, 2013, the owner or operator of an offset lithographic printing press or a letterpress printing press subject to this section shall meet the following reporting requirements:

(1) The records required under subsection (f) shall 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). The records shall be submitted to the Department upon receipt of a written request.

(2) The owner or operator of an offset lithographic printing press required to demonstrate control efficiency in subsection (d) shall submit reports to the Department in accordance with Chapter 139 (relating to sampling and testing).

(h) *Sampling and testing.* Sampling and testing shall be done in accordance with the procedures and test methods specified in Chapter 139 or with the following methods, or both:

(1) The overall efficiency of the add-on air pollution control device shall be determined by the following test methods and procedures:

(i) The capture efficiency shall be determined in accordance with 40 CFR Part 51, Appendix M, Methods 204—204F, including updates and revisions.

(ii) The control efficiency shall be determined in accordance with one of the following, subject to prior written approval by the Department:

(A) EPA Reference Method 25, *Determination of Total Gaseous Nonmethane Organic Emissions as Carbon*, found in 40 CFR Part 60, Appendix A, including updates and revisions.

(B) EPA Reference Method 25A, *Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer*, found in 40 CFR Part 60, Appendix A, including updates and revisions.

(C) EPA Reference Method 25B, *Determination of Total Gaseous Organic Concentration Using a Nondispersive Infrared Analyzer*, found in 40 CFR Part 60, Appendix A, including updates and revisions.

(iii) The capture efficiency or control efficiency, or both, may be determined using an alternate method approved by the Department in writing, prior to testing. A request for the use of an alternative method must be submitted to the Department in writing.

(2) The constant negative pressure into the dryer, as required under subsection (d), must be demonstrated using an air flow direction measuring device or indicator, such as a smoke stick or aluminum ribbons.

(i) *Work practice requirements for cleaning materials.*

(1) Beginning January 1, 2013, the owner or operator of an offset lithographic printing press or a letterpress printing press subject to this section shall comply with the following work practices for cleaning activities at the facility:

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

(ii) 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.

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

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

(2) The requirements in paragraph (1) apply to the following activities:

(i) Cleaning of a press, including blanket washing, roller washing, plate cleaners, metering roller cleaners, impression cylinder cleaners and rubber rejuvenators.

(ii) Cleaning of press parts, including press parts that have been removed from the press for cleaning.

(iii) Cleaning of ink, coating or adhesive from areas around a press.

(3) The requirements in paragraph (1) do not apply to the following activities:

(i) Cleaning electronic components of a press.

(ii) Cleaning in pre-press (that is, platemaking) operations.

(iii) Cleaning in post-press (that is, binding) operations.

(iv) Using janitorial supplies (for example, detergents or floor cleaners) for general cleaning around a press.

(v) The use of parts washers or cold cleaners at an offset lithographic printing or a letterpress printing facility. The use of parts washers and cold cleaners is regulated under § 129.63 (relating to degreasing operations).

(j) *Composite partial vapor pressure.* The composite partial vapor pressure of organic compounds in cleaning materials shall be determined by the following procedure:

(1) Quantifying the amount of each compound in the blend using gas chromatographic analysis, using the following methods:

(i) ASTM E260, *Standard Practice for Packed Column Gas Chromatography*, ASTM International, 100 Barr Harbor Drive, P. O. Box C700, West Conshohocken, PA 19428-2959 for organic content, including updates and revisions.

(ii) ASTM D3792, *Standard Test Method for Water Content of Coatings by Direct Injection Into a Gas Chromatograph*, ASTM International, 100 Barr Harbor Drive, P. O. Box C700, West Conshohocken, PA 19428-2959 for water content, including updates and revisions.

(2) Calculating the composite partial vapor pressure using the following equation:

$$PP_c = \frac{\sum_{i=1}^n (W_i) (VP_i) / MW_i}{W_w / MW_w + \sum_{e=1}^k W_e / MW_e + \sum_{i=1}^n W_i / MW_i}$$

Where:

PP_c = VOC composite partial vapor pressure at 20°C, in mm mercury.

W_i = Weight of the “i”th VOC compound, in grams, as determined by ASTM E260.

W_w = Weight of water, in grams, as determined by ASTM D3792.

W_e = Weight of the “e”th exempt compound, in grams, as determined by ASTM E260.

MW_i = Molecular weight of the “i”th VOC compound, in grams per g-mole, as given in chemical reference literature.

MW_w = Molecular weight of water, in g/g-mole (18 grams per g-mole).

MW_e = Molecular weight of the “e”th exempt compound, in grams per g-mole, as given in chemical reference literature.

VP_i = Vapor pressure of the “i”th VOC compound at 20°C, in mm mercury, as determined by subsection (k).

(k) *Determination of vapor pressure of single organic compounds in cleaning materials.* The vapor pressure of each single component compound shall be determined from one or more of the following:

(1) ASTM D2879, *Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope*, ASTM International, 100 Barr Harbor Drive, P. O. Box C700, West Conshohocken, PA 19428-2959, including updates and revisions.

(2) The most recent edition of one or more of the following sources:

(i) *Vapour Pressures of Pure Substances*, Boublik, Elsevier Scientific Publishing Company, New York.

(ii) *Perry’s Chemical Engineers’ Handbook*, Green and Perry, McGraw-Hill Book Company.

(iii) *CRC Handbook of Chemistry and Physics*, CRC Press.

(iv) *Lange’s Handbook of Chemistry*, McGraw-Hill Book Company.

(v) Additional sources approved by the Department.

§ 129.77. Control of emissions from the use or application of adhesives, sealants, primers and solvents.

* * * * *

(k) This section does not apply to the use or application of the following compounds or products:

* * * * *

(2) Adhesives, sealants, adhesive primers or sealant primers that are subject to [§ 129.73 (relating to aerospace manufacturing and rework) or Chapter 130, Subchapter B or C (relating to consumer products; and architectural and industrial maintenance coatings)] other sections in this chapter or Chapter 130 (relating to standards for products).

* * * * *

CHAPTER 130. STANDARDS FOR PRODUCTS

Subchapter D. ADHESIVES, SEALANTS, PRIMERS AND SOLVENTS

GENERAL PROVISIONS

§ 130.703. Exemptions and exceptions.

(a) This subchapter does not apply to the use, application, sale, supply, offer for sale or manufacture for sale for use in this Commonwealth of the following compounds or products:

* * * * *

(2) Adhesives, sealants, adhesive primers or sealant primers that are subject to [§ 129.73 (relating to aerospace manufacturing and rework) or Chapter 130, Subchapter B or C (relating to consumer products; and architectural and industrial maintenance coatings)] other sections in this chapter or Chapter 129 (relating to standards for sources).

* * * * *

[Pa.B. Doc. No. 12-229. Filed for public inspection February 10, 2012, 9:00 a.m.]

**PENNSYLVANIA PUBLIC
UTILITY COMMISSION**

[52 PA. CODE CH. 54]

[L-2010-2160942]

Code of Conduct

The Pennsylvania Public Utility Commission (Commission), on August 25, 2011, adopted a proposed rulemaking order which amends the Commission's existing regulations regarding competitive safeguards to be consistent with 66 Pa.C.S. Chapter 28 (relating to Electricity Generation Customer Choice and Competition Act).

Executive Summary

On March 18, 2010, the Public Utility Commission (PUC) issued an Advance Notice of Proposed Rulemaking (ANOPR) seeking input from the regulated community, statutory advocates, and interested parties on revisions to the Code of Conduct regulations applicable to electric distribution companies and electric generation suppliers engaged in the retail electricity market within the Com-

monwealth of Pennsylvania. Numerous parties provided comments in response to the ANOPR.

Pursuant to a second Motion adopted at the Public Meeting of February 24, 2011, the PUC identified additional safeguards for a properly functioning competitive market to be included in this rulemaking. The additional safeguards, along with the received comments pursuant to the ANOPR, were taken into consideration in developing and drafting the regulation. The PUC issued the proposed regulation on August 25, 2011.

The proposed revisions to the regulation are designed to foster the continued development of Pennsylvania's retail electricity competitive market. Specifically, the regulation accomplishes this goal by providing safeguards against cross subsidization between electric distribution companies and their affiliated electric generation suppliers, minimizing customer confusion resulting from the use of similar names, symbols, and marks, and adding additional transparency to shared corporate services between the electric distribution companies and their affiliated electric generation suppliers.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on January 27, 2012, the Commission submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees. In addition to submitting the proposed rulemaking, the Commission provided IRRC and will provide the Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

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

Public Meeting held
August 25, 2011

Commissioners Present: Robert F. Powelson, Chairperson; John F. Coleman, Jr., Vice Chairperson; Wayne E. Gardner; James H. Cawley; Pamela A. Witmer

*Revisions to Code of Conduct at 52 Pa. Code § 54.122;
Doc. No. L-2010-2160942*

Proposed Rulemaking Order

The Commission is responsible for implementing and enforcing the provisions of the Electricity Generation Customer Choice and Competition Act (the "Act"), 66 Pa.C.S. § 2801, et seq. The Commission has adopted customer choice regulations necessary to the performance of its duties under the Act. 52 Pa. Code § 54.1, et seq. Pursuant to a Motion adopted at the Public Meeting of February 25, 2010, the Commission announced it would be reviewing the Competitive Safeguards subchapter of its customer choice rules. 52 Pa. Code §§ 54.121—123. Subsequently, the Commission issued an Advance Notice of Proposed Rulemaking Order ("ANOPR") identifying the scope of the proceeding and soliciting initial comments. Pursuant to a second Motion adopted at the Public Meeting of February 24, 2011, the Commission identified additional safeguards for a properly functioning competi-

tive market to be included in this rulemaking. The Commission now proposes the attached revisions to the Competitive Safeguards subchapter for public comment. After receipt and review of public comments, the Commission will issue a final rulemaking for approval consistent with the regulatory review process.

Background

The Act, which became effective January 1, 1997, provides retail electric customers subject to the Commission's jurisdiction with the option to obtain their generation service from an electric generation supplier ("EGS"), as opposed to the incumbent electric distribution company ("EDC"). EGSs must be licensed by the Commission before offering service. EDCs must provide EGSs with direct access, which means that EGSs can use the EDC's transmission and distribution system on a nondiscriminatory basis at rates, terms and conditions of service comparable to the EDC's own use of the system. 66 Pa.C.S. § 2804(2); definition of "direct access", 66 Pa.C.S. § 2803.

The emphasis on direct access was a deliberate choice by the General Assembly. There was a genuine concern on the part of Pennsylvania and other states adopting retail choice laws that incumbent utilities would directly or indirectly favor affiliated EGSs, to the detriment of robust retail electric competition. Such anti-competitive practices might take form in the sharing of customer information, the linking of regulated services to non-competitive services, financial subsidy of an affiliate through the use of EDC staff and facilities, etc. Accordingly, Pennsylvania and other jurisdictions with retail choice laws typically included provisions prohibiting such conduct. Public utility commissions in nearly all retail choice jurisdictions have adopted rules intended to safeguard the competitive marketplace.

The Pennsylvania Public Utility Commission adopted competitive safeguards, which became effective on July 8, 2000. The rules have not been subject to amendment. For the reasons identified in the ANOPR, the Commission concluded that it would be appropriate to consider revisions to reflect changes in the markets, technology and law subsequent to the passage of the Competition Act.

The following parties provided comments in response to the ANOPR: the Pennsylvania Office of Consumer Advocate ("OCA"), the Energy Association of Pennsylvania ("EAP"), the National Energy Marketers Association ("NEM"), the Pennsylvania Energy Marketers Coalition ("PEMC"), West Penn Power Company ("West Penn"), and the joint comments of the Metropolitan Edison Company, Pennsylvania Electric Company, and the Pennsylvania Power Company ("FirstEnergy Companies").

Discussion

A. Summary of the Comments

The previously-referenced parties offered a number of comments. Generally, these parties felt that the existing code of conduct was effective. However, the following specific revisions to the existing Code of Conduct were suggested:

- Both OCA and the FirstEnergy Companies recommended that the Commission revise Section 54.122(9) to incorporate use of the Commission's website and electronic mail as a means to share current lists of suppliers.
- FirstEnergy recommended adding a provision that EGSs may not represent themselves as being an employee of an EDC through attire or actions.

- NEM recommended the addition of prohibitions against EDCs financially subsidizing affiliated EGSs, or from transferring the regulated assets or property of an EDC to an affiliated EGS at less than market value.

- The Energy Association proposed two changes. First, that the Code should prohibit EDCs and EGSs from using company logos in a deceptive manner. Second, that EGSs should enter into licensing agreements with EDCs before using any of their intellectual property.

- PEMC, like the Energy Association, commented on the proper use of logos. It recommended that EGS representatives involved in door-to-door sales be required to have identification, which correctly identifies the name and logo of the company.

B. Review of Other Retail Choice States

Nearly every state that adopted retail choice models has regulations governing the relationships between EDCs and affiliated EGSs. Commission staff has undertaken a review of each jurisdiction's code for elements that should be adopted in Pennsylvania. In particular, the Commission considered the rules adopted by the states of Texas, Illinois and New Jersey in crafting this proposed rulemaking. These jurisdictions have very comprehensive regulations on this subject. Some of the comments we received included the adoption of elements present in the codes of conduct in effect in these states.

C. Proposed Revisions

The Commission proposes to realign the regulation according to subject matter for a more convenient use. We propose to divide the regulation into the following six subject matter categories: (a) non-discrimination requirements; (b) customer requests for information; (c) prohibited transactions and activities; (d) accounting and training requirements; (e) dispute resolution procedures; and (f) penalties. As a result of this streamlining, we had to renumber most subsections of the regulation. The following summary provides information on each subsection.

54.122.(1)(i)

This is subsection (1) of the current regulation. It has been renumbered but not revised substantively.

54.122.(1)(ii)

This is subsection (2) of the current regulation. It has been renumbered but not revised substantively.

54.122.(1)(iii)

This is subsection (5) of the current regulation. It has been renumbered but not revised substantively.

54.122.(1)(iv)

This is subsection (6) of the current regulation. It has been renumbered but not revised substantively.

54.122.(1)(v)

This is subsection (7) of the current regulation. It has been renumbered but not revised substantively.

54.122.(2)(i)

This is subsection (9) of the current regulation. It has been modified consistent with some of the received comments. EDC representatives are now required to refer customers to the Commission's retail choice website and offer to provide customers with a list of the current suppliers. EDC representatives may not rank or recommend particular suppliers regardless of their affiliate status.

54.122.(2)(ii)

This is subsection (10) of the current regulation. It has been modified to exclude references to affiliate EGSs using the EDC's name and logo as part of the EGS's trade name or corporate appearance for marketing and communication purposes. The limitations on the EDC's name, logo, and other identifying elements by all EGSs are now addressed in 54.122.(3)(iv).

54.122.(3)(i)

At NEM's suggestion, a new subsection has been added making express the prohibition against an EDC financially subsidizing an affiliated EGS. No costs associated with an affiliated EGS should be recovered in the EDC's regulated rates.

54.122.(3)(ii)

Also at NEM's suggestion, this subsection is being proposed to bar the transfer of any regulated EDC assets to its affiliated EGS at less than market value.

54.122.(3)(iii)

This subsection is proposed pursuant to the Commission's Motion aimed at preventing direct or indirect cross-subsidies, like the use of the affiliate EDC for credit support for affiliated EGS sales.

54.122.(3)(iv)

This subsection is proposed to address comments offered by the Energy Association. It requires an EGS to enter into a licensing agreement with an EDC before using the EDC's service-mark or trademark and to feature a prominent disclaimer. The disclaimer will state that the EGS is not the same company as the EDC and that a customer need not buy the EGS's services or products in order to continue receiving services from the EDC. By requiring a disclaimer, the Commission attempts to minimize customer confusion and eliminate any deceptive practices that may occur when an EGS uses the EDC's service-mark or trademark.

54.122.(3)(v)

This new subsection was added pursuant to the Commission's Motion to examine whether EDC-affiliated EGSs should change their names so as to be dissimilar from both the EDC affiliate and the corporate parent. We have found that this requirement varies in different jurisdictions. We propose that both the affiliated and non-affiliated EGSs be required to change their names to be dissimilar to the EDC.

54.122.(3)(vi)

This new subsection is proposed to address comments of the Energy Association and PEMC. It prohibits the EGS representatives from falsely claiming to represent the EDC of the service territory.¹

54.122.(3)(vii)

This new subsection was added pursuant to the Commission's Motion to prohibit joint marketing, sales, and promotional activities by EDCs and affiliate EGSs. This prohibition is common in many retail choice jurisdictions.

54.122.(3)(viii)

This is subsection (3) of the current regulation. It has been renumbered but not revised substantively.

¹ The subsection refers to the proposed § 111.8 of the Marketing and Sales Practices for the Retail Residential Energy Market regulations and interim guidelines about marketing and sales practices for the retail residential energy market that address this issue at length.

54.122.(3)(ix)

This new subsection requires that EGSs and EDCs do not share office space and instead occupy different buildings. This limitation is common in other jurisdictions.

54.122.(4)(i)

This new subsection requires an EDC and affiliated EGS to maintain separate accounting records. This is a feature of codes of conduct in other jurisdictions, such as Illinois, and we propose to adopt it in Pennsylvania.

54.122.(4)(ii)

Several jurisdictions, such as Maryland and Ohio, require EDCs to maintain, in a single document, a description of the relationship between it and any affiliated EGSs. This document has been described as a "cost allocation manual" in these two states. It allows the appropriate regulatory body to efficiently verify and audit the utility's compliance with the code of conduct. We will require the same in Pennsylvania. If part of the final rule, the Commission will establish a docket at which EDCs shall file their cost allocation manuals. The cost allocation manual will be reviewed as part of the audit and management efficiency investigation provisions in § 516 of the Public Utility Code.

54.122.(4)(iii)

This is subsection (11) of the current regulation. It has been revised to provide additional clarification on the functional separation requirements for employees of the EDC and affiliated EGSs. It states that EDCs and affiliated EGSs shall not share employees or services, except for corporate support services, emergency services, or tariff services.

54.122.(4)(iv)

This is subsection (8) of the current regulation. It has been renumbered but not revised substantively.

54.122.(5)(i)

This is subsection (4) of the current regulation. It has been renumbered but not revised substantively.

54.122.(6)(i)

Most jurisdictions have provisions for civil penalties for non-compliance. Here we have provided a reference to 66 Pa.C.S. § 3301, which allows the Commission to assess a civil penalty of up to \$1,000 a day for non-compliance with a regulation.

Conclusion

Accordingly, under 66 Pa. C.S. § 501, 2807(e), Section 2804(2) of the Electricity Generation Customer Choice and Competition Act, 66 Pa.C.S. § 2804(2), the Commonwealth Documents Law, 45 P. S. §§ 1201 et seq., and the regulations promulgated hereunder at 1 Pa. Code §§ 7.1, 7.2, and 7.5, the Commission proposes revisions to its regulations pertaining to the electricity generation customer choice, and its provisions for competitive safeguards, as noted and set forth in Annex A; *Therefore,*

It Is Ordered That:

1. The proposed rulemaking at Docket L-2010-2160942 will consider the regulations set forth in Annex A.

2. The Secretary shall submit this order and Annex A to the Office of Attorney General for approval as to legality.

3. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.

4. The Secretary shall submit this order and Annex A for review by the designated standing committees of both houses of the General Assembly, and for review by the Independent Regulatory Review Commission.

5. The Secretary shall deposit this order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

6. An original and 15 copies of any written comments referencing the docket number of the proposed rule-making shall be submitted within 45 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn.: Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265.

7. The contact person for legal issues related to this proposed rulemaking is Aspasia Staevska, Assistant Counsel, Law Bureau, (717) 425-7403, astaevska@pa.gov. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri Delbiondo, Regulatory Coordinator, Law Bureau, (717) 772-4597.

ROSEMARY CHIAVETTA,
Secretary

Fiscal Note: 57-287. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

**CHAPTER 54. ELECTRICITY GENERATION
CUSTOMER CHOICE**

Subchapter E. COMPETITIVE SAFEGUARDS

§ 54.122. Code of conduct.

Electric generation suppliers and electric distribution companies shall comply with the following requirements:

[(1) An electric distribution company may not give an electric generation supplier, including without limitation, its affiliate or division, any preference or advantage over any other electric generation supplier in processing a request by a distribution company customer for retail generation supply service.

(2) Subject to customer privacy or confidentiality constraints, an electric distribution company may not give an electric generation supplier, including without limitation its affiliate or division, any preference or advantage in the dissemination or disclosure of customer information and any dissemination or disclosure shall occur at the same time and in an equal and nondiscriminatory manner. "Customer information" means all information pertaining to retail electric customer identity and current and future retail electric customer usage patterns, including appliance usage patterns, service requirements or service facilities.

(3) An electric distribution company or electric generation supplier may not engage in false or deceptive advertising to customers with respect to the retail supply of electricity in this Commonwealth.

(4) Each electric distribution company shall adopt the following dispute resolution procedures to address alleged violations of this section:

(i) Regarding any dispute between an electric distribution company or a related supplier, or both, and an electric generation supplier (each individually referred to as a "party" and collectively referred to as "parties"), alleging a violation of any of the provisions of this section, the electric generation supplier shall provide the electric distribution company or related supplier, or both, as applicable, a written notice of dispute which includes the names of the parties and customers, if any involved and a brief description of the matters in dispute.

(ii) Within 5 days of receipt of the notice by the electric distribution company or related supplier, or both, a designated senior representative of each of the parties shall attempt to resolve the dispute on an informal basis.

(iii) If the designated representatives are unable to resolve the dispute by mutual agreement within 30 days of the referral, the dispute shall be referred for mediation through the Commission's Office of Administrative Law Judge. A party may request mediation prior to that time if it appears that informal resolution is not productive.

(iv) If mediation is not successful, the matter shall be converted to a formal proceeding before a Commission administrative law judge, and the prosecuting parties shall be directed to file a formal pleading in the nature of a complaint, petition or other appropriate pleading with the Commission within 30 days or the matter will be dismissed for lack of prosecution. Any party may file a complaint, petition or other appropriate pleading concerning the dispute under any relevant provision of 66 Pa.C.S. (relating to the Public Utility Code).

(5) An electric distribution company may not illegally tie the provision of any electric distribution service within the jurisdiction of the Commission to one of the following:

(i) The purchase, lease or use of any other goods or services offered by the electric distribution company or its affiliates.

(ii) A direct or indirect commitment not to deal with any competing electric generation supplier.

(6) An electric distribution company may not provide any preference or advantage to any electric generation supplier in the disclosure of information about operational status and availability of the distribution system.

(7) An electric distribution company shall supply all regulated services and apply tariffs to nonaffiliated electric generation suppliers in the same manner as it does for itself and its affiliated or division electric generation supplier, and shall uniformly supply all regulated services and apply its tariff provisions in a nondiscriminatory manner.

(8) Every electric distribution company and its affiliated or divisional electric generation supplier shall formally adopt and implement these provisions as company policy and shall take appropriate steps to train and instruct its employees in their content and application.

(9) If an electric distribution company customer requests information about electric generation suppliers, the electric distribution company shall provide the latest list as compiled by the Commission to the customer over the telephone, or in written

form or by other equal and nondiscriminatory means. In addition, an electric distribution company may provide the address and telephone number of an electric generation supplier if specifically requested by the customer by name. To enable electric distribution companies to fulfill this obligation, the Commission will maintain a written list of licensed electric generation suppliers. The Commission will regularly update this list and provide the updates to electric distribution companies as soon as reasonably practicable. The Commission will compile the list in a manner that is fair to all electric generation suppliers and that is not designed to provide any particular electric generation supplier with a competitive advantage.

(10) An electric distribution company or its affiliate or division may not state or imply that any delivery services provided to an affiliate or division or customer of either are inherently superior, solely on the basis of their affiliation with the electric distribution company, to those provided to any other electric generation supplier or customer or that the electric distribution company's delivery services are enhanced should supply services be procured from its affiliate or division. When an electric distribution company's affiliated or divisional supplier markets or communicates to the public using the electric distribution company's name or logo, it shall include a disclaimer stating that the affiliated or divisional supplier is not the same company as the electric distribution company, that the prices of the affiliated or divisional supplier are not regulated by the Commission and that a customer is not required to buy electricity or other products from the affiliated or divisional supplier to receive the same quality service from the electric distribution company. When an affiliated or divisional supplier advertises or communicates through radio, television or other electronic medium to the public using the electric distribution company's name or logo, the affiliated or divisional supplier shall include at the conclusion of any communication a disclaimer that includes all of the disclaimers listed in this paragraph.

(11) An electric distribution company which is related as an affiliate or division of an electric generation supplier or transmission supplier (meaning any public utility that owns, operates, or controls facilities used for the transmission of electric energy) which serves any portion of this Commonwealth; and any electric generation supplier which is related as an affiliate or division of any electric distribution company or transmission supplier which serves any portion of this Commonwealth, shall insure that its employees function independently of other related companies.]

(1) *Nondiscrimination requirements.*

(i) An electric distribution company may not give an electric generation supplier, including without limitation its affiliate or division, a preference or advantage over another electric generation supplier in processing a request by a distribution company customer for retail generation supply service.

(ii) Subject to customer privacy or confidentiality constraints, an electric distribution company may not give an electric generation supplier, including without limitation its affiliate or division, a prefer-

ence or advantage in the dissemination or disclosure of customer information and dissemination or disclosure shall occur at the same time and in an equal and nondiscriminatory manner. The term "customer information" means information pertaining to retail electric customer identity and current and future retail electric customer usage patterns, including appliance usage patterns, service requirements or service facilities.

(iii) An electric distribution company may not illegally tie the provision of an electric distribution service within the jurisdiction of the Commission to one of the following:

(A) The purchase, lease or use of other goods or services offered by the electric distribution company or its affiliates.

(B) A direct or indirect commitment not to deal with a competing electric generation supplier.

(iv) An electric distribution company may not provide a preference or advantage to any electric generation supplier in the disclosure of information about operational status and availability of the distribution system.

(v) An electric distribution company shall supply regulated services and apply tariffs to nonaffiliated electric generation suppliers in the same manner as it does for itself and its affiliated or division electric generation supplier and uniformly supply regulated services and apply its tariff provisions in a nondiscriminatory manner.

(2) *Customer requests for information.*

(i) If an electric distribution company customer requests information about electric generation suppliers, the electric distribution company shall provide the address of the Commission's retail choice web site and offer to send the most current list of suppliers for that service territory, as compiled by the Commission, by regular mail, electronic mail, facsimile, telephonically or by other equal and nondiscriminatory means, according to the customer's preference. The electric distribution company may not recommend or offer an opinion on the relative merits of particular suppliers. In addition, an electric distribution company may provide the mailing address, web site address and telephone number of an electric generation supplier if specifically requested by the customer by name. To enable electric distribution companies to fulfill this obligation, the Commission will maintain a written list of licensed electric generation suppliers. The Commission will regularly update this list and provide the updates to electric distribution companies as soon as reasonably practicable. The Commission will compile the list in a manner that is fair to electric generation suppliers and that is not designed to provide a particular electric generation supplier with a competitive advantage.

(ii) An electric distribution company or its affiliate or division may not state or imply that delivery services provided to an affiliate or division or customer of either are inherently superior, solely on the basis of the affiliation with the electric distribution company, to those provided to another electric generation supplier or customer or that the electric distribution company's delivery services are enhanced should supply services be procured from its affiliate or division.

(3) Prohibited transactions and activities.

(i) An electric distribution company may not subsidize an affiliated electric generation supplier. Costs or overhead related to competitive, nonregulated activities of an affiliated electric generation supplier may not be included in the rates of an electric distribution company.

(ii) An electric distribution company may not sell, release or otherwise transfer to an affiliate electric generation supplier, at less than market value, assets, services or commodities that have been included in regulated rates.

(iii) An electric distribution company may not allow an affiliate electric generation supplier to secure credit through the pledge of assets in the rate base of the electric distribution company or the pledge of money necessary for utility operations.

(iv) An electric generation supplier may not use a word, term, name, symbol, device, registered or unregistered mark or a combination thereof (collectively and singularly referred to as "EDC identifier") that identifies or is owned by an electric distribution company, in connection with the sale, offering for sale, distribution or advertising of goods or services, unless the electric generation supplier includes a disclaimer and enters into an appropriate licensing agreement specifying the rights.

(A) The disclaimer shall state that the electric generation supplier is not the same company as the electric distribution company whose EDC identifier is featured and that a customer does not need to buy the electric generation supplier's products or services to continue receiving services from the electric distribution company.

(B) In print and Internet communications, the disclaimer shall be placed immediately adjacent to the EDC identifier and be in equal prominence to the main body of the text. In radio or television communications, the disclaimer shall be clearly spoken.

(v) An electric generation supplier may not have the same or substantially similar name or fictitious name as the electric distribution company or its corporate parent. An electric generation supplier shall change its name by ____ (*Editor's Note: The blank refers to 6 months after the effective date of adoption of this proposed rulemaking.*)

(vi) An electric generation supplier may not allow an employee or agent to represent himself as an employee of the electric distribution company through his attire or actions. An electric generation supplier shall comply with § 54.43 (relating to standards of conduct and disclosure for licensees), regarding agent identification and misrepresentation.

(vii) An electric distribution company and an affiliated electric generation supplier may not engage in joint marketing, sales or promotional activities unless the joint marketing, sales or promotional activities are offered to electric generation suppliers in the same manner under similar terms and conditions.

(viii) An electric distribution company or electric generation supplier may not engage in false or

deceptive advertising to customers with respect to the retail supply of electricity in this Commonwealth.

(ix) An electric distribution company and affiliated electric generation supplier may not share office space and shall be physically separated by occupying different buildings.

(4) Accounting and training requirements.

(i) An electric distribution company and an affiliated electric generation supplier shall maintain separate accounting records for their business activities.

(ii) An electric distribution company that has an affiliated electric generation supplier shall document the business relationship through a cost allocation manual.

(A) The cost allocation manual must include an organizational chart, identify contractual agreements between the two entities, include job positions and job descriptions of shared or temporarily assigned employees and a log of business transactions between the electric distribution company and electric generation supplier.

(B) The cost allocation manual shall be filed with the Commission by ____ (*Editor's Note: The blank refers to 6 months after the effective date of adoption of this proposed rulemaking.*). Substantial revisions to the cost allocation manual shall be filed when necessary. The cost allocation manual shall be posted by the electric distribution company on its web site within 48 hours of filing with the Commission.

(C) The cost allocation manual shall be reviewed as part of the audits and management efficiency investigations under section 516 of the code (relating to audits of certain utilities).

(iii) An electric distribution company and affiliated electric generation supplier or transmission supplier may not share employees or services, except for corporate support services, emergency support services or tariff services offered to electric generation suppliers on a nondiscriminatory basis. Temporary assignments of employees from an electric distribution company to an affiliated electric generation supplier or transmission supplier, for less than 1 year, shall be considered the same as sharing employees.

(A) Corporate support services do not include purchasing of electric transmission or facilities, service and wholesale market products, hedging and arbitrage, transmission and distribution service operations, system operations, engineering, billing, collection, customer service, information systems, electronic data interchange, strategic management and planning, account management, regulatory services, legal services, lobbying, marketing or sales.

(B) Emergency support services are temporary services necessary to protect consumer safety or prevent interruption of service.

(C) The electric distribution company shall report to the Commission by January 31 of each year the work history of each shared, temporarily assigned or permanently transferred employee to the affiliated electric generation supplier during the

previous calendar year and the employee's new position with the affiliate.

(iv) An electric distribution company and its affiliated or divisional electric generation supplier shall formally adopt and implement these provisions as company policy and shall take appropriate steps to train and instruct its employees in their content and application.

(5) *Dispute resolution procedures.* An electric distribution company shall adopt the following dispute resolution procedures to address alleged violations of this section:

(i) Regarding a dispute between an electric distribution company or a related supplier, or both, and an electric generation supplier (each individually referred to as a "party" and collectively referred to as "parties") alleging a violation of this section, the electric generation supplier shall provide the electric distribution company or related supplier, or both, a written notice of dispute which includes the names of the parties and customers, if any involved, and a brief description of the matters in dispute.

(ii) Within 5 days of receipt of the notice by the electric distribution company or related supplier,

or both, a designated senior representative of each of the parties shall attempt to resolve the dispute on an informal basis.

(iii) If the designated representatives are unable to resolve the dispute by mutual agreement within 30 days of the referral, the dispute shall be referred for mediation through the Commission's Office of Administrative Law Judge. A party may request mediation prior to that time if it appears that informal resolution is not productive.

(iv) If mediation is not successful, the matter shall be converted to a formal proceeding before an administrative law judge and the prosecuting parties shall be directed to file a formal pleading in the nature of a complaint, petition or other appropriate pleading with the Commission within 30 days or the matter will be dismissed for lack of prosecution. A party may file a complaint, petition or other appropriate pleading concerning the dispute under any relevant provision of the code.

(6) *Penalties.* An electric distribution company or electric generation supplier that does not comply with this subchapter shall be subject to penalties under section 3301 of the code (relating to civil penalties for violations).

[Pa.B. Doc. No. 12-230. Filed for public inspection February 10, 2012, 9:00 a.m.]

NOTICES

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 January 24, 2012.

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

Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
1-20-2012	<p><i>From:</i> First Citizens National Bank Mansfield Tioga County</p> <p><i>To:</i> First Citizens Bank Mansfield Tioga County</p> <p>Application for approval to convert from a national banking association to a Pennsylvania state-chartered bank and trust company.</p>	Filed

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
1-1-2012	<p>F.N.B. Corporation Hermitage Mercer County</p> <p>Application for approval to acquire 100% of Parkvale Financial Corporation, Monroeville, and thereby indirectly acquire 100% of Parkvale Savings Bank, Monroeville. (This is a correction from the activity previously posted on Summary # 3, week ending 01-10-2012, which listed this as approved, where it should be effective. See 42 Pa.B. 568 (January 28, 2012))</p>	Effective

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-24-2012	<p>F&M Trust Co. of Chambersburg Chambersburg Franklin County</p>	<p>6391 Carlisle Pike Mechanicsburg Cumberland County</p>	Filed

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-18-2012	<p>F&M Trust Co. of Chambersburg Chambersburg Franklin County</p>	<p><i>To:</i> 51 South High Street Newville Cumberland County</p> <p><i>From:</i> 9 West Big Spring Avenue Newville Cumberland County</p>	Approved
1-20-2012	<p>Greater Delaware Valley Savings Bank Broomall Delaware County</p>	<p><i>To:</i> 309 Lancaster Avenue Frazer Chester County</p> <p><i>From:</i> 82 East Lancaster Avenue Paoli Chester County</p>	Filed

NOTICES

Branch Consolidations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
7-22-2011	S&T Bank Indiana Indiana County	<i>Into:</i> 410 Main Street Clarion Clarion County <i>From:</i> 650 Main Street Clarion #3305 Clarion County	Effective
1-13-2012	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>Into:</i> 4101 Carlisle Pike Camp Hill Cumberland County <i>From:</i> 3301 Trindle Road Camp Hill Cumberland County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-24-2012	Citizens Bank of PA Philadelphia Philadelphia County	1 North George Street York York	Approved
1-24-2012	Citizens Bank of PA Philadelphia Philadelphia County	1777 Sentry Park W Blue Bell Montgomery County	Approved
1-24-2012	Citizens Bank of PA Philadelphia Philadelphia County	2929 Arch Street Philadelphia Philadelphia County	Approved
1-24-2012	Citizens Bank of PA Philadelphia Philadelphia County	110 Black Horse Pike Audobon New Jersey	Approved
1-24-2012	Citizens Bank of PA Philadelphia Philadelphia County	6901 Ridge Avenue Philadelphia Philadelphia County	Approved
1-24-2012	Citizens Bank of PA Philadelphia Philadelphia County	100 MacDade Boulevard Holmes Delaware County	Approved
1-24-2012	Citizens Bank of PA Philadelphia Philadelphia County	1065 West County Line Road Hatboro Montgomery County	Approved

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
1-17-2012	Miners Bank Minersville Schuylkill County Amendment to Article III of the institution's Articles of Incorporation is restated in its entirety to eliminate Trust Powers.	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Consolidations, Mergers, and Absorptions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
1-23-2012	TruMark Financial Credit Union Trevose Bucks County Application for approval to merge Kenrick Federal Credit Union, Bryn Mawr, with and into TruMark Financial Credit Union, Trevose.	Filed

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
1-24-2012	Freedom Credit Union Warminster Bucks County	Filed
	Application for approval to merge Crestmont Baptist Federal Credit Union, Willow Grove, with and into Freedom Credit Union, Warminster.	

The Department's web site at www.banking.state.pa.us includes public notices for more recently filed applications.

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 12-231. Filed for public inspection February 10, 2012, 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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0032107 (Sewage)	Beltzville State Park 2950 Pohopoco Drive Lehighton, PA 18235	Carbon County Franklin Township	Pohopoco Creek (2-B)	Y
PA0061131 (Sewage)	Dalton Sewer Authority PO Box 538 Dalton, PA 18414	Lackawanna County LaPlume Township	Ackerly Creek (4-F) Cold Water Fishes	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0020648 (SEW)	Port Royal Municipal Authority PO Box 236 804 8th Street Port Royal, PA 17082	Juniata County / Port Royal Borough	Juniata River / 12-A	Y
PA0031861 (SEW)	Zerbe Sisters Nursing Home, Inc. 2499 Zerbe Road Narvon, PA 17555-9328	Lancaster County / Caernarvon Township	West Branch Conestoga River / 7-J	Y
PA0085910 (SEW)	Beth A. Yohe 1050 Drager Road Columbia, PA 17512	Lancaster County / Rapho Township	Little Chickies Creek / 7-G	Y
PA0087378 (IW)	Randall Quinn Letterkenny Army Depot 1 Overcash Avenue Chambersburg, PA 17201	Franklin County / Greene Township	Conodoguinet Creek / 7-B	Y
PAS203503 (Stormwater)	Greg Holland Mueller Water Products 1200 Abernathy Road NE Suite 1200 Atlanta, GA 30328	Franklin County / Antrim Township	UNT Muddy Run / 13-C	Y
PA0088251 (SEW)	Upper Bern Township 25 N. 5th Street PO Box 185 Shartelsville, PA 19554	Berks County / Upper Bern Township	Wolf Creek / 3-C	Y
PA0014621 (IW)	United Water PA, Inc. (Sixth Street Water Plant) 4211 E. Park Circle Harrisburg, PA 17111-2806	Dauphin County / Susquehanna Township	Susquehanna River / 3-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0228311 A-1 (Sewage)	Brady Township Northwest WWTP 1986 Elimsport Road Montgomery, PA 17752	Lycoming County Brady Township	Unnamed Tributary to Black Hole Creek (10-C)	Y
PA0228435 A-1 (Sewage)	Brady Township Southeast Wastewater Treatment Plant Fritz Station Road Montgomery, PA 17752	Lycoming County Brady Township	Unnamed Tributary to Black Run (10-C)	Y

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

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

PA0011533, IW, SIC Code 2911, **Sunoco Inc. R&M**, 3144 W Passyunk Avenue, Philadelphia, PA 19145-5208. Facility Name: Girard Point Processing Area. This existing facility is located in City of Philadelphia, **Philadelphia County**.

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

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

The proposed effluent limits for Outfalls 001 and 009 are based on stormwater flow.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Instant. Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report				
pH (S.U.)			6.0			9.0
BOD ₅				26.4	48.0	66.0
Chemical Oxygen Demand				180	360	450
Total Suspended Solids				21.6	34.0	55.0
Oil and Grease				8.0	15.6	20.0
Hexavalent Chromium				0.03	0.06	0.07
Total Chromium				0.22	0.60	0.75
Total Phenolics				0.17	0.35	0.43

The proposed effluent limits for Outfalls 002 and 014 are based on stormwater runoffs.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Instant. Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Instant. Maximum</i>	
Flow (MGD)	Report	Report				
pH (S.U.)			6.0			9.0
Oil and Grease						15
Total Organic Carbon						110

The proposed effluent limits for Outfalls 004 and 011 are based on a non-contact cooling water flow.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Instant. Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Instant. Maximum</i>	
Flow (MGD)	Report	Report				
pH (S.U.)			6.0			9.0
Temperature (°F)						110
Total Organic Carbon						5.0

The proposed effluent limits for Outfalls 005, 010 and 012 are based on a roof drains runoffs flow.

<i>Parameters</i>	<i>Concentration (mg/l)</i>	
	<i>Annual Average</i>	<i>Daily Maximum</i>
pH (S.U.)	Report	Report
CBOD ₅	Report	Report
Chemical Oxygen Demand	Report	Report
Total Suspended Solids	Report	Report
Oil and Grease	Report	Report
Total Kjeldahl Nitrogen	Report	Report
Total Phosphorus	Report	Report
Dissolved Iron	Report	Report

The proposed effluent limits for Outfall 015 are based on treated wastewater flow of 6.22 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>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.5	XXX	XXX	8.5
Total Residual Oxidants	XXX	XXX	XXX	Report	0.2	0.5
BOD ₅	1289	2427	XXX	25	48	70
CBOD ₂₀	2170	XXX	XXX	XXX	XXX	XXX
CBOD ₂₀ % Removal (%)						
Percent Removal	89.25					
Min % Removal		XXX	XXX	XXX	XXX	XXX
Chemical Oxygen Demand						
Effluent Net	8848	17190	XXX	XXX	XXX	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	170	331	425

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids						
Effluent Net	1062	1668	XXX	XXX	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	20.5	32	51
Total Dissolved Solids						
(Interim)	151,221	206,204	XXX	3939	4108	5212
Total Dissolved Solids (Final)	143,362	193,026	XXX	2760	3720	4200
Oil and Grease						
Effluent Net	405	758	XXX	XXX	XXX	XXX
Oil and Grease	XXX	XXX	XXX	8.0	14.6	20.0
Ammonia-Nitrogen						
Effluent Net	480	1049	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	9.3	20.2	23.2
Total Cadmium (Interim)	XXX	XXX	XXX	Report	Report	XXX
Total Cadmium (Final)	XXX	XXX	XXX	0.0009	0.0018	0.0023
Hexavalent Chromium						
Effluent Net	0.6	1.3	XXX	XXX	XXX	XXX
Hexavalent Chromium	XXX	XXX	XXX	0.01	0.02	0.03
Total Chromium						
Effluent Net	7.3	21.0	XXX	XXX	XXX	XXX
Total Chromium	XXX	XXX	XXX	0.14	0.4	0.4
Fluoride						
Effluent Net	363.1	726.2	XXX	XXX	XXX	XXX
Fluoride	XXX	XXX	XXX	7.0	14.0	17.5
Total Lead (Interim)	XXX	XXX	XXX	Report	Report	XXX
Total Lead (Final)	XXX	XXX	XXX	0.009	0.018	0.02
Total Iron	XXX	XXX	XXX	Report	Report	XXX
Total Sulfide						
Effluent Net	7.1	15.7	XXX	XXX	XXX	XXX
Total Sulfide	XXX	XXX	XXX	0.14	0.3	0.35
Total Thallium (Interim)	XXX	XXX	XXX	Report	Report	XXX
Total Thallium (Final)	XXX	XXX	XXX	0.003	0.007	XXX
Total Zinc	XXX	XXX	XXX	Report	Report	XXX
2,4-Dinitrotoluene (Interim)	XXX	XXX	XXX	Report	Report	XXX
2,4-Dinitrotoluene (Final)	XXX	XXX	XXX	0.0007	0.0015	0.0018
3,3-Dichlorobenzidine						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
3,3-Dichlorobenzidine (Final)	XXX	XXX	XXX	0.0003	0.0006	0.00075
Phenol	XXX	XXX	XXX	0.02	0.02	0.02
Acrolein (Interim)	XXX	XXX	XXX	Report	Report	XXX
Acrolein (Final)	XXX	XXX	XXX	0.003	0.007	0.009
Acrylonitrile (Interim)	XXX	XXX	XXX	Report	Report	XXX
Acrylonitrile (Final)	XXX	XXX	XXX	0.0007	0.0015	0.0018
Hexachlorobenzene (Interim)	XXX	XXX	XXX	Report	Report	XXX
Hexachlorobenzene (Final)	XXX	XXX	XXX	0.000004	0.000008	0.00001
Benzidine (Interim)	XXX	XXX	XXX	Report	Report	XXX
Benzidine (Final)	XXX	XXX	XXX	0.00001	0.00002	0.0000025
Total BTEX	XXX	XXX	XXX	0.1	0.2	0.25
Bis(2-Chloroethyl)Ether	XXX	XXX	XXX	Report	Report	XXX
Chrysene	XXX	XXX	XXX	Report	Report	XXX
Dibenzo(a,h)Anthracene						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
Dibenzo(a,h)Anthracene	XXX	XXX	XXX	0.00005	0.00011	0.00014
Indeno(1,2,3-cd)Pyrene						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
Indeno(1,2,3-cd)Pyrene	XXX	XXX	XXX	0.00005	0.00011	0.00014
N-Nitrosodimethylamine						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
N-Nitrosodimethylamine	XXX	XXX	XXX	0.00001	0.00002	0.00003
N-Nitrosodi-N-Propylamine						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
N-Nitrosodi-N-Propylamine	XXX	XXX	XXX	0.00007	0.00015	0.00018

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Phenolics Effluent Net	6.2	17.7	XXX	XXX	XXX	XXX
Total Phenolics	XXX	XXX	XXX	0.12	0.34	0.3
PCBs (Dry Weather) (pg/L)	XXX	XXX	XXX	XXX	Report	XXX
PCBs (Wet Weather) (pg/L)	XXX	XXX	XXX	XXX	Report	XXX
Vinyl Chloride (Interim)	XXX	XXX	XXX	Report	Report	XXX
Vinyl Chloride (Final)	XXX	XXX	XXX	0.0004	0.0008	0.001
Acute toxicity (Ceriodaphnia) (TUa)	XXX	XXX	XXX	XXX	Report	XXX
Chronic toxicity (Ceriodaphnia) (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Acute toxicity (Pimephales) (TUa)	XXX	XXX	XXX	XXX	Report	XXX
Chronic toxicity (Pimephales) (TUc)	XXX	XXX	XXX	XXX	Report	XXX

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

- Remedial Measures if Creates Public Nuisance
- Applicable BAT/BCT
- Thermal Impact Requirement
- Approved Chemical Additives
- Minimize use of Chemical Additives
- Approved EPA Test Methods
- WET Tests Requirements
- Change in Ownership
- Proper Sludge Disposal
- PCBs Requirements
- I-max Definitions
- Operation and Maintenance Plan Requirements
- Laboratory Certification
- PPC Plan Requirements
- Stormwater Runoff Calculations
- Intake Credit Calculations for Various Parameters
- Calculations of Net Credit
- CBOD₂₀ Allocations
- Permit Modification Upon Modeling of Estuary
- Limitation of Contaminated Stormwater Runoff
- Bypass Provision
- No Discharge from S-19 Sump Pump
- TDS Limitations Requirements
- No Oil Sheen/Film in Discharge
- TRO Definition
- Water Intake Structure
- Stormwater requirements
- Chemical additives Requirements

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

The EPA Waiver is not in effect.

PA0056481, Sewage, SIC Code 7011, **Oak Grove Country Inn LLC**, 34 Durham Road, Ottsville, PA 18942. Facility Name: Oak Grove Country Inn STP. This existing facility is located in Bedminster Township, **Bucks County**.

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

The receiving stream(s), Unnamed Tributary to Cabin Run, is located in State Water Plan watershed 2-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0016 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Minimum	Minimum	Average Monthly		
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅						
May 1 - Oct 31	XXX	XXX	XXX	10	XXX	20
Nov 1 - Apr 30	XXX	XXX	XXX	20	XXX	40
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18

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

The EPA Waiver is in effect.

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

PA0028568, Sewage, SIC Code 4952, **Bangor Borough Authority**, 54 Market Street, P. O. Box 51, Bangor, PA 18013. Facility Name: Bangor Borough Authority. This existing facility is located in Washington Township, **Northampton 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), Martins Creek, is located in State Water Plan watershed 1-F and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.6 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.18	XXX	0.42
CBOD ₅	334	534	XXX	25	40	50
Total Suspended Solids	400	600	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	32	XXX	XXX	2.4	XXX	4.8
Nov 1 - Apr 30	96	XXX	XXX	7.2	XXX	14.4
Whole Effluent Chronic Toxicity (TU _c)*	XXX	XXX	XXX	XXX	XXX	1.41 Maximum

* The WET limitation of 1.41 TU_c will become effective four years after the effective date of this permit unless the testing and TIE/TRE identify and eliminate the sources of the toxic response.

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

- Chronic Whole Effluent Toxicity (WET) Limitations.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is not in effect.

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

PA0110744, SIC Code 4941, **Evitts Creek Water Co.**, 1032 Lake Gordon Road, Bedford, PA 15522-5243. Facility Name: Evitts Creek Water. This existing facility is located in Cumberland Valley Township, **Bedford County**.

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

The receiving stream(s), Evitts Creek, is located in State Water Plan watershed 13-A and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.4297 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	<0.1	XXX	0.2
Total Suspended Solids	Report	Report	XXX	30	60	75
Total Aluminum	Report	Report	XXX	4.0	8.0	10
Total Iron	Report	Report	XXX	1.5	3.0	3.7
Total Manganese	Report	Report	XXX	1.0	2.0	2.5

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

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

The EPA Waiver is in effect.

PA0088609, Sewage, SIC Code 4952, **Broad Top Township Bedford County**, 187 Municipal Road, Defiance, PA 16633-0057. Facility Name: Six Mile Run STP. This existing facility is located in Broad Top 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), Raystown Branch Juniata River, is located in State Water Plan watershed 11-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0833 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD ₅	17	27	XXX	25	40	50
		Wkly Avg				
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	20	31	XXX	30	45	60
		Wkly Avg				
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		

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

The EPA Waiver is in effect.

PA0080454, SIC Code 4941, **Carlisle Borough**, 53 W South Street, Carlisle, PA 17013-3458. Facility Name: Carlisle Water Treatment Plant. This existing facility is located in North Middleton Township, **Cumberland 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), Conodoguinet Creek, is located in State Water Plan watershed 7-B and is classified for Warm Water Fishes, Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.288 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Total Aluminum	XXX	XXX	XXX	4.0	8.0	10
Total Iron	XXX	XXX	XXX	2.0	4.0	5.0
Total Manganese	XXX	XXX	XXX	1.0	2.0	2.5

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

Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28.

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

The EPA Waiver is in effect.

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

PA0234079, Sewage, SIC Code 4952, **Tiadaghton Valley Municipal Authority (TVMA)**, 232 Smith Street, Jersey Shore, PA 17740. Facility Name: Tiadaghton Valley Municipal Authority WWTP. This proposed facility is located in Nippenose Township, **Lycoming County**.

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

The receiving stream(s), West Branch Susquehanna River, is located in State Water Plan watershed 10-A and is classified for aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.05 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD ₅	218	350	XXX	25	40	50
Total Suspended Solids	262	394	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2000	XXX	10000
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Iron	XXX	XXX	XXX	Report	XXX	XXX
Total Manganese	XXX	XXX	XXX	Report	XXX	XXX
UV Dosage (mjoules/cm ²)	XXX	XXX	Report	XXX	XXX	XXX

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

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	19178			
Net Total Phosphorus	Report	2557			

* 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. All annual loads must be report by November 28th each year.

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

- Chesapeake Bay Nutrient Requirements
- Solids Management
- Sludge Disposal Requirements
- WET Test Condition
- Termination of Jersey Shore Borough's NPDES permit upon substantial completion of TVMA

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, Clean Water, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; 412-442-4000

PA0110663, Sewage, **Cresson Borough Municipal Authority**, 631 Second Street, Cresson, PA 16630. Facility Name: Cresson Borough STP. This existing facility is located in Cresson Borough, **Cambria 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), Little Conemaugh River, is located in State Water Plan watershed 18-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
CBOD ₅	312.9	469.4	XXX	25	37.5	50
BOD ₅ Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	375.5	563.3	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	23.8	35.7	XXX	1.9	2.9	3.8
Ammonia-Nitrogen						
Nov 1 - Apr 30	31.3	46.9	XXX	2.5	3.8	5.0
Total Copper	0.53	0.94 Daily Max	XXX	0.042	0.075 Daily Max	XXX

Comments: The draft permit proposes a relaxed effluent limitation for the Total Copper parameter. NPDES Permit PA0110663 previously issued on October 22, 2004 contained an average monthly Total Copper effluent limitation of 10 µg/l. The permittee conducted a Water Effect Ratio (WER) and developed a criteria modifier of 10.6 which was approved by the DEP's Central Office. This modifier resulted in a relaxed monthly average water quality based effluent concentration of 96 µg/l. However, the actual average monthly effluent concentration of 42 µg/l was imposed so as not to exceed the existing long-term performance of the STP.

The EPA Waiver is not in effect.

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

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

WQM Permit No. 3281205-A9, Industrial Waste, **EME Homer City Generation, L.P.**, 1750 Power Plant Road, Homer City, PA 15748-8009

This existing facility is located in Center and Blacklick Townships, **Indiana County**.

Description of Proposed Action/Activity: Application for permit amendment.

WQM Permit No. WQG026135, Sewerage, **Amwell Township**, 885 Amity Ridge Road, Amity, PA 15311

This proposed facility is located in Amwell Township, **Washington County**.

Description of Proposed Action/Activity: Application for the construction and operation of a pump station.

WQM Permit No. 5612401, Sewerage, **Indian Lake Borough**, 1301 Causeway Drive, Central City, PA 15926.

This proposed facility is located in Indian Lake Borough, **Somerset County**.

Description of Proposed Action/Activity: Application for the construction and operation of a single residence sewage treatment plant.

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

WQM Permit No. 4312401, Sewerage, **Grove City Borough**, P. O. Box 110, Grove City, PA 16127

This existing facility is located in Grove City Borough, **Mercer County**.

Description of Proposed Action/Activity: Renovation of existing sewage treatment plant.

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 151202— aka—PAS10- G444-RA-1	West Vincent Associates, Ltd 707 Eagleview Boulevard Exton, PA 19341	Chester	West Vincent Township	Birch Run (EV)
PAI01 2312001	Paul Mastropieri 137 Saint Andrews Drive Egg Harbor Township, NJ 08234-7725	Delaware	Radnor Township	Ithan Creek (CWF)
PAI01 511201	XLT, Inc. 3200 South 70th Street Philadelphia, PA 19153	Philadelphia	City of Philadelphia	Delaware River (WWF-MF)

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

Lehigh County Conservation District: Lehigh Ag. Ctr., Suite 102, 4184 Dorney Park Road, Allentown, PA 18104, 610-391-9583.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023903037R(2)	Scott Faust Upper Macungie Twp. 8330 Schantz Rd. Breinigsville, PA 18031	Lehigh	Upper Macungie Township	UNT to Little Lehigh Creek, HQ-CWF, MF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023911022	James Gentile 7562 Penn Dr. Allentown, PA 18106	Lehigh	Weisenberg Township	Iron Run, HQ-CWF, MF

Wayne County Conservation District: 648 Park St., Honesdale, PA 18431, 570-253-0930.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026412002	Koberlein Environmental Services 188 Beach Lk. Hwy. Honesdale, PA 18431	Wayne	Canaan Township, and South Canaan Township	Middle Creek, HQ-CWF, MF
PAI026412003	Aqua Pennsylvania, Inc. 1775 North Main St. Honesdale, PA 18431	Wayne	Honesdale Borough	Lackawaxen River, HQ-TSF, MF; Dyberry Creek, HQ-CWF, MF

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

Beaver County Conservation District, 156 Cowpath Road, Aliquippa, PA 15001, (724-378-1701)

<i>Permit No.</i>	<i>Applicant & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI056512001	Malcolm Sias Regional Trail 194 Donohoe Road Greensburg, PA 15601	Westmoreland	Salem Township	Beaver Run (HQ) & Loyalhanna Creek (WWF)

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<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>
Clair Hurst 788 Kingpen Rd Kirkwood, PA 17536	Lancaster	111	520.02	Swine	HQ	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

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

APPLICATION No. 6412501, Public Water Supply.

Applicant	Aqua PA, Inc. Waymart System
[Township or Borough]	Canaan Township, Wayne County
Responsible Official	Mr. Steve Clark Division Manager 1775 North Main Street Honesdale, PA. 18431
Type of Facility	Public Water Supply
Consulting Engineer	Entech Engineering, Inc. 4 South 4th Street PO Box 32 Reading, PA. 19603
Application Received Date	January 25, 2012

Description of Action	This project provides for changes to the Waymart Well #5 facility. Improvements include a new well house, pitless adaptor unit, chemical feed and chlorine contact piping.
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Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Permit No. 3612501, Public Water Supply.

Applicant	Ames Resse, Inc.
Municipality	East Lampeter Township
County	Lancaster
Responsible Official	Enrique Traval, VP/ General Manager PO Box 413 Bird In Hand, PA 17505-0413
Type of Facility	Public Water Supply
Consulting Engineer	Charles A Kehew II, P.E. James R. Holley & Associates, Inc. 18 South George Street York, PA 17401
Application Received:	1/20/2011
Description of Action	Installation of VOC treatment and 4-log treatment of viruses

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 4388504-MA1, Minor Amendment.

Applicant	St. Paul Homes
Township or Borough	West Salem Township
Responsible Official	G. Bryan Oros
Type of Facility	Public Water Supply
Consulting Engineer	Steven R. Halmi, P.E. Deiss & Halmi Engineering, Inc. 105 Meadville Street Edinboro, PA 16412
Application Received Date	January 24, 2012
Description of Action	Repainting of north elevated water storage tank.

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—026.907)

Sections 302—05 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment

ment 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.

Compression Polymers, Greenwood Avenue & Warner Street, Scranton City, Lackawanna County. James P. Sposito, James P. Sposito Associates, 11 Archbald Street, Carbondale, PA 18407 has submitted a Notice of Intent to Remediate on behalf of his client, CPG International, Inc., 801 Corey Street, Scranton, PA 18505, concerning the remediation of groundwater found to have been impacted by hydraulic fluid as a result of a release from a press which is located inside the manufacturing building. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for groundwater. The intended future use of the property is industrial. A summary of the Notice of Intent to Remediate

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

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Application for General Permit, Determination of Applicability; Under the Solid Waste Management Act (35 P. S. §§ 6018.101—018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash

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

General Permit Application No. WMGR081D032. EGreen Electronic Recycling, 1653 Lititz Pike, Lancaster, PA 17601. This application is for a residual waste general permit for processing, recycling and beneficial use of electronic materials. Processing is limited to dismantling, sorting, and packaging/shipping of electronic waste materials. The application for determination of applicability was deemed to be administratively complete by Central Office on January 30, 2012.

Persons interested in reviewing the application may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

General Permit Application No. WMGR081D012. Hi-Tech Recyclers LLC, 400 N. Lexington Street, Pittsburgh, PA 15208. This application is for a residual waste general permit for processing, recycling and beneficial use of electronic materials. Processing is limited to dismantling, sorting, and packaging/shipping of electronic waste materials. The application for determination of applicability was deemed to be administratively complete by Central Office on January 30, 2012.

Persons interested in reviewing the application may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

AIR QUALITY

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 mate-

rials 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. §§ 7401–671q) and regulations adopted under the Federal Clean Air Act.

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

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

63-00958A: Markwest Liberty Midstream & Resources, LLC (1515 Arapahoe Street, Tower 2 Suite 700, Denver, CO 80202) to expand their Welling Compressor Station, an existing facility, with up to an additional five (5) engines. Based on emission projections the facility will remain a minor source of air pollutants. The facility is in Buffalo Township, **Washington County**.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

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

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

09-0219: Premium Excavating, LLC (P. O. Box 190, Morrisville, PA 19067) for installation of a nonmetallic

crushing plant to process construction washout material (waste concrete) at Falls Township, **Bucks County**. The construction will result in Particulate Matter (PM) to be emitted into the atmosphere at this Natural Minor (not Title-V) facility. This Plan Approval will contain all applicable requirements including monitoring, recordkeeping and reporting designed to keep the facility operating within all applicable air quality requirements.

09-0217: Particle Size Technology, Inc. (1930 Kumry Rd, Quakertown, PA 18951) for construction of a dry powder particle sizing manufacturing operation in Milford Township, **Bucks County**. Particle Size Technology is a minor facility. The manufacturing process consists of sizing, repackaging and analysis of plastics, resins, toners, waxes and polymers for the foods, cosmetic and pharmaceutical industries. The main emissions from this type of operation are particulate matter (PM). Best Available Technology (BAT) is applicable for this authorization. BAT for this project will be capturing and controlling the PM with dust collectors with an emission rate of 0.02 gr/dscf or less to the atmosphere. The Plan Approval will include: work practice standards, and testing, monitoring, and recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

32-00055H: EME Homer City Generation, LP (1750 Power Plant Road, Homer City, PA 15748) to allow the construction and temporary operation of dry flue gas desulfurization (FGD) systems with fabric filters, lime and byproduct material handling and storage systems, and other associated support equipment to control SO₂ emissions from Unit 1 & 2 at the Homer City Generating Station located in Black Lick and Center Townships, **Indiana County**.

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44–127.46 that the Department of Environmental Protection (DEP) intends to issue Air Quality Plan Approval: PA-32-00055H to allow the construction and temporary operation of dry flue gas desulfurization (FGD) systems with fabric filters, lime and byproduct material handling and storage systems, and other associated support equipment to control SO₂ emissions from Unit 1 & 2 at the Homer City Generating Station located in Black Lick and Center Townships, Indiana County.

Alstom's Novel Integrated Desulfurization (NID) systems are to be installed downstream from the existing electrostatic precipitators and upstream from the existing Unit 1 & 2 stacks. NID is expected to employ a hydrated lime and byproduct mixture injection into the flue gas stream for control of SO₂ emissions. Secondary control of PM/PM₁₀/PM_{2.5}, VOC, mercury, lead, sulfuric acid mist, hydrogen chloride, and fluorides is expected. Steam turbine efficiency upgrades are also to be performed on the Unit 1 & 2 steam turbines as a part of this installation. New air contamination sources proposed at the facility include lime unloading and handling systems, multiple lime and byproduct storage silos, and byproduct handling systems. Fugitive emissions are also expected from lime deliveries to the plant by truck (only in the event of rail unavailability), and byproduct disposal along existing plant roads and the existing on-site landfill. Best available technology (BAT) for lime unloading includes unloading to either an underground hopper within a partially

enclosed building controlled by dust collector(s) or unloading by pneumatic conveyor directly to storage silos. BAT for storage silo loading is enclosed transfer to and between storage silos controlled by bin vent filters and minimization of hours of operation. BAT for the byproduct handling systems is the use of bin vent filters and byproduct wetting prior to partially enclosed transfer to dump trucks. Existing vehicle, roadway, and landfill emission reduction practices will remain in effect at the facility. These include speed restrictions, roadway sweeping, and roadway and material wetting where applicable.

This authorization is subject to state regulations including 25 Pa. Code §§ 123.1, 123.2, 123.31, and 123.41. These limitations are applicable facility-wide and already included in the Title V Operating Permit (TVOP). Air dispersion modeling will be required to be performed by the Owner/Operator prior to start-up of the NID systems in order to demonstrate that the facility will not cause an exceedance of with the SO₂ National Ambient Air Quality Standards. SO₂ emissions from Unit 1 & 2 shall be limited to 0.20 lb/MMBtu of heat input on a 30-day rolling average (excluding periods of startup and shutdown) subject to results of the required modeling. Plan approval conditions will also include rolling 12-month SO₂, total PM (filterable & condensable), and filterable PM emission limits. Opacity limits; testing, monitoring, recordkeeping, and reporting requirements; and work practice standards are included for the NID and material handling systems. The permitted heat input to Unit 1 & 2 may not be increased as a result of the steam turbine efficiency upgrades.

Potential emissions from the NID system installation including all lime and byproduct handling are calculated to be 22.7 tons of particulate matter (PM), 9.6 tons of particulate matter less than 10 microns (PM₁₀), and 6.0 tons of particulate matter less than 2.5 microns (PM_{2.5}) per year. These potential fugitive emission increases are expected to be more than offset by actual reductions of PM/PM₁₀/PM_{2.5} from the Unit 1 & 2 stacks. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently submit either a revision to its pending TVOP application or a TVOP administrative amendment application in accordance with 25 Pa. Code Subchapters F and G.

Interested persons may submit written comments, suggestions or objections concerning the proposed Plan Approval to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the following:

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

Identification of the proposed Plan Approval (PA-32-00055H).

Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

The Department will hold a public hearing on March 14, 2012, from 5:00-7:00 PM at Homer-Center High School, 70 Wildcat Lane, Homer City, PA 15748, to take oral testimony regarding this Air Quality Plan Approval application. Notice of this hearing is separately published within this *Pennsylvania Bulletin*. Written comments or should be directed to Alan Binder, Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information you may contact Alan Binder at 412-442-4168.

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

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

61-219A: GOC Property Holdings, LLC (175 Main Street, Oil City, PA 16301), for the construction of a new metal heat treating facility along Route 8, in Rouseville Borough, **Venango County**. New sources at the site will include a natural gas fueled boiler, two (2) natural gas fueled furnaces, a quench system and a cooling tower.

Pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 61-219A to GOC Property Holdings, LLC for the construction of a natural gas fueled boiler, two (2) natural gas fueled furnaces, a quench system and a cooling tower. This facility will be located along Route 8N in Rouseville Borough, Venango County. The Plan Approval will subsequently be incorporated into a facility Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 61-219A is for the installation of a natural gas fueled boiler, two (2) natural gas fueled furnaces, a quench system and a cooling tower. Based on the information provided by the applicant and DEP's own analysis, the combined subject sources will have the potential to emit approximately 11.74 tons per year of nitrogen oxides, 3.25 tons per year of carbon monoxide, 1.04 tons per year of particulate matter, 0.09 tons per year of sulfur oxides and 0.75 tons per year of volatile organic compounds.

The Plan Approval will contain testing, monitoring, recordkeeping, work practice and additional requirements designed to keep the facility operating within all applicable air quality requirements.

OPERATING PERMITS

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

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

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

46-00010: Covanta Plymouth Meeting, LP (1155 Conshohocken Road, Conshohocken, PA, 19428-1028) for a permit renewal to Title V Operating Permit 46-00010 in Plymouth Township, **Montgomery County**. The facilities major sources of air emissions are two (2) municipal waste combustors, which emit major levels of Nitrogen Oxides (NO_x) and carbon monoxide (CO). No changes have taken place at the facility since the previous permit was last amended on March 19, 2009 and no sources are subject to CAM. No Greenhouse Gases (GHG) requirements are applicable at this time. The facility is subject to the revisions found in 40 CFR 60, Subpart Cb and Eb, which have been incorporated into this renewal. The Title V permit renewal will contain monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

46-00081: Markel, Corp. (435 School Lane, Plymouth Meeting, PA 19462) for operation of a facility that manufactures fluoropolymer tubing and coated wire, plastic tubing, coated fiberglass sleeves, and specialty tubing products in Plymouth Township, **Montgomery County**. The following air emission sources are located at this

facility: two boilers, sixteen extruders, one parts washer, one No. 2 fuel oil storage tank, and one Isopar storage tank. The facility is a Title V facility for VOC emissions which is located in Plymouth Township, Montgomery County. This renewal of the Title V Operating Permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The Title V Operating Permit contains all applicable requirements including: testing, monitoring, and recordkeeping and reporting to show continued compliance with the terms and conditions of the permit.

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

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

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

09-00211: Pennridge School District (1303 North 5th Street, Perkasie, PA 18944) for operation of five (5) boilers and three (3) emergency generators in East Rockhill Township, **Bucks County**. The main emissions from this facility are Nitrogen Oxides (NOx) produced by the consumption of fuels. The proposed operating permit is for a non-Title V (State Only), Synthetic Minor facility. It contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00011: ArcelorMittal Plate, LLC (900 Conshohocken Stare Road, Conshohocken, PA 19428) for renewal of the Title V Operating Permit in Plymouth Township, **Montgomery County**. The initial permit was issued on 7-5-2001 and was subsequently renewed on 6/8/2007. The facility use quenching and tempering heat treatment processes to increase the strength and hardness of steel plate, which is used as the protective skins on military vehicles and other many non-military application. As a result of potential emissions of NOx, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Permit renewal does not reflect any change in air emissions from the facility. The facility is subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64.

The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863

06-03128: Royal Green LLC (PO Box 9, Temple, PA 19560) for their ferrous metal shredding operation in Ontelaunee Township, **Berks County**.

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

The subject facility has actual emissions of three tons per year of particulate matter. The Operating Permit will include emission limits and work practice standards along

with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit by the permit number listed above.
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

22-03025: John R. Shultz Funeral Home (406 Market Street, Lykens, PA 17048) for operation of a human crematorium in Lykens Borough, **Dauphin County**. This is a renewal of their State-Only Operating Permit issued in 2006.

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

The subject facility has the potential to emit 0.84 tpy of CO, 1.45 tpy NOx, 0.08 tpy PM10, & 0.11 tpy VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit by the permit number listed above.
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

06-03107: Morgan Corporation Grace Mine Plant (P. O. Box 588, Morgantown, PA 19543) for the flatbed truck bodies, frames and parts plant in New Morgan Borough, **Berks County**.

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

The subject facility has actual emissions of 1.5 tpy of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit by the permit number listed above.
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

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

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

26-00473: Bullskin Tipple Company / Bullskin Yard (114 Narrows Road, Connellsville, PA 15425) for operation of a bituminous coal preparation plant in Connellsville Township, **Fayette County**.

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

The subject facility consists of a 120 ton per hour enclosed crusher, truck and train unloading and loading, conveyors, stockpiling and haulroads. The facility has the potential to emit 61.1 tpy PM and 28.6 tpy PM10. The facility is required to conduct a daily survey of the facility during daylight hours while the facility is operating to ensure compliance with the fugitive emission and malodor restrictions. Records of the daily survey performed must

be recorded. The Owner/Operator shall maintain a daily log of tons of coal delivered to the facility, inventory on hand, and coal shipped from the facility. The facility is also required to water all in-plant roads once per day, dependent on the weather, maintain a set vehicle pattern, post speed limit sign of 15 mph as well as promptly remove earth or other material from paved roads onto with earth or other material has been transported by trucking or earth moving equipment, or other means. The proposed authorization is subject to State and Federal Regulations. The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Sheila Shaffer, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Written comments must contain the following:

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

Identification of the proposed Operating Permit (26-00473).

Concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

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

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131

37-00268: Commercial Asphalt Supply, Inc.—Slippery Rock Plant (161 Plain Grove Road, Slippery Rock, PA 16057) for renewal of the Synthetic Minor Permit to operate asphalt paving mixtures and blocks manufacturing facility in Scott Township, **Lawrence County**. The facility's emitting sources included, 1) H & B Counter-flow Drum Asphalt plant, 2) Knock out box (control device) and, 3) FAB Spec., Baghouse (control device) and 4) Caterpillar emergency generator diesel engine 605 HP. The facility has a throughput restriction, 750,000 tons of hot mix asphalt products based on 12-month rolling total to stay below the emission threshold of Title V (less than 100 TPY of Carbon Monoxide). Thus, the facility becomes Synthetic Minor. The emergency generator is subject to 40 CFR Part 63, Subpart ZZZZ.

42-00177: Bradford Forest, Inc. (444 High St., Bradford, PA 16701), to renew a State Only Operating Permit for the facility located in the City of Bradford, **McKean County**. The facility is a Natural Minor. The primary sources at the facility are 3 Wood Boilers, saw mill operations, and parts washers. The permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

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

S11-001: Philadelphia Ship Repair, LLC. (5195 South 19th Street, Philadelphia, PA 19112) to operate their ship repair facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes two

boilers, four Painting and three blasting operations, four internal combustion engines, and emission control devices.

The operating permit will be issued under 25 Pa. Code, 2 Philadelphia Code 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.

OPERATING PERMITS

PUBLIC HEARINGS

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

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

32-00055H. EME Homer City Generation, LP, Homer City Generating Station FGD Installation, Black Lick and Center Townships, **Indiana County**

Under 25 Pa. Code § 127.48 notice is hereby given that the Pennsylvania Department of Environmental Protection (DEP) will hold a public hearing from 5:00-7:00 PM on Wednesday, March 14, 2012 at the Homer-Center High School, 70 Wildcat Lane, Homer City, PA 15748.

The hearing is to take testimony concerning the Department's intent to issue a Plan Approval to EME Homer City Generation, LP for the installation of Alstom Novel Integrated Desulfurization systems with fabric filters on Unit 1 & 2 at the Homer City Generating Station in Black Lick and Center Townships, Indiana County. Air emission sources to be added to the facility include lime and byproduct material handling systems. NID systems are being installed primarily to reduce SO₂ emissions from Unit 1 & 2. Secondary control of PM/PM₁₀/PM_{2.5}, VOC, mercury, lead, sulfuric acid mist, hydrogen chloride, and fluorides is expected. The Department published a separate notice of intent to issue this plan approval in the *Pennsylvania Bulletin* to allow for public comments regarding the proposed plan approval.

Those wishing to present testimony during the hearing should contact Community Relations Coordinator, John Poister, at (412) 442-4203 before March 14, 2012, to register.

Persons unable to attend the public hearing can submit three copies of a written statement to the department within 10 days thereafter. The statement should be sent to: Alan Binder, Air Quality Program, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act of 1990 should contact John Poister or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how DEP may accommodate your needs.

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

58-399-037: Williams Field Services Company LLC (1605 Coraopolis Heights Road, Moon Twp., PA 15108) to issue a Plan Approval for their facility in Lenox Township, **Susquehanna 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 Williams Field Services Company LLC (1605 Coraopolis Heights Road, Moon Twp., PA 15108) for their facility located in Lenox Twp., Susquehanna County. This Plan Approval No. 58-399-037 will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 58-399-037 is for the construction of a natural gas compressor station at the Zink Compressor Station. The VOC emissions from the facility will not equal or exceed 50 TPY, based on a 12-month rolling sum. The NO_x emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. Total PM, SO_x, and CO emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum. The Plan approval and Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

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

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

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

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

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

Identification of the proposed permit No.: 58-399-037.

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

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

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

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

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

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

Coal Applications Received

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

30841307. Emerald Coal Resources, LP (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Emerald Mine No. 1 in Franklin Township, **Greene County** to add subsidence control plan area acres for development mining. Subsidence Control Plan Acres Proposed 20.88. The application was considered administratively complete on January 24, 2012. Application received: November 18, 2011.

32901603 and NPDES No. PA 0214507. Tipple Four J, Inc., (P. O. Box 438, Seward, PA 15954), to renew the permit for the Tipple Four J in Armstrong Township, **Indiana County** and related NPDES permit. No additional discharges. The application was considered administratively complete on January 24, 2012. Application received: September 14, 2011.

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

56120102 and NPDES No. PA0263419. Rosebud Mining Company, 1117 Shaw Mines Road, Meyersdale, PA 15552, commencement, operation and restoration of a bituminous surface and auger mine in Jenner Township, **Somerset County**, affecting 114.7 acres. Receiving stream(s): unnamed tributaries to Pickings Run; UTS to/and Coal Run classified for the following use(s): high quality cold water fishery; cold water fishery. The first downstream potable water supply intake from the point of discharge is Lincoln Municipal Authority—intake on North Branch of Quemahoning Creek. Application received: January 12, 2012.

56080104 and NPDES No. PA0262625. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, revision of an existing bituminous surface and auger mine to add an additional NPDES point in Paint and Adams Townships, **Somerset and Cambria Counties**, affecting 252.9 acres. Receiving stream(s): unnamed tributaries to Paint Creek, Paint Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 19, 2012.

56763114 and NPDES No. PA0608238. Svonavec, Inc., 150 West Union Street, Suite 201, Somerset, PA 15501, revision of an existing bituminous surface mine/sand quarry for Erosion and Sedimentation Controls in Milford Township, **Somerset County**, affecting 96.8 acres. Receiving stream(s): unnamed tributary to/and South Glade Creek classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 21, 2011.

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

61100101 and NPDES Permit No. PA0258814. K & A Mining (P. O. Box 288, Grove City, PA 16127). Revision to an existing bituminous surface mine to add blasting in Irwin Township, **Venango County** affecting 68.6 acres. Receiving streams: Unnamed tributary to Williams Run; unnamed tributary to Scrubgrass Creek; and an unnamed tributary to East Branch Wolf Creek, all classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: January 20, 2012.

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

40120101. Northampton Fuel Supply Co., Inc., (1 Horwith Drive, PA 18067), commencement, operation and restoration of an anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Foster & Hazle Townships and Jeddo Borough, **Luzerne County** affecting 1013.0 acres, receiving stream: Big Black Creek, classified for the following uses: cold water fishes and migratory fishes. Application received: January 19, 2012.

40-305-009GP12. Northampton Fuel Supply Co., Inc., (1 Horwith Drive, PA 18067), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 40120101 in Foster & Hazle Townships and Jeddo Borough, **Luzerne County**. Application received: January 19, 2012.

Noncoal Applications Received

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

7075SM1 and NPDES Permit No. PA0612120. Pennsy Supply, Inc., 1001 Paxton Street, Harrisburg, PA 17105, renewal of NPDES Permit, Spring Township, **Perry County**. Receiving stream(s): Shermans Creek classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received: January 18, 2012.

50820303 and NPDES Permit No. PA0613169, Pennsy Supply, Inc., 1001 Paxton Street, Harrisburg, PA 17105, renewal of NPDES Permit, Oliver Township, **Perry County**. Receiving stream(s): Little Buffalo Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received: January 18, 2012.

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

65122801. HET Construction Co., Inc. (P. O. Box 280, Irwin, PA 15642). Application for commencement,

operation and reclamation of small noncoal surface mine, located in Penn Township, **Westmoreland County**, affecting 15.2 acres. Receiving streams: unnamed tributary to Byers Run and Lyons Run, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: January 18, 2012.

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

58072806. Tammy Lynn Norton, (430 Norton Road, New Milford, PA 18834), Stage I & II bond release of a quarry operation in Harford Township, **Susquehanna County** affecting 5.0 acres on property owned by Mario and Luciano Fasullo. Application received: January 17, 2012.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

Effluent Limits for Coal Mining Activities

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

*The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in

surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Effluent Limits for Noncoal Mining Activities

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapter 77 are as follows:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding

the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal NPDES Draft Permits

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

NPDES No. PA0262625 (Mining permit no. 56080104), Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, revision of an NPDES permit for a bituminous surface mine in Adams and Paint Townships, **Cambria and Somerset Counties**, affecting 252.9 acres. Receiving stream(s): unnamed tributary to and Paint Creek, classified for the following use(s): cold water fishery. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: January 19, 2012.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The treated wastewater outfall(s) listed below discharge to Paint Creek.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
004	N
005	N
006	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The stormwater outfall(s) listed below discharge to Paint Creek.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N
003	N
007	Y

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

NPDES No. PA0259209 (Permit No. 61110103). K & A Mining (P. O. Box 288, Grove City, PA 16127) New NPDES permit for a bituminous surface mine in Irwin Township, **Venango County**, affecting 53.1 acres. Receiving streams: Unnamed tributary to Scrubgrass Creek to the Allegheny River, classified for the following uses: CWF. TMDL: None. Application received: November 23, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to an unnamed tributary to Scrubgrass Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TP1	Y
TP2	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Aluminum (mg/l)		2	4	5
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (milliosmoles/kg)				50

¹ The parameter is applicable at all times.

The outfall(s) listed below discharge to an unnamed tributary to Scrubgrass Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SP2	Y
SP2	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity ¹				
Total Settleable Solids (ml/l)				0.5

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

NPDES No. 0257834 (Mining permit no. 17110110), Larry D. Baumgardner Coal Co., Inc., PO Box 186, Lanse, PA 16849, new NPDES permit for bituminous coal surface mining in Woodward Township, **Clearfield County**, affecting 32.9 acres. Receiving streams: Unnamed Tributary to Laurel Run (to Moshannon Creek) classified for the following use: Cold Water Fishery (Laurel Run Watershed—Clearfield County TMDL). Application received: September 6, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall listed below discharges to: Unnamed Tributary to Laurel Run.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TF1	Y
TF2	Y

The proposed effluent limits for the above listed outfall are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Alkalinity greater than acidity ¹				

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)				50

¹ The parameter is applicable at all times.

Noncoal NPDES Draft Permits

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

NPDES No. PA0612120 (Mining permit no. 7075SM1), Pennsy Supply, Inc., 101 Paxton Street, Harrisburg, PA 17105, renewal of an NPDES permit for noncoal surface mine in Spring Township, **Perry County**, affecting 20.8 acres. Receiving stream(s): Sherman Creek, classified for the following use(s): warm water fishery. Application received: January 18, 2012.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to: Sherman Creek.

Outfall Nos.	New Outfall (Y/N)
001	N
002	N

NPDES No. PA0613169 (Mining permit no. 50820303), Pennsy Supply, Inc., 101 Paxton Street, Harrisburg, PA 17105, renewal of an NPDES permit for noncoal surface mine in Oliver Township, **Perry County**, affecting 71.1 acres. Receiving stream(s): Little Buffalo Creek, classified for the following use(s): cold water fishery. Application received: January 18, 2012.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to: Little Buffalo Creek.

Outfall Nos.	New Outfall (Y/N)
001	N
002	N

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

NPDES No. PA0208485 (Permit No. 37910305). Three Rivers Aggregates, LLC (225 North Shore Drive, Pittsburgh, PA 15212) Renewal of an NPDES permit for a large industrial minerals surface mine in Plain Grove Township, **Lawrence County**, affecting 28.0 acres. Receiving streams: Unnamed tributary to Taylor Run, classified for the following uses: CWF. TMDL: None. Application received: December 14, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to Taylor Run:

Outfall No.	New Outfall (Y/N)
002	N
003	N

The proposed effluent limits for the above listed outfall(s) are as follows:

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity ¹				
Total Settleable Solids (ml/l)				0.5

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

NPDES No. 0257389 (Mining permit no. 08100302), Johnson Quarries, Inc., PO Box 136 Orange Street, Le Raysville, PA 18829 new issuance of an NPDES permit for a Large Noncoal (Industrial Minerals) Surface Mining Permit in Stevens Township, **Bradford County**, affecting 127.9 acres. Receiving stream(s): Rockwell Creek and Wyalusing Creek classified for the following use(s): WWF. Application received: June 29, 2010.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

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.

E52-233. Semyon Burshteyn, 1845 52nd Street, Apt. 27, Brooklyn, NY 11204, in Delaware Township, **Pike County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 12-foot wide by 24-foot long floating dock in Sandspring Lake and to construct and maintain a footpath across approximately 125 feet of PFO wetlands (EV) along the lake within the Little Bushkill Creek Watershed (HQ-CWF, MF) for the purpose of accessing the dock. The footpath will impact a de minimus area of wetlands equal to 0.02 acre. The project is located along Spring Road approximately 200 feet north of its intersection with Lilac Court on Lot 1, Block W-2206, Section 22 of the Wild Acres Subdivision (Lake Maskenozha, PA Quadrangle, Latitude: 41°12'36.9"; Longitude: -74°58'01.7").

E39-514. Catasauqua Borough, 118 Bridge Street, Catasauqua, PA 18032-2598, in Catasauqua Borough, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a pump station, effluent chamber modifications and an approximately 335-foot long, 8-foot high concrete floodwall in the floodway and floodway fringe of the Lehigh River (TSF, MF). The activities are associated with the Catasauqua Sewage Treatment Plant Upgrade Project. The project is located at 18 West Race Street (Catasauqua, PA Quadrangle, Latitude: 40°38'53"; Longitude: -75°28'22").

E48-415. Borough of Freemansburg, 600 Monroe Street, Freemansburg, PA 18017, in Borough of Freemansburg, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain an approximately 0.63 mile long section of an 8-foot wide at-grade stone recreational biking/hiking trail in the floodway of the Lehigh River. The project is located on an existing towpath between the Lehigh Canal and Lehigh River beginning at the Freemansburg Borough/City of Bethlehem line (Hellerstown, PA Quadrangle Latitude: 40°37'16.6"; Longitude: -75°20'50.5") and extending approximately 1.43 miles upstream to the confluence of the Lehigh River and Nancy Run (Nazareth, PA Quadrangle, Latitude: 40°37'55.1"; Longitude: -75°20'3.1").

EA54-021 NE: Schuylkill Headwaters Association, Inc., P. O. Box 1385, Pottsville, PA. 17901. Schuylkill Township, **Schuylkill County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain an abandoned mine discharge (AMD) passive wetland treatment system proposed in and along a tributary to the Schuylkill River and adjacent wetlands. The purpose of the project is to treat and reduce AMD loadings discharging from the Mary D mine outfall to restore water quality to the Schuylkill River Watershed. The project is located at the intersection of township roads T-512 Valley Road and T-505 Sanderson Street. (Delano, PA Quadrangle, Latitude: 40° 45' 16.3", Longitude: -76° 3' 24.4").

Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4802.

E38-177: Pennsylvania Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, in Bethel Township, **Lebanon County**, ACOE Baltimore District

To construct and maintain a 14.0-foot wide, single span bridge having a normal span of 73.0 feet and an underclearance of 8.0 feet across Bear Hole Run (CWF, MF) for the purpose of providing access to State Game Lands. The project is located along Swope Valley Road approximately 1.0 mile south of the intersection of Route 443 (Pine Grove, PA Quadrangle; Latitude: 40°30'53.8", Longitude: -76°28'12.6") in Bethel Township, Lebanon County.

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

E08-475. Williams Oil & Propane, Inc., 44 Reuter, Towanda, PA, 18848. Water Obstruction and Encroachment Joint Application, Dandy Market, in Monroe Borough, **Bradford County**, ACOE Baltimore District (Monroeton, PA Quadrangle N: 41° 43' 7"; W: 76° 28' 20").

To place fill within 0.47 acres of jurisdictional wetlands associated with Towanda Creek (Warm Water Fishery). The project is centered southeast of the intersection or SR 0414 and SR 0220 in the Village of Monroe in Bradford County.

E41-620. Black Bear Waters, LLC, 71 Yoder Road, Cogan Station, PA 17728-7815. Small Projects Water Obstruction and Encroachment Joint Permit, in Lewis Township, **Lycoming County**, ACOE Susquehanna River Basin District (Cogan Station, PA Quadrangle N: 41° 21' 23"; W: -77° 4' 48").

To construct and maintain a submerged intake within Lycoming Creek. The proposed project is located off Upper Powy's Road in Lewis Township, Lycoming County. There are no proposed wetland impacts.

E41-621. Transcontinental Gas Pipe Line, LLC, 2800 Post Oak Blvd, Suite 900, Houston, TX 77056-6147. Water Obstruction and Encroachment Joint Application, Muncy Loop, in Wolf and Penn Townships, **Lycoming County**, ACOE Baltimore District (Picture Rocks, PA Quadrangle N: 41° 16' 7.8"; W: 76° 41' 24").

To construct, operate and maintain 2.22 miles of 42 inch diameter natural gas pipeline within the West Branch of the Susquehanna River watershed (Warm Water Fishery). Construction of the pipeline loop will require eight (8) water body crossings. The project is centered approximately 1 mile south of the Village of Picture Rocks in Lycoming County.

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

E16-141, PA Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797. Pendleton Run Bridge Construction Project, in Mill Creek Township, **Clarion County**, ACOE Pittsburgh District (Corsica, PA Quadrangle N: 41°, 14', 14.46"; W: 79°, 13', 48.95").

To construct and maintain a 43' single span 14' wide steel & timber bridge access to State Games Lands #074 and consisting of 6 steel I-beams (W21x68) and a timber deck (2x6 pressure treated) set upon concrete abutments (2'W x 4'H x 14'L both).

E16-142, PA Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797. Woods Run Bridge Construction Project, in Mill Creek Township, **Clarion County**, ACOE Pittsburgh District (Strattanville, PA Quadrangle N: 41°, 13', 15.0"; W: 79°, 15', 15.78").

To construct and maintain a 28' single span 14' wide steel & timber bridge access to State Games Lands #074 and consisting of 6 steel I-beams (W12x53) and a timber deck (2x6 pressure treated) set upon concrete abutments (2'W x 4'H x 14'L both).

E42-355, Bradford Area Water Authority. Bradford Dam No. 2 Rehabilitation and Access Road, in Bradford and Foster Townships, **McKean County**, ACOE Pittsburgh District (Bradford, PA Quadrangle N: 41°, 57', 40.8"; W: 78°, 43', 21.1").

To construct and maintain an approximately 4.14 mile long by 20 foot wide access road and other activities associated with the rehabilitation of Bradford City Water

Authority's Bradford Dam No. 2 north of S.R. 346 approximately 6 miles west of the City of Bradford. Project impacts include a culvert crossing and grading impacting a total of approximately 71 feet including permanent impact to 36 feet of a tributary to Marilla Brook and impacts to a total of 5063 feet of 41 tributaries to Gilbert Run including a total of 935 feet of permanent impact to 30 tributaries to Gilbert Run. All permanently impacted tributaries are streams having a contributory drainage area of less than 100 acres. The project will also include 0.01 acre temporary impact to other wetland (PEM) at the base of the existing dam associated with the rehabilitation of the dam and a total of 0.89 acre of permanent impact to 14 wetland areas (0.88 acre PEM and 0.006 acre PFO), 12 of which are considered Exceptional Value (EV), along the access road. Project proposes creation of approximately 2 acres of on-site replacement wetlands.

E61-294, PA DOT District 1-0, 255 Elm Str., Oil City, PA 16301. SR 0062 Section A03 Sage Run Bridge Replacement, in Cranberry Township, **Venango County**, ACOE Pittsburgh District (Oil City, PA Quadrangle N: 41°, 25', 12.4"; W: -79°, 42', 12").

To remove the existing 18 ft single span 98 ft long slab bridge and to construct and maintain a 28 ft single span 105 ft long precast slab bridge over Sage Run (CWF) along Riverside Drive, Cranberry Township, SR 0062 Segment 0520 Offset 0066 just North of its intersection with SR 0257 Salina Road. Project also includes removal of a 32 ft long concrete wall along Sage Run upstream of the bridge, 205 ft realignment of Sage Run and reconstruction and realignment of the SR 0257 and SR 0062 intersection.

Northwest Region: Oil and Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335 814-332-6860

E24-08-004, EOG Resources, Inc., 2039 South Sixth Street, Indiana, PA 15701. Seneca-Tenn Pipeline, Phase 2 (Elk), in Jones Township, **Elk County**, Army Corps of Engineers Pittsburgh District (Hazel Hurst, Crosby, Wildwood Fire Tower, PA Quadrangle N: 41° 38' 01"; W: -78° 29' 10").

The applicant proposes to construct and maintain approximately 6.4 miles of natural gas pipeline located in Sergeant Township, McKean County and Jones Township, Elk County. The proposed pipeline will connect the existing southern portion of a Marcellus Shale well field to an existing Compressor Station located approximately 6000 feet southwest of Clermont, PA. The water obstructions and encroachments in the Elk County portion of the project are described below:

To construct and maintain:

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
1	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine emergent, palustrine forested (PEM/PFO) EV wetland having 5667 square feet of temporary wetland impact.	41° 37' 52.53" -78° 29' 6.87"
2	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine emergent (PEM) EV wetland having 54621 square feet of temporary wetland impact.	41° 37' 40.29" -78° 29' 2.38"
3	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross Straight Creek (HQ-CWF) having 147 linear feet of temporary stream impact.	41° 35' 58.51" -78° 28' 40.40"

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
4	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross an UNT Straight Creek (HQ-CWF) having 110 linear feet of temporary stream impact.	41° 35' 55.77" -78° 28' 6.39.33"
5	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine forested (PFO) EV wetland having 9487 square feet of temporary wetland impact.	41° 35' 22.59" -78° 28' 30.09"

The project will result in a total of 257 linear feet of temporary stream impacts and 1.60 acres of temporary EV wetland impacts from utility line and road crossings.

E42-08-005, EOG Resources, Inc., 2039 South Sixth Street, Indiana, PA 15701. Seneca-Tenn Pipeline, Phase 2 (McKean), in Sergeant Township, **McKean County**, Army Corps of Engineers Pittsburgh District (Hazel Hurst, Crosby, Wildwood Fire Tower, PA Quadrangle N: 41° 38' 01"; W: -78° 29' 10").

The applicant proposes to construct and maintain approximately 6.4 miles of natural gas pipeline located in Sergeant Township, McKean County and Jones Township, Elk County. The proposed pipeline will connect the existing southern portion of a Marcellus Shale well field to an existing Compressor Station located approximately 6000 feet southwest of Clermont, PA. The water obstructions and encroachments in the McKean County portion of the project are described below:

To construct and maintain:

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
1	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine emergent, palustrine forested (PEM/PFO) EV wetland having 25611 square feet of temporary wetland impact.	41° 40' 16.98" -78° 29' 59.00"
2	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross Gum Boot Run (HQ-CWF) having 244 linear feet of temporary stream impact.	41° 40' 3.26" -78° 29' 54.63"
3	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine emergent (PEM) EV wetland having 6109 square feet of temporary wetland impact.	41° 40' 2.74" -78° 29' 54.52"
4	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross an UNT to Gum Boot Run (HQ-CWF) having 106 linear feet of temporary stream impact.	41° 35' 55.77" -78° 28' 6.39.33"
5	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine emergent (PEM) EV wetland having 10348 square feet of temporary wetland impact.	41° 39' 26.90" -78° 29' 41.55"
6	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross Buck Run (HQ-CWF) having 111 linear feet of temporary stream impact.	41° 39' 25.92" -78° 29' 41.70"
7	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross an UNT to Buck Run (HQ-CWF) having 75 linear feet of temporary stream impact.	41° 39' 23.62" -78° 29' 40.18"
8	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine forested (PFO) EV wetland having 1657 square feet of temporary wetland impact.	41° 39' 20.96" -78° 29' 39.34"
9	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross Doe Run (HQ-CWF) having 119 linear feet of temporary stream impact.	41° 38' 55.04" -78° 29' 29.92"
10	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine emergent, palustrine forested (PEM/PFO) EV wetland having 10617 square feet of temporary wetland impact.	41° 38' 52.93" -78° 29' 29.21"
11	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine emergent (PEM) EV wetland having 5004 square feet of temporary wetland impact.	41° 38' 45.88" -78° 29' 26.58"
12	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross an UNT to Doe Run (HQ-CWF) having 116 linear feet of temporary stream impact.	41° 38' 45.45" -78° 29' 26.65"

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
13	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine emergent, palustrine shrub-scrub (PEM/PSS) EV wetland having 11601 square feet of temporary wetland impact.	41° 38' 37.49" -78° 29' 23.70"
14	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross an UNT to County Line Run (HQ-CWF) having 140 linear feet of temporary stream impact.	41° 38' 21.95" -78° 29' 17.62"
15	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine forested (PFO) EV wetland having 7654 square feet of temporary wetland impact.	41° 38' 19.89" -78° 29' 16.99"
16	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine emergent (PEM) EV wetland having 5324 square feet of temporary wetland impact.	41° 38' 17.52" -78° 29' 16.06"
17	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine emergent (PEM) EV wetland having 11675 square feet of temporary wetland impact.	41° 38' 15.92" -78° 29' 15.52"
18	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross County Line Run (HQ-CWF) having 109 linear feet of temporary stream impact.	41° 38' 14.49" -78° 29' 14.99"
19	A 20" diameter steel natural gas pipeline to be bored under a palustrine emergent, palustrine shrub-scrub (PEM/PSS) EV wetland	41° 37' 25.84" -78° 28' 57.91"
20	A 20" diameter steel natural gas pipeline to be bored under Wellendorf Branch (HQ-CWF)	41° 37' 24.44" -78° 28' 57.57"
21	A 20" diameter steel natural gas pipeline to be bored under a palustrine emergent, (PEM) EV wetland	41° 37' 18.48" -78° 28' 55.99"
22	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine emergent (PEM) EV wetland having 17514 square feet of temporary wetland impact.	41° 37' 5.54" -78° 28' 52.64"
23	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine emergent (PEM) EV wetland having 3136 square feet of temporary wetland impact.	41° 37' 1.26" -78° 28' 51.44"
24	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine emergent (PEM) EV wetland having 4114 square feet of temporary wetland impact.	41° 36' 53.19" -78° 28' 49.48"
25	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross North Fork Straight Creek (HQ-CWF) having 116 linear feet of temporary stream impact.	41° 36' 52.97" -78° 28' 49.37"
26	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine forested (PFO) EV wetland having 7746 square feet of temporary wetland impact.	41° 36' 51.52" -78° 28' 48.95"
27	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine emergent, palustrine shrub-scrub (PEM/PSS) EV wetland having 13232 square feet of temporary wetland impact.	41° 36' 34.80" -78° 28' 44.34"
28	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine forested (PFO) EV wetland having 23020 square feet of temporary wetland impact.	41° 36' 24.26" -78° 28' 41.90"
29	A 20" diameter steel natural gas pipeline with associated right-of-way and a temporary road crossing to cross a palustrine emergent (PEM) EV wetland having 48837 square feet of temporary wetland impact.	41° 36' 16.48" -78° 28' 41.33"

The project will result in a total of 1136 linear feet of temporary stream impacts and 4.77 acres of temporary EV wetland impacts from utility line and road crossings.

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

E5729-023: Appalachia Midstream, LLC, 100 IST Center, Horseheads, NY 14845, Fox Township, Sullivan County, ACOE Baltimore District.

To construct, operate and maintain:

1. a 16 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 786 square feet (Grover, PA Quadrangle, Latitude: 41°34'58", Longitude: -76°47'02"),

2. a 16 inch natural gas line and a timber mat bridge across a Palustrine Forested Wetland. Impacted Area: 1255 square feet (Grover, PA Quadrangle, Latitude: 41°34'57", Longitude: -76°46'58"),

3. a 16 inch diameter natural gas line and a timber mat bridge impacting 140 linear feet of an unnamed

tributary to Schrader Creek (EV, MF) and adjacent Palustrine Forested Wetland (EV) impacting 2,032 square feet (Grover, PA Latitude: 41°34'58", Longitude: -76°46'57"),

4. a 16 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 1,003 square feet (Grover, PA Quadrangle, Latitude: 41°34'58", Longitude: -76°46'48"),

5. a 16 inch natural gas line and a timber mat bridge across a Palustrine Scrub-Shrub Wetland. Impacted Area: 1,222 square feet (Grover, PA Quadrangle, Latitude: 41°34'58", Longitude: -76°46'42"),

6. a 16 inch diameter natural gas line impacting 28 linear feet of Schrader Creek (EV, MF) (Grover, PA Latitude: 41°35'00", Longitude: -76°46'12"),

The project will result in 168 linear feet or 1,951 square feet of temporary stream impacts, 5,043 square feet (0.12 acre) of PEM/PSS temporary wetland impacts and 1,255 square feet (0.03 acre) of PFO permanent wetland impacts all for the purpose of installing a natural gas line with associated access roadways.

E0829-034: Appalachia Midstream, LLC, 100 IST Center, Horseheads, NY 14845, Canton and Leroy Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 16 inch diameter natural gas line and a timber mat bridge impacting 80 linear feet of an unnamed tributary to Towanda Creek (CWF, MF) (Canton, PA Latitude: 41°38'29", Longitude: -76°46'12"),

2. a 16 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 6,448 square feet (Colley, PA Quadrangle, Latitude: 41°38'28", Longitude: -76°46'16"),

3. a 16 inch diameter natural gas line and a timber mat bridge impacting 80 linear feet of an unnamed tributary to Towanda Creek (CWF, MF) (Canton, PA Latitude: 41°38'30", Longitude: -76°46'16"),

4. a 16 inch diameter natural gas line and a timber mat bridge impacting 80 linear feet of an unnamed tributary to Towanda Creek (CWF, MF) (Canton, PA Latitude: 41°38'33", Longitude: -76°46'32"),

5. a 16 inch diameter natural gas line and a timber mat bridge impacting 150 linear feet of an unnamed tributary to Towanda Creek (CWF, MF) (Canton, PA Latitude: 41°38'29", Longitude: -76°46'56"),

6. a 16 inch diameter natural gas line and a timber mat bridge impacting 150 linear feet of an unnamed tributary to Towanda Creek (CWF, MF) and adjacent Palustrine Emergent Wetland impacting 5,693 square feet (Canton, PA Latitude: 41°38'27", Longitude: -76°46'59"),

7. a 16 inch diameter natural gas line and a timber mat bridge impacting 38 linear feet of an unnamed tributary to Towanda Creek (CWF, MF) (Canton, PA Latitude: 41°38'11", Longitude: -76°47'32"),

8. a 16 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 4,835 square feet (Canton, PA Quadrangle, Latitude: 41°38'10", Longitude: -76°47'34"),

9. a 16 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 3,865 square feet (Canton, PA Quadrangle, Latitude: 41°38'01", Longitude: -76°47'51"),

10. a 16 inch diameter natural gas line and a timber mat bridge impacting 80 linear feet of Williams Hollow Creek (CWF, MF) (Canton, PA Latitude: 41°37'58", Longitude: -76°47'57"),

11. a 16 inch diameter natural gas line impacting 12 linear feet of Lye Run (EV MF) and adjacent Palustrine Forested Wetland (EV) impacting 306 square feet (Grover, PA Latitude: 41°36'28", Longitude: -76°47'12"),

12. a 16 inch diameter natural gas line impacting 61 linear feet of Lye Run (EV MF) (Grover, PA Latitude: 41°36'28", Longitude: -76°47'12"),

13. a 16 inch natural gas line across a Palustrine Emergent Wetland. Impacted Area: 10 square feet (Grover, PA Quadrangle, Latitude: 41°36'20", Longitude: -76°46'55"),

14. a 16 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 564 square feet (Grover, PA Quadrangle, Latitude: 41°36'18", Longitude: -76°46'52"),

15. a 16 inch diameter natural gas line impacting 17 linear feet of Lye Run (EV MF) and adjacent Palustrine Scrub-Shrub Wetland (EV) impacting 487 square feet (Grover, PA Latitude: 41°35'50", Longitude: -76°46'32"),

16. a 16 inch natural gas line and a timber mat bridge across a Palustrine Emergent and Palustrine Scrub-Shrub Wetland (EV). Impacted Area: 7,224 square feet (Grover, PA Quadrangle, Latitude: 41°35'45", Longitude: -76°46'40"),

17. a 16 inch diameter natural gas line impacting 34 linear feet of unnamed tributary to Schrader Creek (EV MF) and adjacent Palustrine Emergent Wetland (EV) impacting 2,933 square feet (Grover, PA Latitude: 41°35'41", Longitude: -76°46'48"),

18. a 16 inch diameter natural gas line and a timber mat bridge impacting 47 linear feet of unnamed tributary to Schrader Creek (EV, MF) (Grover, PA Latitude: 41°35'38", Longitude: -76°46'52"),

19. a 16 inch diameter natural gas line and a timber mat bridge impacting 80 linear feet of unnamed tributary to Schrader Creek (EV, MF) (Grover, PA Latitude: 41°35'31", Longitude: -76°47'02"),

20. a 16 inch natural gas line across a Palustrine Forested Wetland. Impacted Area: 13 square feet (Grover, PA Quadrangle, Latitude: 41°35'15", Longitude: -76°47'12"),

The project will result in 888 linear feet or 9,124 square feet of temporary stream impacts, 27,354 square feet (0.63 acre) of PEM, PFO and PSS temporary wetland impacts and 13 square feet (0.00 acre) of PFO permanent wetland impacts all for the purpose of installing a natural gas line with associated access roadways.

E1729-003—EQT Gathering, LLC, 625 Liberty Avenue, Suite 1700, Pittsburgh, PA, 15222. Hurd Pipeline, in Ferguson and Jordan Townships, **Clearfield County**, ACOE Baltimore District

To construct, operate, and maintain a 6-inch welded steel natural gas pipeline and temporary construction access, with impacts to the following:

(1) 30 linear feet of a UNT to Barrett Run (CWF, MF) via open cut trenching and temporary timber matting, (Westover, PA Quadrangle, Latitude: N40°50'40.0", Longitude: W78°38'20.0");

(2) 65 linear feet of a UNT to Barrett Run (CWF, MF) via open cut trenching and temporary timber matting, (Westover, PA Quadrangle, Latitude: N40°50'54.0", Longitude: W78°37'58.8");

(3) 48 linear feet of Barrett Run (CWF, MF), and 560 square feet of adjacent EV wetland (PFO) via open cut trenching and temporary timber matting, (Westover, PA Quadrangle, Latitude: N40°50'50.6", Longitude: W78°37'51.5");

(4) 60 linear feet of three UNTs to Stony Run (HQ-CWF), and 495 square feet of adjacent wetland (PFO) via horizontal directional drilling and temporary timber matting, (Irvona, PA Quadrangle, Latitude: N40°50'15.2", Longitude: W78°36'53.9");

The project will result in 203 linear feet of temporary channel impacts and 1055 square feet (0.02 acre) of permanent wetland conversion impacts, all for the purpose of installing a natural gas pipeline and temporary construction access.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105

D46-070EA. Mr. James Mensch, American Legion Post 184, 744 Gravel Pike, East Greenville, PA 18041.

Upper Hanover Township, **Montgomery County**, ACOE Philadelphia District.

Project proposes to remove the remaining portions of Mill Side Park Dam across Perkiomen Creek (TSF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The dam is located approximately 300 feet west of the intersection of SR 029 and Water Street (T218) (East Greenville, PA Quadrangle; Latitude: 40° 25' 22", Longitude: -75° 31' 30").

D10-011EA. Pennsylvania American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055. Oakland Township, **Butler County**, ACOE Pittsburgh District.

Project proposes to modify Lake Oneida Dam across Connoquenessing Creek (HQ-WWF) in order to meet current Dam Safety requirements. Modifications include replacement of the existing spillway and installation of roller compacted concrete overtopping protection. Construction will necessitate permanent impacts to 16 lineal feet of Connoquenessing Creek and 0.047 acre of associated PEM wetland; and temporary impacts to 83 lineal feet of Connoquenessing Creek. The dam is located approximately 0.48 mile northeast of the intersection of SR 38 and Pine Tract Road (East Butler, PA Quadrangle, Latitude: 40°55'24"; Longitude: -79°52'18").

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2553.

PA0021555-A1, Sewage, **Weatherly Borough Carbon County**, 10 Wilbur Street, Weatherly, PA 18255-1437.

This proposed facility is located in Weatherly Borough, **Carbon County**.

Description of Proposed Activity: Issuance of amended NPDES Permit for name change from Weatherly Municipal Authority to Weatherly Borough.

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0085430 (Sew)	Brad Nelson MHC Robin Hill, LLC 2 North Riverside Plaza, Suite 800 Chicago, IL 60606-2682	Berks County / Greenwich Township	UNT Maiden Creek / 3-B	Y
PA0082201 (Sew)	Letterkenny Township Municipal Authority 4924 Orrstown Road Orrstown, PA 17244-9503	Franklin County / Letterkenny Township	Conodoguinet Creek / 7-B	Y
PA0009164 (IW)	Standard Steel LLC 500 N. Walnut Street Burnham, PA 17009-1644	Mifflin County Burnham Borough	Kishacoquillas Creek / 12-A	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N
PA0027626 Sewage	Kiski Valley STP 1200 Pine Camp Road Leechburg, PA 15656	Westmoreland County Allegheny Township	Kiskiminetas River	N
PA0094536 Sewage	Forest Hills Middle School STP 1427 Frankstown Road Sidman, PA 15955	Cambria County Croyle Township	UNT of South Fork Little Conemaugh River	Y
PA0091201 Sewage	Indiana Medical Condominiums STP 1177 South Sixth Street Indiana, PA 15701	Indiana County White Township	UN of Two Lick Creek	Y
PA0217514 Sewage	Honeywell Electronic Materials STP 195 Hartzell School Road Fombell, PA 16123	Beaver County Marion Township	Connoquenessing Creek	Y
PA0096512 Sewage	Mount Morris Water & Sewage Authority Davistown Road Mount Morris, PA 15349-0304	Greene County Perry Township	Dunkard Creek	Y
PA0203734 Sewage	Weaver & Simkovich SFTF 2499 Camp Meeting Road Sewickley, PA 15143	Allegheny County Park Borough	UNT of Rippling Run	Y
PA0217115 Sewage	Jacksonville STP 105 Cunkleman Road Kent, PA 15752	Indiana County Black Lick Township	Reeds Run	Y
PA0096695 Sewage	Central Elementary School Central School Road Fayette City, PA 15438	Fayette County Jefferson Township	Little Redstone Creek	Y

****Renewal individuals

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PAS238302 (Stormwater)	Air Liquide Industries, U.S. St. Marys 203 West Creek Road Saint Marys, PA 15857	Elk County City of Saint Marys	Unnamed Tributary to West Creek 8-A	Y
PAS238302 (Sewage)	Greenville Sanitary Authority STP 183 Hamburg Road Greenville, PA 16125	Mercer County Greenville Borough	Shenango River 20-A	N

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

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

NPDES Permit No. PA0261777, Sewage, **Alvin K. Fisher, Jr.**, 6756 McClays Mill Road, Newburg, PA 17240.

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

Description of Proposed Action/Activity: Authorization to discharge to a UNT to Conodoguinet Creek in Watershed 7-B.

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

NPDES Permit No. PA0234052, CAFO, 0211, 0213, 0272, **James W. Showers**, 767 Gray Hill Road, New Columbia, PA 17856

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

Description of Size and Scope of Proposed Operation/Activity: The Showers Farm CAFO is an existing beef cattle and horse operation adding a finishing swine operation, totaling 384.44 AEUs. The farm consists of 139 acres which includes approximately 23 acres of pasture land, approximately 87 acres of cropland and the balance in farmstead and woods. The hogs will produce 900,000 gallons of liquid manure per year. All hog manure will be collected in an 809,000 gallon underbarn storage. Beef cattle and horse manure is collected during part of the year as a solid. All manure is land-applied in accordance with the farm's Nutrient Management Plan during the Spring, Summer and Fall. Up to 625,000 gallons of manure may be exported offsite.

The receiving stream, UNT of White Deer Creek, is in the State Water Plan watershed 10C (White Deer Creek) and is classified for: HQ-CWF.

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

NPDES Permit No. PA0228443, CAFO (SIC #0241), **Paul Dotterer & Sons, Inc.**, 408 Kryder Road, Mill Hall, PA 17751.

This proposed facility is located in Porter Township, **Clinton County**.

Description of Proposed Activity: This is an existing dairy operation in multiple barns at three locations; the main facility (south of Kryder Road) houses the milking and dry cows in 6 barns; the heifer facility (north of main facility and Kryder Road) houses heifers in 4 barns; the calf facility (on Heltman Road) houses all calves in one barn.

Manure is handled primarily as a liquid. The system reuses wash water to flush alleys. Solids and sand are separated out of the slurry and stacked separately. Calf manure is handled as a solid. All manure is spread on farms associated with Dotterer. No exporting of manure. This is for an increase from 1,378 AEUs to 2,155 AEUs on this operation.

The receiving stream, UNT to Cedar Run is in the State Water Plan watershed #9C and is classified for: HQ-CWF.

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

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

NPDES Permit No. PA0263869, Sewage, **Jerald Dickerson**, P. O. Box 82, 276 McCreas Brook Road, Eldred, PA 16731.

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

Description of Proposed Action/Activity: Issuance of a new NPDES permit for treated sewage to a Small Flow Treatment Facility which is replacing a malfunctioning onlot system.

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

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

WQM Permit No. 3103401, Amendment 11-1, Sewerage, Alexandria Borough & Porter Township Joint Sewer Authority, PO Box 113, Alexandria, PA 16611.

This proposed facility is located in Porter Township, **Huntingdon County**.

Description of Proposed Action/Activity: Permit approval for the construction/modification of sewage facilities consisting of: Construction of a new wet well with new influent pumps, a new Headworks with a mechanical screen and a distribution box, renovation of the existing 0.120 mgd capacity Schreiber treatment unit, construction of a new 0.240 mgd Schreiber Treatment unit, construction of a new Process building to house Rotary Press, Polymer feed system and four blowers to provide air to the two treatment units, construction of a new RAS building to house all RAS pumps and all three chemical feed systems, construction of a UV disinfection unit, conversion of the two existing Contact Stabilization units to aerobic digesters, renovation of the existing sludge dewatering building to house three aerobic digester blowers, demolition of the existing control building and construction of a new administrative office building, and upgrade of the existing Hartslog Street and Main Street pumping stations.

WQM Permit No. 2811404, Sewerage, Alvin K. Fisher, Jr., 6756 McClays Mill Road, Newburg, PA 17240.

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

Description of Proposed Action/Activity: Permit approval for the construction / operation of sewage facilities consisting of an SFTF with septic tank, peat filter, chlorine disinfection, and outfall to UNT Conodoguinet Creek.

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

WQM Permit No. 4211401, Sewerage, Jerald Dickerson, P. O. Box 82, 276 McCrea Brook Road, Eldred, PA 16731.

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

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

WQM Permit No. WQG028330, Sewerage, Bradford Township, 136 Hemlock Street, Bradford, PA 16701.

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

Description of Proposed Action/Activity: Construction and operation of a pump station and sewer extension.

WQM Permit No. WQG018820, Sewerage, Ronald Wilcox, 2095 Dutchman Drive, Apt 3, Rockhill, SC 29732.

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

Description of Proposed Action/Activity: Replaces a malfunctioning on-lot system.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01151116	PA Department of Transportation—District 6-0 7000 Geerdes Boulevard King of Prussia, PA 19406	Chester	West Whiteland and West Goshen Townships	Broad Run (EV); East Branch Brandywine Creek (HQ-CWF)

Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone 717-705-4802.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032111006	Mark L. Horst Shady Lane Farm 174 Fire House Road Shippensburg, PA 17257	Cumberland	N. Newton Township	Big Spring Creek/EV, MF & Green Spring Creek/CWF, MF

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision in 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-02**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Northampton Township Bucks County	PAG0200 0911026-1	Diakon Lutheran Social Ministries 798 Hausman Road Allentown, PA 18104	Unnamed Tributary Neshaminy Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Nottingham Township Chester County	PAG0200 1511010	Herr Foods, Inc. PO Box 300 Nottingham, PA 19362	Northeast Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Newlin Township Chester County	PAG0200 1511043	Natural Lands Trust, Inc. 1031 Palmers Mill Road Media, PA 19063	Unnamed Tributary West Branch Brandywine Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Caln Township Chester County	PAG0200 1511033	Paoli Enterprises 1644 East Lancaster Avenue Paoli, PA 19301	Valley Run (CWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Chichester Township Delaware County	PAG0200 2309015-R	Baker Residential of PA 3 Creek Parkway Suite 220 Naamans Creek Business Center Boothwyn, PA 19061	Naamans Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Pottstown Borough Montgomery County	PAG0200 4607071-1	Pottstown Borough 100 East High Street Pottstown, PA 19464	Manatawny Creek (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Upper Providence Township Montgomery County	PAG0200 4606047-R	Mike Downs Hillman Drive Suite 120 Chadds Ford, PA 19317	Unnamed Tributary Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Horsham Township Montgomery County	PAG0200 4611055	Harry C. Barbin, III 267 Winchester Drive Horsham, Pa 19044	Park Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511127	City of Philadelphia Department of Public Property 1515 Arch St, 11th Floor Philadelphia, PA 19102-1504	Pennypack Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Smithfield Twp., Monroe County	PAG02004506004R	Mt. Tom Road Properties, LLC 1123 Fillmore St. East Stroudsburg, Pa 18301	Sambo Creek, CWF, MF	Monroe Co. Cons. Dist. 570-629-3060
Washington Twp., Northampton Co.	PAG02004806024R	Aaron Tucker Hester at Washington LLC 57 Brant Ave. Suite 200 Clark, NJ 07066	Oughoughton Creek, CWF, MF	Northampton Co. Cons. Dist. 610-746-1971
Palmer Twp., Northampton Co.	PAG02004809007R	Joseph Iudicello Nehemiah Construction Corp. 6500 Chapmans Rd. Allentown, PA 18106	Lehigh River, WWF, MF	Northampton Co. Cons. Dist. 610-746-1971
Eaton Twp., Wayne Co.	PAG02006611006	Sugar Hollow Water Services, LLC 211 Shaffer Lane Tunkhannock, PA 18657	Susquehanna River, WWF, MF	Wyoming Co. Cons. Dist. 570-836-2589
Franklin Township Adams County	PAG02000111020	James D. Frazee Dynamic Hydra-Pruners 257 East High Street Orrtanna, PA 17353	UNT to Little Marsh Creek/ CWF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Oxford Township Adams County	PAG02000106014R	Craig Smith TCT Enterprises, LLC 372 North Street McSherrystown, PA 17344	Tributary to Pine Run/ WWF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Reading City Berks County	PAG02000611044	Ralph Johnson City of Reading 815 Washington Street Reading, PA 19601	Schuylkill River/WWF & Angelica Creek/CWF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Windsor Township Berks County	PAG02000605022R	John Forino Forino Company 555 Mountain Home Road Sinking Spring, PA 19608	Schuylkill River/WWF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Greenfield Township Blair County	PAG02000711018	Tom Columbus Jr. Sheetz, Inc. 5700 6th Avenue Altoona, PA 16602	Beaverdam Creek/CWF	Blair Co Conservation District 1407 Blair St Hollidaysburg, PA 16648 814.696.0877
Juniata Township Blair County	PAG02000709009-R	Rick Pope Hollidaysburg Borough Authority Municipal Building, 401 Blair St. Hollidaysburg, PA 16648	Blair Gap Run/ TSF	Blair Co Conservation District 1407 Blair St Hollidaysburg, PA 16648 814.696.0877
East Pennsboro Township Cumberland Co.	PAG02002111025	Michael Gillespie, P.E. PA DOT, Engineering Dist. 8-0 2140 Herr Street Harrisburg, PA 17103-1699	Susquehanna River/WWF	Cumberland Co Conservation Dist 310 Allen Road, Suite 301 Carlisle PA 17013 717-240-7812
Derry Township Dauphin County	PAG02002207007R	Doug Gelder DSG Development Corp. PO Box 42 Hershey, PA 17033-0042 & Chad Barshinger Abel Construction, Inc. Po Box 476 Mountville, PA 17554-0476	Swatara Creek/ WWF	Dauphin Co. Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Derry Township Dauphin County	PAG02002211038	Mr. Edward Buchan The Hershey Co. 100 Crystal A Dr. Hershey, PA 17033	Spring and Swatara Creek / WWF	Dauphin Co. Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Derry Township Dauphin County	PAG02002209024	Mr. John Osmolinski Milton Hershey School P. O. Box 830 Hershey, PA 17033	Spring Creek / WWF	Dauphin Co. Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Halifax Township Dauphin County	PAG02002206067R	Mark X. DiSanto Triple Crown Corporation 5351 Jaycee Avenue Harrisburg, PA 17112	Armstrong Creek / CWF	Dauphin Co. Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Susquehanna Township Dauphin County	PAG02002211032	Brian Kobularcik Metropolitan Development Group 1030 Reed Ave., Suite 100 Wyomissing, PA 19610	Paxton Creek / WWF	Dauphin Co. Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
West Hanover Township Dauphin County	PAG02002204017	Richard Yingst 4712 Smith Road Harrisburg, PA 17109	Beaver Creek/ WWF	Dauphin Co. Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Greene Township Franklin County	PAG02002805094-R	Robert Miller Beacon of Greene LLC 24 Buckingham Way Freehold, NJ 07728	UNT to Conococheague Creek	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg PA 17201 717.264.5499
Hamilton Township Franklin County	PAG02002811035	Glenn Dice Dice Subdivision 143 East Queen Street Chambersburg, PA 17201	UNT to Dennis Creek/CWF	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg PA 17201 717.264.5499
Hamilton Township Franklin County	PAG02002811036	Brian Bricker Bricker's Pole Barn 2223 Sollenberger Road Chambersburg, PA 17202	UNT to Back Creek/TSF	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg PA 17201 717.264.5499
Leacock Township Lancaster County	PAG02003610002-R	PennDOT District 8-0 2140 Herr Street Harrisburg, PA 17103	Pequea Creek Mill Creek/ WWF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717-299-5361, Ext. 5
Strasburg Borough Lancaster County	PAG02003610007-R	44 Strasburg Associates 503 Bedford Place Lititz, PA 17543	Pequea-Octoraro Creek/ WWF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717-299-5361, Ext. 5

NOTICES

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Manor Township Lancaster County	PAG02003611012	Alexcih County Holdings LLC 2374 Franklin Road Columbia, PA 17512	UNT Little Conestoga Creek/WWF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717-299-5361, Ext. 5
West Hempfield Township Lancaster County	PAG02003611021-1	Hempfield School District 200 Church Street Landisville, PA 17543	UNT Conestoga River/WWF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717-299-5361, Ext. 5
East Hempfield Township Lancaster County	PAG02003611040	Homestead Village Inc. 1800 Village Circle Lancaster, PA 17603	Brubaker Run/ WWF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717-299-5361, Ext. 5
Mount Joy Township Lancaster County	PAG02003611086	Esbenshade Farms 220 Eby Chiques Road Mount Joy, PA 17552	Little Chickies Creek/TSF, MF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717-299-5361, Ext. 5
Manheim Township Lancaster County	PAG02003611087	Landis Valley Holdings LP 616 Paxton Place, Suite 100 Lititz, PA 17543	West Tributary Landis Run/ WWF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717-299-5361, Ext. 5
East Lampeter Township Lancaster County	PAG02003611093	Rebecca S. Beiler 12 South Ronks Road Ronks, PA 17572	UNT Mill Creek/WWF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717-299-5361, Ext. 5
East Hempfield Township Lancaster County	PAG02003611094	1500 Main Realty LP 5260 Main Street, Box 404 East Petersburg, PA 17520	Little Conestoga Creek/WWF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717-299-5361, Ext. 5
West Lampeter Township Lancaster County	PAG02003611095	Members 1st FCU 5000 Louise Drive Mechanicsburg, PA 17055	UNT Mill Creek/WWF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717-299-5361, Ext. 5

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lancaster Township Lancaster County	PAG02003611096	School District of Lancaster 1020 Lehigh Avenue Lancaster, PA 17602	UNT Conestoga River/WWF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717-299-5361, Ext. 5
Manheim Borough Lancaster County	PAG02003611098	Manheim Borough Authority 15 East High Street Manheim, PA 17545	Chickies Creek/ WWF, MF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717-299-5361, Ext. 5
Manheim Township Lancaster County	PAG02003611101	Lancaster Bible College 901 Eden Road Lancaster, PA 17601	Conestoga River/WWF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717-299-5361, Ext. 5
East Hempfield Township Lancaster County	PAG02003611102	Brent O. Stoltzfus 474 Mt. Sidney Road Lancaster, PA 17602	Swarr Run/ WWF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717-299-5361, Ext. 5
East Hempfield Township Lancaster County	PAG02003611107	New Generation LLC 1525 Oregon Pike, Suite 1102 Lancaster, PA 17601	Little Conestoga Creek/WWF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717-299-5361, Ext. 5
Penn Township Lancaster County	PAG02003612001	Manheim's PA Auction Services 1190 Lancaster Road Manheim, PA 17545	Chiques Creek/ WWF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717-299-5361, Ext. 5
Salisbury Township Lancaster County	PAG02003612002	Benuel K. Smucker 160 Cambridge Road Gap, PA 17527	White Horse Run/CWF, MF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717-299-5361, Ext. 5
East Drumore Township Lancaster County	PAG02003612004	Barry Lefever 111 Laurel Drive Quarryville, PA 17566	UNT South Fork Big Beaver Creek/ TSF, MF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717-299-5361, Ext. 5

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
East Lampeter Township Lancaster County	PAG02003612005	Brookfield Development Corp 227 Granite Run Drive, Suite 100 Lancaster, PA 17601	UNT Conestoga River/WWF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717-299-5361, Ext. 5
Strasburg Borough Lancaster County	PAG02003612006	Charter Homes at Strasburg Inc. 114 Foxshire Drive Lancaster, PA 17601	UNT Pequea Creek/WWF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717-299-5361, Ext. 5
South Londonderry Township Lebanon County	PAG02003811013	Don L. Lechleitner SA&B Partners 1 1840 Fishburn Road Hershey, PA 17033	Spring Creek/ WWF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
S. Lebanon Township Lebanon County	PAG02003811024	Robert Riley Seneca Foods Corporation 30 Keystone Drive Lebanon, PA 17042	Quittapahilla Creek/TSF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
South Lebanon Township Lebanon County	PAG02003811001	Richard D. McAlevy Dept. of Veterans Affairs Lebanon VA Medical Center 1700 South Lincoln Avenue Lebanon, PA 17042	Quittapahilla Creek/TSF, MF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4

Northcentral Region: Watershed Management Program Manager, 208 W Third Street, Williamsport, Pa 17701

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
State College Borough Centre County	PAG02001410023(1)	Jason Mitchell J.C. Bar Development LLC 3100 Market St Camp Hill PA 17011	Slab Cabin Run CWF, MF	Centre County Conservation District 414 Holmes Ave Suite 4 Bellefonte PA 16823 Phone: (814) 355-6817
Gulich & Woodward Townships Clearfield County	PAG02001711014	Woodward Township Sewage & Water Auth PO Box 6 Houtzdale PA 16651	Beaver & Whiteside Run CWF	Clearfield County Conservation District 511 Spruce St Ste 6 Clearfield PA 16830 Phone: (814) 765-2629

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Delaware & Turbot Townships, Milton & Watsonstown Boroughs Northumberland County	PAG02004910016(1)	Delaware Township Municipal Authority PO Box 80 Dewart PA 17730	West Branch Susquehanna River, UNT to West Branch of Susquehanna River, Dry Run, Warrior Run, Muddy Run, Spring/Tannery Run & Limestone Run (All) WWF, MF	Northumberland Cnty Conservation Dist 441 Plum Creek Rd Sunbury PA 17801 (570) 286-7114 Ext. 4

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

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Beaver County Franklin Township	PAG02000411011	Austin Rogers Ellwood City DPP V, LLC	South Branch Slippery Rock Creek (WWF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
Beaver County Brighton Township	PAG02000412001	Ron Scarton First National Bank One FNB Blvd. 5th Floor Hermitage, PA 16148	UNT to Six Mile Run (WWF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
Cambria County Geistown Borough Richland Township	PAG02001111019	Highland Sewer & Water Authority 120 Tank Drive Johnstown, PA 15904	Sams Run & Falls Run (WWF)	Cambria County CD 401 Candlelight Drive Suite 221 Ebensburg, PA 15931 (814) 472-2120
Somerset County Quemahoning Township Jenner Township	PAG02005611005	Jenner Township Municipal Water Authority PO Box 115 Boswell, PA 15531	Quemahoning Creek & Two Mile Run (CWF)	Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15501 (814) 445-4352
Cranberry Township Butler County	PAG02001012001	Madison Heights Attn: Mr. Donald Rodger 215 Executive Drive Cranberry Township PA 16066	UNT Brush Creek WWF	Butler Conservation District 724-284-5270
Cranberry Township Butler County	PAG02001012004	Shadow Creek Dev. Assoc. 215 Executive Drive Cranberry Township PA 16066	UNT Wolfe Creek WWF	Butler Conservation District 724-284-5270
City of Erie & Millcreek Township Erie County	PAG2002511026(1)	PADOT 255 Elm Street, PO Box 398 Oil City PA 16301	UNT W Branch Cascade Creek WWF; MF UNT Walnut Creek CWF; MF	Erie Conservation District 814-825-6403
Punxsutawney Borough Jefferson County	PAG02003311004	PADOT, District 10-0 2550 Oakland Avenue PO Box 429 Indiana PA 15701	Elk Run CWF Mahoning Creek WWF	Jefferson Conservation District 814-849-7463
Lafayette Township McKean County	PAG2004209002(1)	Bradford Regional Airport 212 Airport Road Lewis Run PA 16738	Wetlands & UNT Three Mile Run CWF	McKean Conservation District 814-887-4001

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Cambria County, Chest Township	PAG2091112001	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Wyerough Run/ CWF	PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800
Cambria County, Susquehanna Township	PAG2091112002	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Unnamed Tributary to Walnut Run/ CWF	PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800
<i>General Permit Type—PAG-03</i>				
<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant's Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Telephone No.</i>
Souderton Borough Montgomery County	PAR120023	Leidys Inc. 266 West Cherry Lane P. O. Box 257 Souderton, PA 18964	Unnamed Tributary to Skippack Creek-3-E	Southeast Region Clean Water Management 484.250.5970
Wright Twp. Luzerne County	PAR212202	Certainteed Corporation 750 East Swedesford Rd. Valley Forge, PA 19482	Watering Run (CWF, MF)	PA DEP Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18701-1915 570-826-2511
Wright Twp. Luzerne County	PAR122202	SVC MFC INC 750 Oak Hill Rd. Mountaintop, PA 18707	Big Wapwallopen Creek (CWF, MF)	PA DEP Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18701-1915 570-826-2511
Unity Township Westmoreland County	PAR206164	Latrobe Foundry Machine & Supply Company PO Box 431 Latrobe, PA 15650-0431	UNT of Nine Mile Run	Southwest Regional Office: Clean Water Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Oakmont Borough Allegheny County	PAR116103	Global Circuits, Inc. 931 Third Street Oakmont, PA 15139	Allegheny River	Southwest Regional Office: Clean Water Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

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

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
City of Erie Erie County	PAR708305	Mayer Brothers Construction Company 1902 Cherry Street Erie, PA 16502-2648	Unnamed Tributary to West Branch Cascade Creek 15	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

General Permit Type—PAG-4

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

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Greene Township Erie County	PAG041055	Ronald Wilcox 2095 Dutchman Drive, Apt 3 Rockhill, SC 29732	Unnamed Tributary to Fourmile Creek 15	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

General Permit Type—PAG-10

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Black Township Somerset County	PAG106149	Texas Eastern Transmission, LP 890 Winter Street Suite 300 Waltham, MA 02451	West Branch Coxes Creek	Southwest Regional Office: Clean Water Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

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 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>
Leon Zimmerman West Donegal Farms 2011 Maytown Rd Elizabethtown, PA 17022	Lancaster	267.2	1115.2	Swine/Steer Pullet	NA	A

PUBLIC WATER SUPPLY PERMITS

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

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

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

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for 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

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

Permit No. 0711505 MA, Minor Amendment, Public Water Supply.

Applicant	Borough of Tyrone
Municipality	Snyder Township
County	Blair
Responsible Official	John Cornell, Manager 1100 Logan Avenue Tyrone, PA 16686

Type of Facility	Filter rehabilitation project to include media replacement, repair of filter cell walls, replacement of backwash nozzles and underdrain tiles as necessary.
Consulting Engineer	Kevin J Nester, P.E. CET Engineering Services 321 Washington Street Huntingdon, PA 16652
Permit to Construct Issued:	1/23/2012

Operations Permit issued to: **Camp Hill State Correctional Institute**, 7210046, Lower Allen Township, **Cumberland County** on 1/27/2012 for the operation of facilities submitted under Application No. 2111508 MA.

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Williamsport, PA 17701

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant	Martha’s Furnace Mobile Home Park
[Township or Borough]	Huston Township
County	Centre
Responsible Official	Mr. David L. Burns Martha’s Furnace Mobile Home Park P. O. Box 6 Boalsburg, PA 16827
Type of Facility	Public Water Supply
Consulting Engineer	N/A
Permit Issued	January 25, 2012
Description of Action	4-log inactivation of viruses at Entry Point 101 (Lower Well).

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant	LeRaysville Water Company
[Township or Borough]	LeRaysville Borough
County	Bradford
Responsible Official	Mr. Richard C. Potter LeRaysville Water Company P. O. Box 142 LeRaysville, PA 18829
Type of Facility	Public Water Supply
Consulting Engineer	N/A
Permit Issued	January 25, 2012

Description of Action 4-log inactivation of viruses at Entry Point 100 (Well Nos. 1, 2 and 3).

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant **Duncan Township Municipal Authority**

[Township or Borough] Duncan Township

County **Tioga**

Responsible Official Mr. Richard Putman
Duncan Township Municipal Authority
42 Duncan Township Road
Wellsboro, PA 169001

Type of Facility Public Water Supply

Consulting Engineer N/A

Permit Issued January 25, 2012

Description of Action 4-log inactivation of viruses at Entry Point 101 (Well Nos. 1 and 2).

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant **Heatherbrooke Estates**

[Township or Borough] Muncy Creek Township

County **Lycoming**

Responsible Official Ms. Donna Weimer
Heatherbrooke Estates
2042 Route 405
Muncy, PA 17756

Type of Facility Public Water Supply

Consulting Engineer Stephen Gilbert
HDC, Inc.
279 Deer Lane
Trout Run, PA 17771

Permit Issued January 27, 2012

Description of Action 4-log inactivation of viruses at Entry Points 101 (Well No. 1) and 102 (Well No. 2).

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant **Jackson Mobile Home Park**

[Township or Borough] Wysox Township

County **Bradford**

Responsible Official Mr. Patrick Crowley
Jackson Mobile Home Park
53 Woodland Avenue
Wellsboro, PA 16901

Type of Facility Public Water Supply

Consulting Engineer N/A

Permit Issued January 25, 2012

Description of Action 4-log inactivation of viruses at Entry Point 100 (Well No. 2).

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant **Monument Water Association**

[Township or Borough] Liberty Township

County **Centre**

Responsible Official Mr. Matthew Milliron
Monument Water Association
106 Elm Street
Beech Creek, PA 16822

Type of Facility Public Water Supply

Consulting Engineer N/A

Permit Issued January 27, 2012

Description of Action 4-log inactivation of viruses at Entry Point 100 (Well No. 3).

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

Cancellation of Permit issued to Water-Gait Community Water Association, PWSID #6430078, Liberty Township, Mercer County on January 24, 2012. This action represents the cancellation of Permit Number 4302502 issued July 31, 2003. This action is a result of Water-Gait Community Water Association no longer meeting the definition of a Public Water System.

STORMWATER MANAGEMENT

Action on plans submitted under the Stormwater Management Act (32 P. S. § 680.9)

Bureau of Point and Non-Point Source Management, P. O. Box 8774, Harrisburg, Pennsylvania 17105-8774

The Adams County Act 167 Stormwater Management Plan, submitted by Adams County, was approved on January 27, 2012. This plan applies to all watersheds and to all areas within **Adams 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:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Union Township	1445 East Main St., Douglassville PA 19518	Berks
Robeson Township	2689 Main St., Birdsboro PA 19508	

Plan Description: The approved plan provides for changing the Township's previously approved drip irrigation system plan to serve the sewage needs of Geigertown to an extension of sanitary sewers to the Birdsboro Municipal Authority's sewage treatment plant. The proposed sewer extension consists of two pump stations and force mains running along Geigertown Road and connecting to the Union Township Authority's sewer in Kulpmont. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Katz Property, Leamour Court, Stroud Township, **Monroe County**. Timothy Pilcher, B & B Diversified Enterprises, Inc., P. O. Box 188, Gwynedd, PA 19436 has submitted a Final Report on behalf of his client, Lea Z. Katz, P. O. Box 510, Stroudsburg, PA 18360, concerning the remediation of soil and groundwater found to have been impacted by No. 2 fuel oil as a result of a release from a 500-gallon, non-regulated underground storage tank, which contained holes in it. The report was submitted to document attainment of the Residential Statewide Health Standard for soil and groundwater. A public notice regarding the submission of the Final Report was published in the *Pocono Record* on January 5, 2012.

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

Former Tyler Run, LLC Property, 427 Kings Mill Road, York, PA 17403, York City and Spring Garden Township, **York County**. Herbert, Rowland, & Grubic, Inc., 369 East Park Drive, Harrisburg, PA 17111, on behalf of Tyler Run, LLC, 11915 Park Heights Avenue, Owings Mills, MD 21117, submitted a Final Report concerning remediation of soils contaminated with benzene, chlorinated solvents and PCBs. The Final Report for groundwater was approved on December 22, 2011. The report is intended to document remediation of the site to meet the Site Specific standard.

York Northwest Triangle, parcel bounded by Philadelphia Street, Codorus Creek, North George Street, and North Street, City of York, **York County**. ARM Group, Inc., PO Box 797, Hershey, PA 17033-0797, on behalf of City of York Redevelopment Authority, 49 East Market Street, York, PA 17401, submitted a Final Report concerning remediation of site soils and groundwater contaminated with inorganics and petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health standard. The site is enrolled in the One Cleanup Program.

T.W. Ponessa & Associates Corporate Offices, 414 North Prince Street, Lancaster, PA 17603, Lancaster City, **Lancaster County**. Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of Triple J Associates, Ltd., 160 Valley Road, Lancaster, PA 17601, submitted a Final Report concerning site soils contaminated with fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health standard.

Fort Indiantown Gap Army National Guard Training Center, Building 11-89, East Hanover Township, **Lebanon County**. PA Dept. of Military and Veterans Affairs, Office of Facilities and Engineering, Environmental Management, Building 0-11, Fort Indiantown Gap, Annville, PA 17003-5002, submitted a Final Report concerning remediation of site soils and groundwater contaminated with heating oil. The report is intended to document remediation of the site to meet the Residential Statewide Health standard.

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

Borough of Mifflinburg, Mifflinburg, **Union County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, Pa 17857 on behalf of the Borough of Mifflinburg, 120 North Third Street, Mifflinburg, PA 17844 has submitted a Final Report concerning remediation of site soil contaminated with #2 oil at 201 South Fifth Street, Mifflinburg, Pa 17844. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Springer Residence, Borough of Perryopolis, **Fayette County**. Miller Environmental, Inc., 514 Hartman Run Road, Morgantown, WV 26505 on behalf of Barbara & Herbert Springer, 136 Janet Street, Perryopolis, PA 15473. Final Report concerning the remediation of site soils contaminated with kerosene used for fuel for the Springer Residence furnace.

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:

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

Quadrant Engineering Plastics Property, Laurel Line Drive, Scranton City, **Lackawanna County**. Martin Gilgallon, Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 submitted a Final Report on behalf of

his client, Quadrant EPP USA, Inc., 900 North-South Road, Scranton, PA 18504, concerning the remediation of soil and groundwater found to have been impacted by hydraulic fluids as a result of a release from a large press located at the property. The report documented attainment of the Residential Statewide Health Standard for soil and groundwater and was approved January 20, 2012.

Cosner 2H/3H/4H/5H Well Site, Hop Bottom, Springville Township, **Susquehanna County**. James Pinta, Jr. and David Testa, URS Corporation, 501 Holiday Drive, Foster Plaza 4, Suite 300, Pittsburgh, PA 15220 submitted a Final Report on behalf of their client, Cabot Oil & Gas Corporation, 5 Penn Center West, Suite 401, Pittsburgh, PA 15276, concerning the remediation of soil found to have been impacted by brine fluid due to the overfilling of an aboveground storage tank. The report documented attainment of the Residential Statewide Health Standard and the Background Standard for arsenic, calcium, magnesium, sodium, potassium, and strontium for soil and was approved on January 26, 2012. The report was originally submitted within 90 days of the release.

Jones Property, 137 Independence Road, Smithfield Township, **Monroe County**. Jeffrey Wynn, Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518 submitted a Final Report on behalf of his client, Jason Jones, 137 Independence Road, East Stroudsburg, PA 18301, concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release to the on-site perforated septic settling tank. The report documented attainment of the Statewide Health Standard for soil and was approved on January 24, 2012. The report was originally submitted within 90 days of the release.

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

Mr. & Mrs. Grady Gafford Residence, Delmar Township, **Tioga County**. Brooks Petroleum Contracting Company, 6622 Route 287, Wellsboro, Pa 16901 on behalf of Grady Gafford, 454 Fishler Street, Wellsboro, PA 16901 has submitted a Final Report concerning the remediation of site soil contaminated with heating oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 25, 2012.

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

Sandra Hardy Residence, 93 Princeton Avenue, Uniontown, PA. Borough of Uniontown, **Fayette County**. Environmental Maintenance Company, Inc., 1420 E. Mermaid Lane, Glenside, PA 19038 on behalf of the Sandra Hardy Residence, submitted a Final Report concerning remediation of site soils contaminated with fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard for soil, and was approved by the Department on January 26 2012.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401

Permit No. 101470. United States Recycling, Inc., 6101 Tacony Street, Philadelphia, PA 19135-2998, City of Philadelphia, **Philadelphia County**. This 10-year renewal permit is to continue municipal waste transfer operations at the 380 tons per day (tpd) United States Recycling, Inc. transfer facility. Also included in this approval is a permit modification allowing the permittee to increase the maximum daily volume of municipal waste that can be accepted at the facility from 380 tpd to 1,500 tpd. The volume increase, if implemented, will occur in stages (from 380 tpd to 760 tpd, and then from 760 to 1500 tpd) with each stage tied to the completion of certain facility improvements. The permit was issued by the Southeast Regional Office on January 27, 2012.

Northeast Region: William Tomayko, Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

Permit No. 100022. Chrin Brothers Sanitary Landfill, Chrin Brothers Sanitary Landfill, Inc., 635 Industrial Drive, Easton, PA 18042. A Major Permit Modification approval, authorizing the expansion of the permit area at the western permit boundary from 108.0 acres to 112.6 acres at this municipal waste landfill located in Williams Township, **Northampton County**. The expansion does not include a change in the permitted disposal capacity, disposal acreage, or waste acceptance rates. The Major Permit Modification was approved by the Regional Office on January 25, 2012.

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.

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

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

58-310-051GP3: Pennsy Supply, Inc. (PO Box 3331, 1001 Paxton Street, Harrisburg, PA 17105) on January 24, 2012, to install and operate a portable crushing operation at their site in Bridgewater Township, **Susquehanna County**.

58-329-044GP3: Pennsy Supply Inc. (PO Box 3331, 1001 Paxton Street, Harrisburg, PA 17105) on January 24, 2012, to install and operate diesel engines at their site in Bridgewater Township, **Susquehanna County**.

58-310-052GP3: F.S. Lopke Contracting, Inc. (3430 State Route 434, Apalachin, NY 13732) on January 24, 2012, to construct and operate a Portable Crushing Operation with watersprays at their site in Harford Township, **Susquehanna County**.

58-329-045GP3: F.S. Lopke Contracting, Inc. (3430 State Route 434, Apalachin NY 13732) on January 24, 2012, to construct and operate diesel engines at their site in Harford Township, **Susquehanna County**.

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

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

GP5-59-226: SWEPI, LP (190 Thorn Hill Road, Warrendale, PA 15086) on January 19, 2012, to construct and operate four (4) 1380 hp Caterpillar G3516B LE (serial numbers 27302, 27299, 27300, & 27301) four (4)-stroke ultra-lean-burn (ULB) natural gas fired compressor engines each equipped with a EMIT Technologies oxidation catalyst model ELX-4200Z-1616F-31CEE-361, one (1) 95 hp GM 4.3L Vortec rich-burn natural gas fired generator engine, two (2) 50.0 MMSCF/day Cameron 550 Reconcinator glycol dehydration units each equipped with a separate 0.55 MMBtu/hr reboiler heater, and one (1) 10,000 gallon drained water tank at the Lawton Compressor Station in Delmar Township, **Tioga County**.

GP5-41-649A: SWEPI, LP (190 Thorn Hill Road, Warrendale, PA 15086) on December 20, 2011, to construct and operate one (1) 215 bhp Caterpillar G3406 NA serial 4FD03578 four (4)-stroke rich-burn compressor engine equipped with a Miratech model VX-RE-10XC non-selective catalytic reduction (NSCR) system, 30.0 MMscf/day NATCO model SB12-6, serial 0811-253 glycol dehydrator unit equipped with a 0.275 MMBtu/hr reboiler heater, and one 10,000 gallon produced water tank at the Delcietto No. 2 Compressor Station located in McNett Township, **Lycoming County**.

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

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

GP5-30-00193A: CNX Gas Co., LLC (200 Evergreen Drive, Waynesburg, PA 15370) on January 26, 2012, to allow the installation and operation of two (2) Caterpillar G3516 LE and one (1) Caterpillar model G3516B natural gas-fired compressor engines, each controlled by an oxidation catalyst, at the Lightner Run Compressor Station located in Center Township, **Greene County**.

GP5-63-00951D: Rice Drilling B, LLC (171 Hillpointe Dr Suite 350, Canonsburg, PA 15317-9554) on January 27, 2012, received authorization to construct and operate sources and controls associated with a natural gas production facility at the X-Man (Sims) Compressor Station located in Amwell Township, **Washington County**.

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

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

GP3-24-160C: North Star Aggregates, Inc., Oyster Run Mine (8205 Route 219, Brockport, PA 15832) on January 24, 2012, to operate a Portable Nonmetallic Mineral Processing Plant (BAQ-GPA/GP-3) in Horton Township, **Elk County**.

GP9-24-160D: North Star Aggregates, Inc., Oyster Run Mine (8205 Route 219, Brockport, PA 15832) on January 24, 2012, to operate Diesel or #2 Fuel-Fired Internal Combustion Engines (BAQ-GPA/GP-9) in Horton Township, **Elk County**.

GP3-24-174A: North Star Aggregates, Inc.—Montmorenci Mine (PA-948 North, Montmorenci Avenue, Ridgway, PA 15853) on January 24, 2012, to operate a Portable Nonmetallic Mineral Processing Plant (BAQ-GPA/GP-3) in Ridgway Township, **Elk County**.

GP9-24-174B: North Star Aggregates, Inc.—Montmorenci Mine (PA-948 North, Montmorenci Avenue, Ridgway, PA 15853) on January 24, 2012, to operate of Diesel or #2 Fuel-Fired Internal Combustion Engines (BAQ-GPA/GP-9) in Ridgway Township, **Elk County**.

GP14-42-187A: Resting Acres Pet Cemetery (1353 South Avenue, Bradford, PA 16701) on January 25, 2012, to operate an Animal Crematory (BAQ-GPA/GP-14) in Bradford, **McKean County**.

GP5-42-207B: Atlas Resources, LLC, Dent Compressor Station (SR 219, Big Run, PA 15715), issued January 25, 2012, for the operation of a natural gas fired compressor engine (BAQ-GPA/GP-5) in Lafayette Township, **McKean County**.

GP5-42-208A: Atlas Resources, LLC—Big Shanty Compressor Station (Big Shanty Road, Lafayette, PA 16738) on January 26, 2012, to operate of a natural gas fired compressor engine (BAQ-GPA/GP-5) in Lafayette Township, **McKean County**. This permit was previously permitted under M & M Royalty, Ltd.

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

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

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

09-0024H: Waste Management of Pennsylvania, Inc. (1000 New Ford Mill Rd, Morrisville, PA 19067) on January 30, 2012, to install a landfill gas fired 2233 brake horsepower (bhp) generator engine at their Tullytown Resource Recovery Facility (TRFF) in Tullytown Borough, **Bucks County**. The landfill is a Title V facility. The bulk of the landfill gas produced at TRFF will continue to be sent off-site. The engine will employ lean burn technology to minimize formation of nitrogen oxides (NO_x). The engine will be required to meet 98% destruction efficiency of incoming volatile organic compounds (VOC) or a concentration of 20 parts per million non-methane organic compounds (NMOC) (excluding formaldehyde) as hexane at 3% oxygen content, dry basis in the exhaust stream. The engine will be limited to emissions of 0.41 g/bhp-hr formaldehyde. The project is subject to the requirements of Non-attainment New Source Review, codified at 25 Pa. Code § 127.203(b)(1)(ii). In order to comply, the applicant has procured tons of VOC emission reduction credits (ERC), in accordance with 25 Pa. Code § 127.210. The engine is subject to the requirements of New Source Standards of Performance (NSPS) for Stationary Spark Ignition Internal Combustion Engines, 40 CFR Part 60, Subpart JJJJ. The company will comply with all required monitoring, recordkeeping and testing 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

39-302-198: Kraft Foods Global, Inc. (7352 Industrial Boulevard, Allentown, PA 18106) on January 24, 2012, to install a new 31.2 MMBTU natural gas fired boiler and modification to the facility wide emission limits and fuel usage at their facility in Upper Macungie Township, **Lehigh County**.

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

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

24-083T: Mersen USA St Marys—formerly Carbone of America (215 Stackpole Street, St Marys, PA 15857) on January 24, 2012, to install a new graphitizing furnace. This action is under Plan Approval 24-083T for their facility at 1032 Trout Run Road, in the City of St Marys, **Elk County**.

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

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863

06-05079E: United Corrstack, LLC (720 Laurel Street, Reading, PA 19602-2718) on January 24, 2012, to a 482 mmBtu/hr circulating fluidized bed boiler and a 30 MW steam turbine in the City of Reading, **Berks County**. The plan approval was extended.

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

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

49-00001: Mt. Carmel Cogeneration, Inc. (PO Box 409, Marion Heights Rd, Marion Heights PA 17832) on January 24, 2012, to issue a Title V Operating Permit (renewal) for their electric generating facility in Mt. Carmel Township, **Northumberland County**. The renewal Title V operating permit contains monitoring, recordkeeping and reporting conditions to ensure compliance with applicable Federal and State regulations.

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

PA-03-00183B: EQT Gathering, LLC. (Suite 1700, 625 Liberty Avenue, Pittsburgh, PA, 15222) on January 20, 2012, to make a minor modification change to the Tax Identification Number (EIN) of EQT Gathering, LLC on the Plan Approval at their the Jupiter Compressor Station in Morgan Township, **Greene County**.

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

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

25-920D: Waste Management of Pennsylvania, Inc.—Lakeview Landfill (851 Robison Road East, Erie, PA 16509) issued January 31, 2012, to construct a landfill expansion and the increase in carbon monoxide emissions limits associated with existing landfill gas-fired engines at their facility in Summit Township, **Erie County**. This is a Title V facility.

42-028B: Saint-Gobain (1 Railroad Avenue, Port Allegany, PA 16743), issued January 31, 2012, for plan approval to rebrick and to install an Oxygen Enriched Air Staging System on Furnace No. 1 at the container glass manufacturing facility in Port Allegany Borough, **McKean County**. This is a Title V facility, Permit #42-00028.

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

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

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

16-00132: Clarion Boards (PO Box 340, 143 Fiberboard Road, Shippensburg, PA 16254-0340) on January 27, 2012, issued an administrative amendment to the Title V Operating Permit to incorporate the plan approval 16-132I requirements into the permit for the facility located in Paint Township, **Clarion County**.

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

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

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

15-00042: Southeastern Veterans Center (1 Veterans Drive, Spring City, PA 19475) on January 31, 2012, to operate two (2) boilers, two (2) emergency generators, one (1) fire pump, one (1) chiller and various small natural gas heaters at the care center for retired veterans of war in East Vincent Township, **Chester County**. This action is a renewal of the original State Only Operating Permit (Synthetic Minor), which was issued on December 20, 2006. The renewal will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

15-00038: Flint Ink Corp. (210 Phillips Road, Lionville, PA 19341) on January 31, 2012, to operate a printing ink manufacturing facility in Uwchlan Township, **Chester County**. The permit is for a non-Title V (State only) facility. Sources of air emissions are various mixers and mills, and one baghouse for the control of particulate matter. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863

29-03007: Mellott Wood Preserving Co., Inc. (1398 Sawmill Road, PO Box 209, Needmore, PA 17238-0209) on January 24, 2012, for their creosote/coal tar-treated hardwood manufacturing facility in Belfast Township, **Fulton County**. The State-only permit was renewed.

21-05044: Dairy Farmers of America, Inc. (4825 Old Gettysburg Road, Mechanicsburg, PA 17055-4814) on January 24, 2012, for their bottled dairy beverage manufacturing facility in Lower Allen Township, **Cumberland County**. The State-only permit was renewed.

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

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

32-00375: Rosebud Mining Co. (301 Market Street, Kittanning, PA 16201) on January 20, 2012, for operation of their Lowry Deep Mine Portable Coal Preparation Plant. The 800,000 ton per year facility contains air contamination sources, consisting of one 250 tph screen, conveyers, truck loading, storage piles, and a 277-bhp diesel emergency engine. The facility is subject to the applicable requirements of 40 CFR 60, Subpart Y and Subpart IIII and Pa. Code Title 25, Chapters 121—145. The permit also includes emission limitations, operational requirements, monitoring requirements, and recordkeeping requirements for the facility located in White Township, **Indiana County**.

56-00011: New Enterprise Stone and Lime Co.—Central City Sand Plant (417 Sand Plant Road, Cairnbrook, PA 15924) on January 25, 2012, for operation of a sand processing plant located in Shade Township, **Somerset County**. The subject facility consists of the following processing equipment: seven crushers, four screens, one sand classifier and transfer belts. The facility is limited to 1,000,000 tons of product per consecutive 12-month period. The facility also operates two diesel generators: Caterpillar 3508, rated at 1089 bhp and a Caterpillar D398 rated at 939 bhp. The 939 bhp engine is limited to 3,500 hours per consecutive 12-month period. The facility has the potential to emit: 98.9 tpy NO_x; 18.3 tpy SO_x; 8.0 tpy CO; 1.10 tpy VOC; 66.61 tpy PM and 23.91 PM-10. The facility is required to conduct daily inspections of the site, as well as maintain records of throughput, fuel usage, hours of operation, and actual emissions to ensure compliance with the operating permit limitations. The proposed authorization is subject to State and Federal Regulations (40 CFR Part 60, Subpart OOO). The permit includes additional operation requirements, monitoring requirements, and recordkeeping requirements.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636

25-00987: Hanes Erie, Inc. (7601 Klier Dr South, Fairview, PA 16415-2449) on January 26, 2012, issued a renewal of a State Only Operating Permit for the facility in Fairview Township, **Erie County**. The facility is a Synthetic Minor. The primary sources at the facility are 8 paint spray booths. The renewal permit contains emission restrictions, reporting, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

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

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

46-00081: Markel Corp. (416 School House Lane, Norristown, PA 19404) on January 26, 2012, for an administrative amendment to their Title V Operating Permit at their facility in Plymouth Township, **Montgomery County**. The facility is a manufacturer of

fluoropolymer tubing and coated wire, plastic tubing, coated fiberglass sleeving, and specialty tubing products. The revised Title V operating permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

The following conditions have been addressed in the amended Title V Permit:

1. Section D, Sources 101 and 104, Condition #004(f): Revised the deadline for submission of test report(s) to the Department.

2. Section D, Source 105, Condition #005(f): Revised the deadline for submission of test report(s) to the Department.

The Administrative Amendment is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

15-00067: HERR Foods, Inc. (273 Old Baltimore Pike in West Nottingham, PA 19362) on January 31, 2012, located in West Nottingham Township, **Chester County**. The amendment incorporates the expansion to Chip Line No. 4 by adding two (2) additional batch kettle fryers. The conditions from Plan Approval 15-0067H were copied into the State Only Operating Permit. Administrative Amendment of State Only Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

46-00162: Hammond Lead Products (10 South Grosstown Road, Pottstown, PA 19464) on January 31, 2012, for operation of a lead oxide manufacturing plant located in West Pottsgrove Township, **Montgomery County**. The permit is for a non-Title V (State only) facility. The facility has a potential to emit less than 25 tons per year of Nitrogen Oxides (NOx) and Volatile Organic Compounds (VOC); the facility is a Natural Minor. Particulate matter and lead emissions from each source are collected by baghouses and then controlled by high efficiency particulate air (HEPA) filter systems. All sources located at the facility are subject to the requirements of 40 CFR Part 63, Subpart VVVVVV—National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources. Administrative Amendment of the Natural Minor Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amendment incorporates terms and conditions from Plan Approval No. 46-0162A, which allows for the installation of two (2) exhaust points for the existing Poly-Dispersion Process Line (Source ID 106) and Rail Car Loading Operation (Source ID 107). The amended permit will include monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements.

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

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

62-00150: Superior Tire & Rubber Corporation (1818 Pennsylvania Ave. West, PO Box 308, Warren, PA 16365), on January 26, 2012, issued an administrative amendment to the State Operating Permit to incorporate the plan approval 62-150C requirements into the permit for the facility located in Warren City, **Warren County**.

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

56060101 and NPDES No. PA0249904. Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563, permit renewal for the continued operation and restoration of a bituminous surface mine in Stonycreek Township, **Somerset County**, affecting 194.6 acres. Receiving stream(s): UTS to Buck Run, Schrock Run and Stonycreek River classified for the following use(s): cold water fisheries. The first downstream potable water supply intake from the point of discharge is Hooversville Municipal Authority. Application received July 11, 2011. Permit issued: January 23, 2012.

56060101 and NPDES No. PA0249904. Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563, revision of an existing bituminous surface mine to permit the temporary closing of Gobblers Knob Road (T-563) beginning at the intersection with Covered Bridge Road and continuing approximately 1250 feet to Fiegtown Road, and providing a temporary bypass for a period of approximately 2 years in Stonycreek Township, **Somerset County**, affecting 194.6 acres. Receiving stream(s): UT to Buck Run; UT to Schrock Run and UT to Stonycreek River classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Hooversville Municipal Authority. Application received: October 3, 2011. Permit issued: January 23, 2012.

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

33110102 and NPDES Permit No. PA0259101. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a bituminous surface mine in Union Township and Corsica Borough, **Jefferson County** affecting 33.5 acres. Receiving streams: Unnamed tributary to Welch Run. Application received: May 19, 2011. Permit Issued: January 23, 2012.

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

17030112 and NPDES No. PA0243566. Clearfield Properties, Inc. (2151 Lisbon Road, Kennerdell, PA 16374). Transfer of an existing bituminous surface mine

from U.S. Operating Services Co., located in Chest Township, **Clearfield County** affecting 148.9 acres. Receiving streams: unnamed tributaries to North Camp Run to Chest Creek classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: June 30, 2011. Permit issued: January 23, 2012.

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

13743002R5. Pagnotti Enterprises, Inc., (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in Banks and Hazle Townships, **Carbon and Luzerne Counties** affecting 984.5 acres, receiving streams: Catawissa and Beaver Creeks. Application received: November 5, 2010. Renewal issued: January 20, 2012.

13743002GP104. Pagnotti Enterprises, Inc., (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 13743002 in Banks and Hazle Townships, **Carbon and Luzerne Counties**, receiving streams: Catawissa and Beaver Creeks. Application received: November 18, 2011. Permit issued: January 20, 2012.

19860101R5. Jac-Mar Coal Co. t/a L & E Coal, (P. O. Box 353, Cresco, PA 18326), renewal of an existing anthracite surface mine operation in Conyngham Township, **Columbia County** affecting 190.0 acres, receiving stream: unnamed tributary of Big Mine Run. Application received: April 20, 2011. Renewal issued: January 30, 2012.

19860101GP104. Jac-Mar Coal Co. t/a L & E Coal, (P. O. Box 353, Cresco, PA 18326), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 19860101 in Conyngham Township, **Columbia County**, receiving stream: unnamed tributary of Big Mine Run. Application received: April 20, 2011. Permit issued: January 30, 2012.

Noncoal Permits Actions

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

7575SM1 and NPDES No. PA0594296. Hempt Brothers, Inc., 205 Creek Road, P. O. Box 278, Camp Hill, PA 17001, revision of an existing surface mine to convert 25.3 acres of existing permitted support area to mineral extraction within the current SMP in Silver Spring Township, **Cumberland County**, affecting 196.2 acres. Receiving stream(s): unnamed tributary to/and Hogestown Run classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is located on Conodoguinet Creek approximately five miles downstream from the quarry. The water supply is owned and operated by PA American Water Company West. Application received: June 29, 2011. Permit issued: January 23, 2012.

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

7475SM10A1C9 and NPDES Permit No. PA0123242. ESSROC Cement Corp., (3251 Bath Pike, Nazareth, PA 18064), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Nazareth Borough and Upper Nazareth Township, **Northampton County**, receiving stream: unnamed tributary to East

Branch of Monocacy Creek. Application received: October 26, 2011. Renewal issued: January 24, 2012.

58102812. Rich Jenkins, Inc., (362 Grinnell Road, Kingsley, PA 18826), commencement, operation and restoration of a quarry operation in Bridgewater Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received: June 14, 2010. Permit issued: January 24, 2012.

64080801GP104. Roloson Excavating, Inc., (836 Braman Road, Equinunk, PA 18417), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 64080801 in Manchester Township, **Wayne County**, receiving stream: Delaware River. Application received: June 23, 2011. Permit issued: January 25, 2012.

19810302C2. Sokol Quarries, Inc., (P. O. Box 366, Bloomsburg, PA 17815), correction to an existing quarry operation to authorize a stream relocation and update the mining area in Benton and Fishing Creek Townships and Stillwater Borough, **Columbia County** affecting 152.0 acres, receiving streams: unnamed tributary to Fishing Creek and Raven Creek. Application received: March 3, 2011. Correction issued: January 30, 2012.

19810302GP104. Sokol Quarries, Inc., (P. O. Box 366, Bloomsburg, PA 17815), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 19810302 in Benton and Fishing Creek Townships and Stillwater Borough, **Columbia County**, receiving streams: unnamed tributary to Fishing Creek and Raven Creek. Application received: March 3, 2011. Permit issued: January 30, 2012.

58112509. Douglas G. Kilmer, (4847 State Route 106, Clifford Township, PA 18470), commencement, operation and restoration of a quarry operation in Harford Township, **Susquehanna County** affecting 5.0 acres, receiving stream: Unnamed to Nine Partners Creek. Application received: April 26, 2011. Permit issued: January 30, 2012.

58112509GP104. Douglas G. Kilmer, (4847 State Route 106, Clifford Township, PA 18470), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58112509 in Harford Township, **Susquehanna County**, receiving stream: Unnamed to Nine Partners Creek. Application received: April 26, 2011. Permit issued: January 30, 2012.

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

63124001. Lane Construction Group (2 Presley Road, Bridgeville, PA 15017). Blasting activity permit for the construction of the Industrial and rail yard project, located in Chartiers, Cecil, and Mt. Pleasant Townships, **Washington County**. The duration of blasting is expected to last five months. Blasting permit issued: January 23, 2012.

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

08124105. Silver Valley Drilling & Blasting, Inc. (RR 4, Box 4192, Saylorsburg, PA 18353-9514). Blasting for utility work located in Wyalusing, Herrick and Stevens Townships, **Bradford County**. Permit issued: January 24, 2012. Permit expires: January 23, 2013.

08124106. Meshoppen Blasting, Inc. (Frantz Road, P. O. Box 127, Meshoppen, PA 18630). Blasting for a well site located in Wilmot Township, **Bradford County**. Permit issued: January 24, 2012. Permit expires: May 31, 2012.

14124001. RES Coal LLC (224 Grange Hall Road, Armagh, PA 15920). Blasting on the Hale #2 GFCC# 14-10-01 located in Rush Township, **Centre County**. Permit issued: January 19, 2012. Permit expires: January 1, 2016 or end of GFCC #14-10-01.

14124012. Douglas Explosives, Inc. (P. O. Box 77, Philipsburg, PA 16866). Construction blasting at the Penn State University Pegula Ice Arena located in College Township/State College Boro, **Centre County**. Permit issued: January 24, 2012. Permit expires: December 30, 2012.

41124001. Appalachian Geophysical Services LLC (2659 St. Rt. 60, P. O. Box 426, Killbuck, OH 44637). Seismic exploration blasting located in Lewis Township, **Lycoming County**. Permit issued: January 25, 2012. Permit expires: November 14, 2012.

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

36124103. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Green Park Development in Rapho Township, **Lancaster County** with an expiration date of December 31, 2012. Permit issued: January 23, 2012.

66124001. Geokinetics, 927 North State Street, PO Box 259, Clarks Summit, PA 18411, seismic blasting for Wyoming PA 3D Phase 1 in Benton Township, **Lackawanna County**, Auburn & Springville Townships, **Susquehanna County**, Braintrim, Eaton, Lemon, Meshoppen, Overfield, Washington, Clinton, Forkston, Mehopy, North Branch, Tunkhannock & Windham Townships, **Wyoming County** with an expiration date of December 31, 2012. Permit issued: January 26, 2012.

36124104. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Clair Byers manure pit in Clay Township, **Lancaster County** with an expiration date of April 30, 2012. Permit issued: January 26, 2012.

36124105. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Summer Breeze Development in West Lampeter Township, **Lancaster County** with an expiration date of December 31, 2012. Permit issued: January 26, 2012.

39124101. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Lehigh Hills in Upper Macungie Township, **Lehigh County** with an expiration date of January 31, 2013. Permit issued: January 26, 2012.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water

Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for 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

Northcentral Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701

E0829-020: Appalachia Midstream, LLC, 100 IST Center, Horseheads, NY 14845, Albany, Terry and Overton Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Black Creek (EV-MF) impacting 203 linear feet of stream; (Dushore, PA Quadrangle, Latitude: 41°35'14", Longitude: -76°29'26");

2. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Black Creek (EV-MF) impacting 64 linear feet of stream; (Dushore, PA Quadrangle, Latitude: 41°35'15", Longitude: -76°29'30");

3. a 16 inch diameter natural gas line across an unnamed tributary to Black Creek (EV-MF) impacting 6 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'23", Longitude: -76°30'02");
4. a 16 inch diameter natural gas line across an unnamed tributary to Black Creek (EV-MF) impacting 8 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'34", Longitude: -76°30'09");
5. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Black Creek (EV-MF) impacting 6 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'35", Longitude: -76°30'10");
6. a 16 inch diameter natural gas line across Black Creek (EV-MF) impacting 15 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'49", Longitude: -76°30'53");
7. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Millstone Creek (HQ-CWF,MF) impacting 64 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°36'00", Longitude: -76°31'52");
8. a 16 inch diameter natural gas line across Millstone Creek (HQ-CWF,MF) impacting 4 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°36'14", Longitude: -76°32'14");
9. a 16 inch diameter natural gas line across an unnamed tributary to Millstone Creek (HQ-CWF,MF) impacting 7 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°36'24", Longitude: -76°32'39");
10. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Millstone Creek (HQ-CWF,MF) impacting 107 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°36'25", Longitude: -76°32'41");
11. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Millstone Creek (HQ-CWF,MF) impacting 80 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°36'25", Longitude: -76°32'42");
12. a 16 inch diameter natural gas line across an unnamed tributary to Millstone Creek (HQ-CWF,MF) impacting 13 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°36'45", Longitude: -76°33'21");
13. a 16 inch diameter natural gas line across Chilson Run (HQ-CWF,MF) impacting 21 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°37'27", Longitude: -76°33'40");
14. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Black Creek (EV-MF) impacting 151 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'08", Longitude: -76°29'27");
15. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across Black Creek (EV-MF) impacting 150 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°34'29", Longitude: -76°30'23");
16. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Level Branch (EV-MF) impacting 80 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°34'47", Longitude: -76°31'10");
17. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Level Branch (EV-MF) impacting 150 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'00", Longitude: -76°31'35");
18. a 16 inch diameter natural gas line across an unnamed tributary to Level Branch (EV-MF) impacting 8 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°34'47", Longitude: -76°31'10");
19. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Level Branch (EV-MF) impacting 33 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'01", Longitude: -76°31'36");
20. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across Level Branch (EV-MF) impacting 150 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'01", Longitude: -76°31'38");
21. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Level Branch (EV-MF) impacting 80 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'07", Longitude: -76°32'31");
22. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Lick Creek (EV-MF) impacting 150 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'12", Longitude: -76°32'42");
23. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across an unnamed tributary to Level Branch (EV-MF) impacting 80 linear feet of stream; (Overton, PA Quadrangle, Latitude: 41°35'13", Longitude: -76°32'46");
24. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) and a Palustrine Forested Wetland (PFO) impacting 8,851 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'19", Longitude: -76°29'57");
25. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) and a Palustrine Forested Wetland (PFO) impacting 2,050 square feet; (Overton, PA Quadrangle, Latitude: 41°35'22", Longitude: -76°30'02");
26. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) and a Palustrine Forested Wetland (PFO) impacting 406 square feet; (Overton, PA Quadrangle, Latitude: 41°35'26", Longitude: -76°30'05");
27. a 16 inch diameter natural gas line across a Palustrine Emergent Wetland (PEM) and a Palustrine Scrub-Shrub Wetland (PSS) impacting 18 square feet; (Overton, PA Quadrangle, Latitude: 41°35'34", Longitude: -76°30'09");
28. a 16 inch diameter natural gas line across a Palustrine Forested Wetland (PFO) impacting 51 square feet; (Overton, PA Quadrangle, Latitude: 41°35'35", Longitude: -76°30'10");
29. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Scrub-Shrub Wetland (PSS) and a Palustrine Forested Wetland (PFO) impacting 1,400 square feet; (Overton, PA Quadrangle, Latitude: 41°35'36", Longitude: -76°30'12");
30. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine

Emergent Wetland (PEM) and a Palustrine Scrub-Shrub Wetland (PSS) impacting 9,013 square feet; (Overton, PA Quadrangle, Latitude: 41°35'49", Longitude: -76°30'56");

31. a 16 inch diameter natural gas line across a Palustrine Emergent Wetland (PEM), Palustrine Scrub-Shrub (PSS) and a Palustrine Forested Wetland (PFO) impacting 406 square feet; (Overton, PA Quadrangle, Latitude: 41°36'14", Longitude: -76°32'14");

32. a 16 inch diameter natural gas line across a Palustrine Emergent Wetland (PEM) and a Palustrine Forested Wetland (PFO) impacting 624 square feet; (Overton, PA Quadrangle, Latitude: 41°36'15", Longitude: -76°32'16");

33. a 16 inch diameter natural gas line across a Palustrine Emergent Wetland (PEM) and a Palustrine Forested Wetland (PFO) impacting 273 square feet; (Overton, PA Quadrangle, Latitude: 41°36'18", Longitude: -76°32'23");

34. a 16 inch diameter natural gas line across a Palustrine Emergent Wetland (PEM) and a Palustrine Scrub-Shrub Wetland (PSS) impacting 177 square feet; (Overton, PA Quadrangle, Latitude: 41°36'19", Longitude: -76°32'27");

35. a 16 inch diameter natural gas line across a Palustrine Emergent Wetland (PEM) and a Palustrine Scrub-Shrub Wetland (PSS) impacting 69 square feet; (Overton, PA Quadrangle, Latitude: 41°35'26", Longitude: -76°30'05");

36. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Forested Wetland (PFO) impacting 460 square feet; (Overton, PA Quadrangle, Latitude: 41°36'23", Longitude: -76°32'36");

37. a 16 inch diameter natural gas line across a Palustrine Emergent Wetland (PEM) and a Palustrine Forested Wetland (PFO) impacting 123 square feet; (Overton, PA Quadrangle, Latitude: 41°36'25", Longitude: -76°32'40");

38. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 658 square feet; (Overton, PA Quadrangle, Latitude: 41°36'35", Longitude: -76°33'08");

39. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 260 square feet; (Overton, PA Quadrangle, Latitude: 41°37'11", Longitude: -76°33'47");

40. a 16 inch diameter natural gas line across a Palustrine Scrub-Shrub Wetland (PSS) impacting 81 square feet; (Overton, PA Quadrangle, Latitude: 41°37'26", Longitude: -76°33'39");

41. a 16 inch diameter natural gas line across a Palustrine Scrub-Shrub Wetland (PSS) and a Palustrine Forested Wetland (PFO) impacting 162 square feet; (Overton, PA Quadrangle, Latitude: 41°37'28", Longitude: -76°33'40");

42. a 16 inch diameter natural gas line across a Palustrine Forested Wetland (PFO) impacting 54 square feet; (Powell, PA Quadrangle, Latitude: 41°37'43", Longitude: -76°33'32");

43. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM), Palustrine Scrub-Shrub Wetland (PSS) and a Palustrine Forested Wetland (PFO)

impacting 6,972 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'08", Longitude: -76°29'26");

44. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) and a Palustrine Scrub-Shrub Wetland (PSS) impacting 1,187 square feet; (Dushore, PA Quadrangle, Latitude: 41°35'26", Longitude: -76°30'05");

45. a 16 inch diameter natural gas line across a Palustrine Emergent Wetland (PEM) and a Palustrine Scrub-Shrub Wetland (PFO) impacting 63 square feet; (Overton, PA Quadrangle, Latitude: 41°34'30", Longitude: -76°30'23");

46. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) and a Palustrine Scrub-Shrub Wetland (PSS) impacting 565 square feet; (Overton, PA Quadrangle, Latitude: 41°34'29", Longitude: -76°30'24");

47. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 4,815 square feet; (Overton, PA Quadrangle, Latitude: 41°34'35", Longitude: -76°30'38");

48. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 2,455 square feet; (Overton, PA Quadrangle, Latitude: 41°34'38", Longitude: -76°30'46");

49. a 16 inch diameter natural gas line and a temporary 12 foot wide equipment mat across a Palustrine Emergent Wetland (PEM) impacting 775 square feet; (Overton, PA Quadrangle, Latitude: 41°35'15", Longitude: -76°32'47");

The project will result in 1,710 linear feet or 13,783 square feet of temporary stream impacts, 41,354 square feet (0.95 acre) of PEM/PSS/PFO temporary wetland impacts and 460 square feet (0.01 acre) of PEM/PSS/PFO permanent wetland impacts all for the purpose of installing a natural gas line with associated access roadways.

E5929-024: SWEPI LP, 190 Thorn Hill Road, Warrendale, PA 15086, Richmond, Covington and Sullivan Townships, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch and 4 inch diameter water line impacting 28 linear feet of an unnamed tributary to Tioga River (CWF) (Mansfield, PA Quadrangle 41°45'54"N 77°05'00"W);

2) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch and 4 inch diameter water line impacting 86 linear feet of Tioga River (CWF) (Mansfield, PA Quadrangle 41°45'53"N 77°04'50"W);

3) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch and 4 inch diameter water line impacting 21 linear feet of an unnamed tributary to Tioga River (CWF) (Mansfield, PA Quadrangle 41°45'48"N 77°04'37"W);

4) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch and 4 inch diameter water line impacting 4 linear feet of an unnamed tributary to Tioga River (CWF) (Mansfield, PA Quadrangle 41°45'45"N 77°04'28"W);

5) 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch and 4 inch diameter water line

impacting 7 linear feet of an unnamed tributary to Tioga River (CWF) (Mansfield, PA Quadrangle 41°45'37"N 77°04'11"W);

6) 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch and 4 inch diameter water line impacting 13 linear feet of an unnamed tributary to Tioga River (CWF) (Mansfield, PA Quadrangle 41°45'37"N 77°04'08"W);

7) a temporary road crossing using a mat bridge impacting 10 linear feet of an unnamed tributary to Tioga River (CWF) (Mansfield, PA Quadrangle 41°45'36"N 77°07'08"W);

8) a temporary road crossing using a mat bridge impacting 16 linear feet of an unnamed tributary to the Tioga River (CWF) (Mansfield, PA Quadrangle 41°45'37"N 77°03'57"W);

9) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch and 4 inch diameter water line impacting 11 linear feet of an unnamed tributary to Canoe Camp Creek (CWF) (Mansfield, PA Quadrangle 41°45'53"N 77°03'11"W);

10) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch and 4 inch diameter water line impacting 79 linear feet of Canoe Camp Creek (CWF) (Mansfield, PA Quadrangle 41°45'54"N 77°03'00"W);

11) a temporary road crossing using a mat bridge impacting 23 linear feet of Canoe Camp Creek (CWF) (Mansfield, PA Quadrangle 41°45'48"N 77°03'00"W);

12) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch and 4 inch diameter water line impacting 6 linear feet of an unnamed tributary to Canoe Camp Creek (CWF) (Mansfield, PA Quadrangle 41°46'05"N 77°02'15"W);

13) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch and 4 inch diameter water line impacting 10 linear feet of an unnamed tributary to Canoe Camp Creek (CWF) (Mansfield, PA Quadrangle 41°46'42"N 77°02'06"W);

14) a temporary road crossing using a mat bridge impacting 15 linear feet of an unnamed tributary to Canoe Camp Creek (CWF) (Mansfield, PA Quadrangle 41°46'42"N 77°01'55"W);

15) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch and 4 inch diameter water line impacting 15 linear feet of an unnamed tributary to Canoe Camp Creek (CWF) (Mansfield, PA Quadrangle 41°46'54"N 77°02'19"W);

16) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch and 4 inch diameter water line impacting 22 linear feet of an unnamed tributary to Canoe Camp Creek (CWF) (Mansfield, PA Quadrangle 41°46'55"N 77°02'20"W);

17) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch and 4 inch diameter water line impacting 6 linear feet of an unnamed tributary to Corey Creek (CWF) (Mansfield, PA Quadrangle 41°47'07"N 77°01'00"W);

18) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering lines and a 10 inch and 4 inch diameter water line impacting 14 linear feet of an unnamed tributary to Corey Creek (CWF) (Mansfield, PA Quadrangle 41°47'24"N 77°00'58"W);

19) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 1,369 square feet of a palustrine emergent (PEM) wetland and palustrine scrub/shrub (PSS) wetland (Mansfield, PA Quadrangle 41°45'52"N 77°05'34"W);

20) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 33,247 square feet of a palustrine emergent (PEM) wetland and palustrine scrub/shrub (PSS) wetland (Mansfield, PA Quadrangle 41°45'53"N 77°04'52"W);

21) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 23,058 square feet of a palustrine emergent (PEM) wetland and palustrine scrub/shrub (PSS) wetland (Mansfield, PA Quadrangle 41°45'46"N 77°04'30"W);

22) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 17,621 square feet of a palustrine emergent (PEM) wetland and palustrine scrub/shrub (PSS) wetland (Mansfield, PA Quadrangle 41°45'44"N 77°04'27"W);

23) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 1,044 square feet of a palustrine emergent (PEM) wetland and palustrine scrub/shrub (PSS) wetland (Mansfield, PA Quadrangle 41°45'37"N 77°04'21"W);

24) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 103 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'43"N 77°04'19"W);

25) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 109 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'33"N 77°04'08"W);

26) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 189 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'37"N 77°04'01"W);

27) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 1,942 square feet of a palustrine emergent (PEM) wetland and palustrine scrub/shrub (PSS) wetland (Mansfield, PA Quadrangle 41°45'37"N 77°04'03"W);

28) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 531 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'38"N 77°04'01"W);

29) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 2,079

square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'39"N 77°03'59"W);

30) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 199 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'44"N 77°03'48"W);

31) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 251 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'44"N 77°03'45"W);

32) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 625 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'44"N 77°03'41"W);

33) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 2,782 square feet of a palustrine forested (PFO) wetland (Mansfield, PA Quadrangle 41°45'47"N 77°03'28"W);

34) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 622 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°45'58"N 77°02'41"W);

35) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 1,089 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°46'00"N 77°02'34"W);

36) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 9,997 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°46'28"N 77°01'40"W);

37) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 3,411 square feet of a palustrine emergent (PEM) wetland and palustrine scrub/shrub (PSS) wetland (Mansfield, PA Quadrangle 41°46'36"N 77°02'01"W);

38) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 629 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°46'42"N 77°01'55"W);

39) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 377 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°46'48"N 77°02'12"W);

40) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 5,254 square feet of a palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°46'39"N 77°01'22"W);

41) a temporary road crossing using a mat bridge, 8 inch and 20 inch diameter natural gas gathering line and a 10 inch and 4 inch diameter water line impacting 5,565 square feet of a palustrine emergent (PEM) wetland and palustrine forested (PFO) wetland (Mansfield, PA Quadrangle 41°47'08"N 77°00'59"W);

The project will result in 363 linear feet of temporary stream impacts, a total of 108,368 square feet (2.49 acres) of temporary wetland impacts, and 3,725 square feet (.09 acre) of permanent wetland impacts all for the purpose of installing a natural gas gathering line, fresh waterline, and associated access roadways.

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

E15-817. Pennsylvania Department of Transport District 6, 7000 Geerdes Blvd, King of Prussia, PA 19406, West Whiteland Township, **Chester County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with Grove Road drainage improvement project:

1) To install and maintain a 74-foot long, 18 inch diameter culvert conveying the unnamed tributary (UNT) to Broad Run (HQ-CWF, MF). This work includes removal of the two existing 24-inch and 18-inch pipes located at the northern limit of the stream.

2) To construct and maintained a 30-inch diameter culvert and associated weir along Grove Road, to convey the overflow from the UNT to Broad Run. This work includes the associated rip-rap.

The site is located approximately 682 feet north of the intersection Grubbs Mill Road (T-561) and Grove Road (S.R. 3069) (Downingtown PA, USGS Quadrangle N: 0.34 inches, W: 1.24 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

E09-958. PennDOT District 6-0, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Springfield Township, **Bucks County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the replacement of the existing bridge that carries S.R. 0412, Section 53M (Hellertown Road), over an unnamed tributary (UNT) to Cooks Creek (EV, MF):

1. To remove the existing bridge and to construct and maintain, in its place, a single Conspan open bottom arch culvert and associated wingwalls, impacting 0.003 acre of wetlands (Palustrine Emergent). The proposed culvert will be approximately 35 feet-6 inches-long, 24 feet wide, and 5 feet high.

2. To install and maintain several rock cross vanes and step pools at the upstream of the proposed culvert associated with the stream mitigation project.

The proposed bridge replacement project and associated stream mitigation will permanently impact approximately 144 linear feet and temporarily impact approximately 116 linear feet of the UNT to Cooks Creek. The project is located approximately 278 feet northeast of the intersection of Moyer and Hellertown Roads (Hellertown, PA USGS Quadrangle N: 8.31 inches, W: 7.45 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4802.

E06-668: Pa. Department of Transportation, Engineering District 5-0, 1002 Hamilton Street, Allentown, PA 18101, in Pike Township **Berks County**, ACOE Philadelphia District

To remove the existing structure and construct and maintain a single span prestressed concrete spread box beam bridge skewed 75° having a clear span of 63.46 feet, a width of 29.83 feet, and an underclearance of 6.56 feet across Pine Creek (EV, MF) for the purpose of improving transportation safety and roadway standards. The project is located along SR 1026 (Bertolet Mill Road) in Pike Township, Berks County (Manatawny, PA Quadrangle; N: 6.1 inches, W: 15.6 inches; Latitude: 40°24'31", Longitude: -75°44'13").

E22-529: Drew Williams, Williams Holding Group, LLC, 3035 Progress Avenue, Harrisburg, PA 17110, in West Hanover Township, **Dauphin County**, ACOE Baltimore District

To: 1) enclose and maintain an unnamed tributary to Manada Creek (WWF, MF) in a 369.0-foot long, 36.0-inch diameter, 6.0-inch minimum, uniformly depressed HDPE pipe, including endwalls, 2) construct and maintain four 15.0-inch diameter HDPE stormwater outfalls with endwalls and rock riprap aprons discharging to an unnamed tributary to Manada Creek (WWF, MF) (Latitude: 40°20'43.86"N, Longitude: -76°42'28.97"W), an 8.0-inch diameter PVC sanitary sewer pipe, five 6.0-inch diameter PVC sanitary sewer laterals, an 8.0-inch diameter water main, a 2.0-inch diameter PVC gas line, a 2.0-inch diameter PVC conduit for electric, and a 2.0-inch diameter PVC conduit for cable crossing an unnamed tributary to Manada Creek (WWF, MF) (Latitude: 40°20'43.86"N, Longitude: -76°42'28.97"W), and 3) construct and maintain two 15.0-inch diameter HDPE stormwater outfalls with endwalls and rock riprap aprons discharging to an unnamed tributary to Manada Creek (WWF, MF) (Latitude: 40°20'50.09"N, Longitude: -76°42'31.47"W). The purpose of the project is for the construction of a residential development. The project is located along Linglestown Road (S.R. 0039), approximately a 1/2 mile north of its intersection with Allentown Boulevard (U.S. 0022) (Hershey, PA Quadrangle; N: 17.5 inches, W: 11.8 inches; Latitude: 40°20'47", Longitude: -76°42'30") in East and West Hanover Townships, Dauphin County.

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E47-094. Timothy Karr, Jacob's Landing LLC, 519 North Derr Drive, Lewisburg, PA 17837-1001. Small Projects Water Obstruction and Encroachment Joint Permit, in Danville Borough, **Montour County**, ACOE Susquehanna River Basin District (Danville, PA Quadrangle N: 40° 57' 23"; W: 76° 36' 56").

To construct and maintain a 26 unit townhome complex in the delineated floodway of the Susquehanna River, which is located along Water Street in the Borough of Danville, Montour County. There are no proposed wetland impacts. This permit was issued under Section 105.13(e) "Small Projects."

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

E04-337. Valvoline Rochester Processing Plant. Valvoline, Division of Ashland, Inc., 3499 Blazer Parkway, Lexington, KY 40509. To construct, operate and maintain a new 120 LF barge dock and barge unloading facility. The proposed structures will be constructed in the

Ohio River (WWF). The project is located to the west of the Monaca-East Rochester Bridge (Pa-51) (Beaver, PA Quadrangle; N: 12.75 inches, W: 2.5 inches; Latitude: 40° 41' 42"; Longitude: 80° 16' 05") in East Rochester Borough, **Beaver County**.

E04-338. Chippewa Township Sanitary Authority. 2811 Darlington Road, Beaver Falls, PA 15010. To stabilize and maintain approximately 210.0 linear feet of the right bank of the North Branch of Brady Run (TSF); and to remove two vegetated gravel bars totaling approximately 150.0 linear feet in length; and impact approximately 0.089 acre of wetlands for the purpose of protecting the existing sewer line and manholes. The project is located 250 feet north of the intersection of Chippewa Park Road and Shenango Road (Midland, PA Quadrangle; N: 22 inches, W: 0.5 inches; Latitude: 40°- 45'- 10"; Longitude: 80°- 22'- 30") in Chippewa Township, **Beaver County**.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105

D36-019EA. Dave Lewis, Marietta Gravity Water Company, 1195 River Road, P. O. Box 302, Marietta, PA 17547-0302. East Donegal and West Hempfield Townships, **Lancaster County**, ACOE Baltimore District. Project proposes to breach and remove Heistand Sawmill Dam across Chickies 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 1200 feet of stream channel. The dam is located approximately 300 feet southeast of the intersection of SR 441 and Long Lane (T334) (Columbia West, PA Quadrangle; Latitude: 40° 3' 19", Longitude: -76° 31' 36").

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.

Southwest Region: Oil & Gas Program Manager, 400 Waterfront Drive Pittsburgh PA

12/13/2011
 ESCGP-1 No: ESX10-129-0007 Major Revision
 Applicant Name: RW Gathering LLC
 Contact Person David Freudenrich
 Address: 1000 Town Center Suite 130
 City: Canonsburg State: PA Zip Code: 15317
 County: Westmoreland Township: Derry
 Receiving Stream (s) And Classifications: Saxman Run &
 Union Run/Ohio River Watershed, Other WWF

1/24/2012
 ESCGP-1 No.: ESX11-059-0077
 Applicant Name: EQT Production
 Contact Person: Todd Klaner
 Address: 455 Racetrack Road
 City: Washington State: Pa Zip Code: 15301
 County: Greene Township(s): Morgan
 Receiving Stream(s) and Classifications: Tributary 410323
 to S Fork Tenmile Creek—WWF Trib 40324 to S Fork
 Tenmile Creek—WWF Thenmile Creek Watershed, Other

1/24/2012
 ESCGP-1 No.: ESX11-021-0010
 Applicant Name: Carrizo Marcellus LLC
 Contact Person: Gary Byron
 Address: 251 Drainlick Road P O Box 231
 City: Drifting State: PA Zip Code: 16834
 County: Cambria Township(s): Reade
 Receiving Stream(s) and Classifications: Muddy Run CWF,
 MF, Other

1/24/12
 ESCGP-1 No.: ESX12-125-0005
 Applicant Name: Range Resources—Appalachia LLC
 Contact Person: Glenn Truzzi
 Address: 3000 Town Center Blvd
 City: Canonsburg State: PA Zip Code: 15317
 County: Washington Township(s): Chartiers
 Receiving Stream(s) and Classifications: UNT to Chartiers
 Creek/Chartiers Creek Watershed, Other

1/24/12
 ESCGP-1 No.: ESX12-125-0006
 Applicant Name: Range Resources—Appalachia LLC
 Contact Person: Glenn Truzzi
 Address: 3000 Town Center Blvd
 City: Canonsburg State: PA Zip Code: 15317
 COUNTY Washington Township(s): Chartiers
 Receiving Stream(s) and Classifications: UNT to Chartiers
 Creek/Chartiers Creek Watershed, Other

*Northcentral Region: Oil & Gas Management Program
 Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESX11-115-0178
 Applicant Name Southwestern Energy Production
 Company
 Contact Person Dave Sweeley
 Address 917 State Route 92 North
 City, State, Zip Tunkhannock, PA 18657
 County Susquehanna County
 Township(s) New Milford Township
 Receiving Stream(s) and Classification(s) East Lake
 Creek and Salt Lick Creek (HQ-CWF);
 Secondary: Susquehanna River (WWF)

ESCGP-1 # ESX11-113-0026
 Applicant Name Chesapeake Appalachia
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Sullivan County
 Township(s) Cherry Township
 Receiving Stream(s) and Classification(s) Marsh Creek

and UNT Marsh Creek (EV);
 Secondary: Little Loyalsock Creek (EV)

ESCGP-1 # ESX12-113-0001
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Sullivan County
 Township(s) Forks Township
 Receiving Stream(s) and Classification(s) Streby Run
 (EV);
 Secondary: Lick Creek (EV)

ESCGP-1 # ESX11-015-0315
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Bradford County
 Township(s) Windham Township
 Receiving Stream(s) and Classification(s) Parks Creek,
 West Branch Parks Creek;
 Secondary: Wysox Creek

ESCGP-1 # ESX12-015-0006
 Applicant Name Talisman Energy USA, Inc.
 Contact Person Tracy Gregory
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford County
 Township(s) Columbia Township
 Receiving Stream(s) and Classification(s) Tributaries to
 Sugar Creek (TSF);
 Secondary: Sugar Creek

ESCGP-1 # ESX12-117-0001
 Applicant Name Mainesburg GS, LP
 Contact Person Terry Klare
 Address 5613 DTC Parkway, Suite 200
 City, State, Zip Greenwood Village, CO 80111
 County Tioga County
 Township(s) Sullivan Township
 Receiving Stream(s) and Classification(s) Canoe Camp
 Creek (CWF)

ESCGP-1 # ESX11-115-0165
 Applicant Name Williams Field Services Company, LLC
 Contact Person Clayton Roesler
 Address 1605 Coraopolis Heights Road
 City, State, Zip Moon Township, PA 15108
 County Susquehanna County
 Township(s) Bridgewater and Brooklyn Townships
 Receiving Stream(s) and Classification(s) UNT to Meshop-
 pen Creek (CWF)

ESCGP-1 # ESX11-081-0166
 Applicant Name Aqua Infrastructure, LLC
 Contact Person Marc Lucca
 Address 762 W. Lancaster Avenue
 City, State, Zip Bryn Mawr, PA 19010
 County Lycoming County
 Township(s) Anthony Township
 Receiving Stream(s) and Classification(s) First Fork Larry's
 Creek (HQ, EV);
 Secondary: Susquehanna River

ESCGP-1 # ESX12-081-0005
 Applicant Name Anadarko E&P Company
 Contact Person Nathan Bennett
 Address 33 W. Third Street, Suite 200
 City, State, Zip Williamsport, PA 17701
 County Lycoming County
 Township(s) McHenry Township

Receiving Stream(s) and Classification(s) UNT Miller Run (HQ-CWF, MF);
Secondary: Miller Run (HQ-CWF, MF)

ESCGP-1 # ESX12-027-0001

Applicant Name Anadarko E&P Company
Contact Person Nathan Bennett
Address 33 W. Third Street, Suite 200
City, State, Zip Williamsport, PA 17701
County Centre County

Township(s) Boggs Township

Receiving Stream(s) and Classification(s) UNT to Council Run (CWF, MF);
Secondary: Council Run (CWF, MF)

ESCGP-1 # ESX12-015-0001

Applicant Name Talisman Energy USA, Inc.
Contact Person Tracy Gregory
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845
County Bradford County

Township(s) Warren Township

Receiving Stream(s) and Classification(s) UNT to Dewing Creek, UNT to Appalachian Creek (Both CWF/MF);
Secondary: Dewing Creek, Appalachian Creek (Both CWF/MF)

ESCGP-1 # ESX11-015-0321

Applicant Name Talisman Energy USA, Inc.
Contact Person Tracy Gregory
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845
County Bradford County

Township(s) Columbia Township

Receiving Stream(s) and Classification(s) Morgan Creek, UNT to Morgan Creek (Both TSF/MF);
Secondary: Sugar Creek (TSF/MF)

ESCGP-1 # ESX12-015-0008

Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Bradford

Township(s) West Burlington Township

Receiving Stream(s) and Classification(s) Tomjack Creek, Mill Creek (Both TSF);
Secondary: Sugar Creek (WWF)

ESCGP-1 # ESX11-115-0183

Applicant Name Southwestern Energy Production Company
Contact Person Dave Sweeley
Address 917 State Route 92 North
City, State, Zip Tunkhannock, PA 18657
County Susquehanna County

Township(s) New Milford Township

Receiving Stream(s) and Classification(s) East Lake Creek & UNT to Salt Lick Creek (HQ);
Secondary: Susquehanna River (WWF)

ESCGP-1 # ESX11-115-0177

Applicant Name Southwestern Energy Production Company
Contact Person Dave Sweeley
Address 917 State Route 92 North
City, State, Zip Tunkhannock, PA 18657
County Susquehanna County

Township(s) New Milford and Jackson Townships

Receiving Stream(s) and Classification(s) UNT to Butler Creek (CWF-MF, Majority of Site); Salt Lick Creek Baskin (HQ-CWF, MF);
Secondary: Susquehanna River

ESCGP-1 # ESX11-081-0079 (02)

Applicant Name EXCO Resources (PA), LLC

Contact Person Scott Sweeder

Address 3000 Ericsson Drive, Suite 200
City, State, Zip Warrendale, PA 15086
County Lycoming County
Township(s) Penn Township
Receiving Stream(s) and Classification(s) Sugar Run, UNT Sugar Run, Big Run, UNT Big Run

ESCGP-1 # ESX11-081-0078 (02)

Applicant Name EXCO Resources (PA), LLC
Contact Person Scott Sweeder
Address 3000 Ericsson Drive, Suite 200
City, State, Zip Warrendale, PA 15086
County Lycoming County
Township(s) Penn Township

Receiving Stream(s) and Classification(s) Sugar Run, UNT Sugar Run, Big Run, UNT Big Run

ESCGP-1 # ESX11-081-0061 (01)

Applicant Name EXCO Resources (PA), LLC
Contact Person Scott Sweeder
Address 3000 Ericsson Drive, Suite 200
City, State, Zip Warrendale, PA 15086
County Lycoming County
Township(s) Penn Township

Receiving Stream(s) and Classification(s) Sugar Run, Greg's Run, Big Run & Beaver Run

ESCGP-1 # ESX11-081-0081 (01)

Applicant Name EXCO Resources (PA), LLC
Contact Person Scott Sweeder
Address 3000 Ericsson Drive, Suite 200
City, State, Zip Warrendale, PA 15086
County Lycoming County
Township(s) Penn Township

Receiving Stream(s) and Classification(s) Beaver Run, UNT Beaver Run, Muncy Creek, UNT Muncy Creek (HQ)

ESCGP-1 # ESX11-117-0036 (01)

Applicant Name SWEPI LP
Contact Person H. James Sewell
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15286
County Tioga County

Township(s) Richmond and Sullivan Townships
Receiving Stream(s) and Classification(s) UNT to Mill Creek, Kelly Creek, and UNT to Tioga River (All CWF, MF); Mad Run and UNT to Mad Run (TSF, MF)

ESCGP-1 # ESX09-117-0046 (01)

Applicant Name SWEPI LP
Contact Person H. James Sewell
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15286
County Tioga County

Township(s) Clymer Township
Receiving Stream(s) and Classification(s) UNT to Jemison Creek/Susquehanna River Basin in PA (List I);
Secondary: Jemison Creek to Cowanesque River

ESCGP-1 # ESX11-117-0030 (01)

Applicant Name SWEPI LP
Contact Person H. James Sewell
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15286
County Tioga County

Township(s) Delmar Township
Receiving Stream(s) and Classification(s) UNT to Marsh Creek (CWF, MR); Marsh Creek (WWF, MF)

ESCGP-1 # ESX12-117-0002

Applicant Name SWEPI LP
Contact Person H. James Sewell

Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15286
 County Tioga County
 Township(s) Rutland Township
 Receiving Stream(s) and Classification(s) UNT to Mill
 Creek/Susquehanna River Basin in PA—Susquehanna
 River (List H) (TSF);
 Secondary: Tioga River/Susquehanna River Basin in
 PA—Susquehanna River (List H)

ESCGP-1 # ESX11-033-0038
 Applicant Name Energy Corporation of America
 Contact Person Mark Fry
 Address 1380 Route 286 Highway East, Suite 221
 City, State, Zip Indiana, PA 15701
 County Clearfield County
 Township(s) Girard Township
 Receiving Stream(s) and Classification(s) Deer Creek,
 West Branch Susquehanna (CWF)

ESCGP-1 # ESX11-115-0137 (01)
 Applicant Name Williams Field Services Company, LLC
 Contact Person Kristy Flavin
 Address 1605 Coraopolis Heights Road
 City, State, Zip Moon Township, PA 15108-4310
 County Susquehanna County
 Township(s) Auburn and Springville Townships
 Receiving Stream(s) and Classification(s) Dority, Nick,
 Riley and Trib. of White Creeks/Upper Susquehanna—
 Tunkhannock Watershed

ESCGP-1 # ESX11-015-0325
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Bradford County
 Township(s) Litchfield Township
 Receiving Stream(s) and Classification(s) Satterlee Creek
 and Mallory Creek;
 Secondary: Susquehanna River

ESCGP-1 # ESX12-015-0007
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 101 North Main Street
 City, State, Zip Athens, PA 18810
 County Bradford County
 Township(s) Wilmot Township
 Receiving Stream(s) and Classification(s) UNT to Panther
 Lick Creek, Trib. to Sugar Run Creek;
 Secondary: Sugar Run Creek

ESCGP-1 # ESX11-015-0144 (02)
 Applicant Name Talisman Energy USA, Inc.
 Contact Person Tracy Gregory
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford County
 Township(s) Pike and Warren Townships
 Receiving Stream(s) and Classification(s) Ross Creek
 (WWF-MF), Gaylord Creek (CWF, MF), Southwick
 Creek (CWF-MF), Wappasening Creek (CWF, MF)

ESCGP-1 # ESX10-117-0202 (01)
 Applicant Name SWEPI LP
 Contact Person H. James Sewell
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga County
 Township(s) Union Township
 Receiving Stream(s) and Classification(s) West Mill Creek
 (HQ-CWF, MF)

ESCGP-1 # ESX11-117-0074 (01)
 Applicant Name SWEPI LP
 Contact Person H. James Sewell
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga County
 Township(s) Rutland Township
 Receiving Stream(s) and Classification(s) Mill Creek,
 Bailey Creek, Painter Run, Trib. To Mill Creek, Trib. To
 Bailey Creek, Trib. To Hibbard's Run, and Trib. To
 Painter Run (All TSF, MF)

ESCGP-1 # ESX11-117-0008 (01)
 Applicant Name SWEPI LP
 Contact Person H. James Sewell
 Address 190 Thorn Hill Road
 City, State, Zip Warrendale, PA 15086
 County Tioga County
 Township(s) Union Township
 Receiving Stream(s) and Classification(s) Trib. To Salt
 Spring Run (HQ-CWF, MF)

ESCGP-1 # ESX11-115-0164
 Applicant Name Kenneth Marcum
 Contact Person Cabot Oil & Gas Corporation
 Address Five Penn Center West, Suite 401
 City, State, Zip Pittsburgh, PA 15276
 County Susquehanna County
 Township(s) Harford Township
 Receiving Stream(s) and Classification(s) UNT's to East
 Branch Martin's Creek (CWF) & UNT to Leslie Creek
 (CWF)/Susquehanna River;
 Secondary: Susquehanna River

ESCGP-1 # ESX11-115-0185
 Applicant Name Kenneth Marcum
 Contact Person Cabot Oil & Gas Corporation
 Address Five Penn Center West, Suite 401
 City, State, Zip Pittsburgh, PA 15276
 County Susquehanna County
 Township(s) Dimock Township
 Receiving Stream(s) and Classification(s) UNT to Elk
 Lake Stream (CWF), UNT to West Creek (CWF) and
 West Creek (CWF)

ESCGP-1 # ESX11-015-0299
 Applicant Name Appalachia Midstream Services, LLC
 Contact Person Patrick Myers, Jr.
 Address 100 Ist Center
 City, State, Zip Horseheads, NY 14845
 County Bradford County
 Township(s) Terry, Albany, and Asylum Townships
 Receiving Stream(s) and Classification(s) Sugar Run and
 UNT's to Sugar Run (CWF/MF), Durell Creek and
 UNT's to Durell Creek (WWF/MF)

ESCGP-1 # ESX12-015-0005
 Applicant Name Appalachia Midstream Services, LLC
 Contact Person Patrick Myers, Jr.
 Address 100 Ist Center
 City, State, Zip Horseheads, NY 14845
 County Bradford County
 Township(s) Smithfield Township
 Receiving Stream(s) and Classification(s) UNT to the
 Tomjack Creek (TSF, MF), UNT to the West Branch of
 the Tomjack Creek (TSF, MF)

ESCGP-1 # ESX12-015-0010
 Applicant Name Appalachia Midstream Services, LLC
 Contact Person Patrick Myers, Jr.
 Address 100 Ist Center
 City, State, Zip Horseheads, NY 14845
 County Bradford County

Township(s) Smithfield Township
 Receiving Stream(s) and Classification(s) Peas Creek—
 TSF/MF), UNT to the Peas Creek (TSF, MF) UNT to
 the Browns Creek (WWF, MF)

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

<i>ESCGP-1 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
3311803	Appalachia Midstream LLC 3000 Ericsson Drive, Suite 200 Warrendale PA 15086	Jefferson	Snyder Township	Curry Run CWF Rattlesnake Run CWF

*Northwest Region: Oil and Gas Program Manager, 230
 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX12-123-0014—Catherine Brown Lease
 Applicant Universal Resource Holdings
 Contact David See
 Address 3152 East Main Road
 City Dunkirk State NY Zip Code 14048
 County Warren Township(s) Sugar Grove(s)
 Receiving Stream(s) and Classification(s) UNT to Jackson
 Run/Jackson Run/Irvine Run

Address 3000 Ericsson Drive, Suite 200
 City Warrendale State PA Zip Code 15086
 County Jefferson Township(s) Washington(s)
 Receiving Stream(s) and Classification(s) Beaverdam Run
 (HQ-CWF) and Unnamed Tributary to Mill Creek
 (CWF)

ESCGP-1 #ESX11-065-0044—McKee Pad
 Applicant CNX Gas Company LLC
 Contact Mr. Craig Neil
 Address 280 Indian Springs Road, Suite 333
 City Indiana State PA Zip Code 15701
 County Jefferson Township(s) Gaskill(s)
 Receiving Stream(s) and Classification(s) UNT to Mahon-
 ing Creek / Mahoning Creek Watershed

STORAGE TANKS

SITE-SPECTIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, PO Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
12-63-006	Frac Tech Services, LLC 777 Main Street, Suite 3000 Fort Worth, TX 76102-5304 Attn: Zachary Ceplecha	Washington	North Strabane Township	8 ASTs storing petroleum products and hazardous substances	68,000 gallons total

SPECIAL NOTICES

ENVIRONMENTAL ASSESSMENT

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

Project Information:

<i>Project Applicant</i>	<i>Project Applicant's Address</i>	<i>Project Location (Municipality)</i>	<i>Project Location (County)</i>
Coplay-Whitehall Sewer Authority	3213 MacArthur Road Whitehall, PA 18052	Whitehall Twp.	Lehigh
Whitehall Twp.	3219 MacArthur Road Whitehall, PA	Whitehall Twp.	Lehigh

Description: The Coplay-Whitehall Sewer Authority proposes to replace the Coplay Creek Interceptor which has a length of about 24,000 feet; to rehabilitate about twenty manholes; and to install about 1,600 feet of cured-in-place liner in the existing sanitary sewer main for stream crossings that connect with the Interceptor. The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the project's funding source. The Department's review of the project and the information in the Environmental Report has not identified any significant, adverse environmental impact resulting from the proposal. The Department hereby approves the Environmental Assessment.

[Pa.B. Doc. No. 12-232. Filed for public inspection February 10, 2012, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.eLibrary.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Draft Technical Guidance—Substantive Revision

DEP ID: 563-2504-501. Title: Qualifying, Processing, and Tracking Financial Guarantees and Bond Credits. Description: The purpose of this document is to provide guidance to evaluate, process and track remaining financial guarantees and bond credits. It is revised to reflect regulatory changes that affect this program. Written Comments: Interested persons may submit written comments on this Draft Technical Guidance Document by March 12, 2012. Comments submitted by facsimile will not be accepted. All comments, including comments submitted by electronic mail must include the originator's name and address. Written comments should be submitted to Chris Yeakle, P. O. Box 669, Knox, PA 16232, (814) 797-1191 and cyeakle@pa.gov. Contact: Chris Yeakle (814) 797-1191 or cyeakle@pa.gov.

Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-233. Filed for public inspection February 10, 2012, 9:00 a.m.]

Bid Opportunity

OSM 40(2318)104.1, Abandoned Mine Reclamation Project, Currie Hill-Avondale, Plymouth Township, Luzerne County. The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; grading 89,800 cubic yards; drainage excavation 14,390 cubic yards; rock lining 10,090 square yards; and seeding 91.8 acres. This bid issues February 11, 2012, and bids will be opened on March 13, 2012, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is

financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-234. Filed for public inspection February 10, 2012, 9:00 a.m.]

Nutrient Credit Trading Program; Notice of Certification Request

The Department of Environmental Protection (Department) provides notice of the following certification request that has been submitted under the Nutrient Credit Trading Program (Trading Program). See 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed), published at 40 Pa.B. 5790 (October 9, 2010).

Nutrient credit trading is a market-based program that provides incentives for entities to create nutrient reduction credits (credits) by going beyond statutory, regulatory or voluntary obligations and goals to remove nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System (NPDES) permittees to meet their effluent limits for nutrients.

The information described in this notice relates to a certification request submitted on January 25, 2012.

Background

Before a credit can be used by an NPDES permittee, a three-step process is followed: (1) the certification request must be approved; (2) generation of the credits must be verified; and (3) the credits must be registered.

Approval is also known as certification, which is a written approval by the Department for the use of a pollutant reduction activity to generate credits. Certifications are based on at least: (1) a written request describing the qualifying pollutant reduction activity that will reduce the pollutant loadings delivered to the applicable watershed; (2) the calculation to quantify the pounds of reductions expected; and (3) a verification plan that, when implemented, ensures that the qualifying pollutant reduction activity has taken place.

Once the credits are certified, they must be verified to be applied toward an NPDES permit for compliance with effluent limits. Verification means implementation of the verification plan contained in the certification. Verification plans require annual submittal of documentation to the Department that demonstrates that the qualifying pollutant reduction activity has taken place for the applicable compliance year.

The credits also need to be registered by the Department before they can be applied toward an NPDES permit for compliance with effluent limits. Registration occurs only after credits have been certified, verified and a contract has been submitted. The Department registers credits for use during the compliance year in which the qualifying pollutant reduction activity has taken place.

The Department provides registered credits with an annual registry number for reporting and tracking purposes.

Certification Request

The following request is being reviewed by the Department. The Department will accept written comments on this proposed pollutant reduction activity for 30 days.

Applicant

Lycoming County
Conservation District

Pollution Reduction Activity Description

Nitrogen credits to be generated by Client LyChET0001 through the installation of riparian buffers, off-stream watering and streambank fencing.

Written Comments

Interested persons may submit written comment on this proposed pollutant reduction activity by March 12, 2012. The Department will accept comments submitted by e-mail, but comments submitted by facsimile will not be accepted. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Karen Price, Interstate Waters Office, Department of Environmental Protection, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4785, kprice@pa.gov.

For further information about this certification request or the Trading Program contact Karen Price, at the previously listed address or phone number, or visit the Department's web site at www.depweb.state.pa.us (DEP Keywords: "Nutrient Trading").

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-235. Filed for public inspection February 10, 2012, 9:00 a.m.]

Rates to Be Used for Calculating Long-Term Operation and Maintenance Cost Bonds for Water Supply Replacement-Mining Operations

The Department of Environmental Protection (Department) announces the rates to be used to calculate bond amounts for water supply replacement operation and maintenance costs for anthracite and bituminous coal and industrial mineral mining operations. The authority for bonding mining operations is found under The Clean Streams Law (35 P. S. §§ 691.1—691.1001), the Surface Mining Conservation and Reclamation Act (32 P. S. §§ 1396.1—1396.19a), the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66), The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21), the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326) and the regulations promulgated thereunder at 25 Pa. Code Chapters 77 and 86 (relating to noncoal mining; and surface and underground coal mining: general).

The rates are used in calculating the water supply operation and maintenance bond amounts for replacement water supplies affected by activities at mining operations including: surface mines, coal refuse disposal sites, coal refuse reprocessing sites, coal processing facilities, underground coal mining operations and industrial mineral surface mines. The procedures for calculating

water supply operation and maintenance bonds are described in technical guidance 562-4000-102, "Increased Operation and Maintenance Costs of Replacement Water Supplies," which is available on the Department's web site <http://www.elibrary.dep.state.pa.us>.

The Department may review the adequacy of bonds on existing permits at any time. The Department will conduct these reviews before issuing permit renewals. The Department may conduct similar reviews at the mid-term of a permit and before approving a permit revision.

Rates

The Department calculated the rate of inflation and rate of return using 5-year averages. For the rate of inflation, the Consumer Price Index (Northeast Urban) from the United States Department of Labor, Bureau of Labor Statistics, was averaged for the calendar years 2007-2011, resulting in a rate of 2.32%. For the rate of return, the interest rate for the 20-year Treasury bill as reported by the Federal Reserve was averaged for the calendar years 2007-2011 resulting in a rate of 4.206%.

For background information and supporting documentation regarding the rates, contact the Bureau of Mining Programs, Division of Monitoring and Compliance, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5103.

Effective Date

The rates in this notice become effective on April 1, 2012. They will remain in effect until new rates are published. It is anticipated that these new rates will be published in February 2013, to be effective April 1, 2013.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-236. Filed for public inspection February 10, 2012, 9:00 a.m.]

Storage Tank Advisory Committee Meeting Cancellation

The March 6, 2012, meeting of the Storage Tank Advisory Committee (Committee) is cancelled. The next meeting is scheduled for June 5, 2012, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg PA 17105.

Questions concerning the next scheduled meeting of the Committee can be directed to Charles M. Swokel, (717) 772-5806, cswokel@pa.gov. The agenda and meeting materials for the June 5, 2012, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.pa.us> (DEP Keywords: "Public Participation, Participate").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-5551 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-237. Filed for public inspection February 10, 2012, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Abington Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Abington Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-2.11.10.2(1)(a), 2.2-2.11.10.3(2)(a) and 2.2-2.11.9.2(1) (relating to a control/nurse station; scrub facilities for cesarean delivery; and space requirements).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-238. Filed for public inspection February 10, 2012, 9:00 a.m.]

Application of Albert Einstein Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Albert Einstein Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.6-2.2.2.1 (relating to capacity of multi bed room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-239. Filed for public inspection February 10, 2012, 9:00 a.m.]

Application of Children's Hospital of Philadelphia for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Children's Hospital of Philadelphia has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.6-2.2.2.2(1), 2.6-2.2.2.7 and 2.6-2.2.6.12(2)(a) (relating to space requirements; patient bathing facilities; and examination/treatment room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-240. Filed for public inspection February 10, 2012, 9:00 a.m.]

Application of East Stroudsburg Ambulatory Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that East Stroudsburg Ambulatory Surgery Center has requested an exception to the requirements of 28 Pa. Code § 569.35 (relating to general safety precautions).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-241. Filed for public inspection February 10, 2012, 9:00 a.m.]

Application of Grant Surgicenter, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Grant Surgicenter, LLC has requested an exception to the requirements of 28 Pa. Code § 551.31 (d)(3) (relating to licensure).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-243. Filed for public inspection February 10, 2012, 9:00 a.m.]

Application for Exception to 28 Pa. Code § 123.25(2)

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards):

Shriner's Hospital
Troy Community Hospital
UPMC East

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

The facilities are requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-242. Filed for public inspection February 10, 2012, 9:00 a.m.]

Application of Hospital of the University of Pennsylvania for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hospital of the University of Pennsylvania has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-244. Filed for public inspection February 10, 2012, 9:00 a.m.]

Application of Lansdale Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lansdale Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.1-3.2.4.2 (relating to space requirements).

This facility is also requesting exception to 28 Pa. Code § 107.2 (relating to medical staff membership).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-245. Filed for public inspection February 10, 2012, 9:00 a.m.]

Application of Mercy Suburban Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Mercy Suburban Hospital has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and

require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-246. Filed for public inspection February 10, 2012, 9:00 a.m.]

Application of Pinnacle Health Imaging@Heritage, Lemoyne for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pinnacle Health Imaging@Heritage, Lemoyne has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-3.4.4.2(2), 2.2-3.4.4.2(3), 2.2-3.4.5.3, 3.1-3.6.1, 3.1-3.6.6 and 3.1-3.6.7.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-247. Filed for public inspection February 10, 2012, 9:00 a.m.]

Application of Pinnacle Health Imaging—Tristan Radiology Specialists, Camp Hill for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pinnacle Health Imaging—Tristan Radiology Specialists, Camp Hill has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this

publication: 2.2-3.4.4.2(2), 2.2-3.4.4.2(3), 2.2-3.4.4.4, 2.2-3.4.5.3, 2.2-3.6.3.4, 2.2-3.6.3.5, 3.1-3.2.2.3, 3.1-3.6.5, 3.1-3.6.1, 3.1-3.6.6 and 3.1-3.6.7.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-248. Filed for public inspection February 10, 2012, 9:00 a.m.]

Application of Pinnacle Health Imaging—Tristan Radiology Specialists, Hershey for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pinnacle Health Imaging—Tristan Radiology Specialists, Hershey has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-3.4.3.5, 2.2-3.4.4.2(2), 2.2-3.4.4.2(3), 3.1-3.6.1, 3.1-3.6.6, 3.1-3.6.7 and 3.1-7.2.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-249. Filed for public inspection February 10, 2012, 9:00 a.m.]

Application of Pinnacle Health Imaging—Tristan Radiology Specialists, Old Post Road for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pinnacle Health Imaging—Tristan Radiology Specialists, Old Post Road has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-3.4.3.5, 2.2-3.4.4.2(3), 2.2-3.4.4.4, 2.2-3.4.5.3, 3.1-3.6.1, 3.1-3.6.6 and 3.1-3.6.7.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-250. Filed for public inspection February 10, 2012, 9:00 a.m.]

Application of Pinnacle Health Imaging—Tristan Radiology Specialists, Union Deposit Road for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pinnacle Health Imaging—Tristan Radiology Specialists, Union Deposit Road has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically re-

quests exception from the following standards contained in this publication: 2.2-3.4.3.5, 2.2-3.4.4.2(2), 2.2-3.4.4.2(3), 2.2-3.4.5.3, 2.2-3.6.3.4, 2.2-3.6.3.5, 3.1-3.6.1, 3.1-3.6.6, 3.1-3.6.7 and 3.1-7.2.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-251. Filed for public inspection February 10, 2012, 9:00 a.m.]

Application of UPMC East for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC East has requested an exception to the requirements of 28 Pa. Code § 127.32 (relating to written orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-252. Filed for public inspection February 10, 2012, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.20(a) (relating to resident bedrooms):

Mennonite Home
1520 Harrisburg Pike
Lancaster, PA 17601
FAC ID 132102

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

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).

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-253. Filed for public inspection February 10, 2012, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Additional Class of Payments to Qualifying Acute Care General Hospitals for Obstetrical and Neonatal Intensive Care Services

The Department of Public Welfare (Department) is providing final notice of an increase to the funding allocation for Fiscal Year (FY) 2010-2011 for disproportionate share hospital (DSH) payments to certain qualifying hospitals based on obstetrical and neonatal intensive care cases. There is no change in the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to increase the funding allocation for these DSH payments at 41 Pa.B. 2769 (May 28, 2011). The Department received no public comments during the 30-day comment period, and will implement the changes as described in its notice of intent.

Fiscal Impact

The FY 2010-2011 obstetrical and neonatal DSH payment in the amount of \$10.717 million (\$4.815 million in State funds) will be paid to qualifying hospitals.

GARY D. ALEXANDER,
Secretary

Fiscal Note: 14-NOT-738. (1) General Fund; (2) Implementing Year 2010-11 is \$4,815,000; (3) 1st Succeeding Year 2011-12 is \$0; 2nd Succeeding Year 2012-13 is \$0; 3rd Succeeding Year 2013-14 is \$0; 4th Succeeding Year 2014-15 is \$0; 5th Succeeding Year 2015-16 is \$0; (4) 2007-08 Program—\$5,000,000; 2008-09 Program—\$6,544,000; 2009-10 Program—\$4,500,000; (7) Medical

Assistance—Obstetric and Neonatal Services; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 12-254. Filed for public inspection February 10, 2012, 9:00 a.m.]

Payments for Burn Center Services

The Department of Public Welfare (Department) is providing final notice of an increase to the funding allocation for Fiscal Year (FY) 2010-2011 for disproportionate share hospital (DSH) payments to certain qualifying Medical Assistance enrolled acute care general hospital burn centers. There is no change in the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to increase the funding allocation for these DSH payments at 41 Pa.B. 2497 (May 14, 2011). The Department received no public comments during the 30-day comment period, and will implement the changes as described in its notice of intent.

Fiscal Impact

The FY 2010-2011 fiscal impact is \$11.150 million (\$4.946 million in State funds). These payments are provided for in the FY 2010-2011 Hospital Based Burn Center appropriation.

GARY D. ALEXANDER,
Secretary

Fiscal Note: 14-NOT-737. (1) General Fund; (2) Implementing Year 2010-11 is \$4,946,000; (3) 1st Succeeding Year 2011-12 is \$0; 2nd Succeeding Year 2012-13 is \$0; 3rd Succeeding Year 2013-14 is \$0; 4th Succeeding Year 2014-15 is \$0; 5th Succeeding Year 2015-16 is \$0; (4) 2007-08 Program—\$5,000,000; 2008-09 Program—\$5,170,000; 2009-10 Program—\$4,630,000; (7) Hospital Based Burn Centers; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 12-255. Filed for public inspection February 10, 2012, 9:00 a.m.]

Trauma Disproportionate Share Payments

The Department of Public Welfare (Department) is providing final notice of amendments to the qualifying criteria and payment methodology and an increase in the funding allocation for an additional class of disproportionate share hospital (DSH) payments to hospitals that qualify as trauma centers for the purpose of improving access to readily available and coordinated trauma care for the citizens of this Commonwealth. The Department increased funding for these payments as a result of additional funding allocations in the Commonwealth's 2010-2011 budget. The qualifying criteria and payment methodology were amended as a result of requirements established in the act of October 22, 2010 (P. L. 829, No. 84) (62 P. S. §§ 801-H—808-H), known as the Pennsylvania Trauma Systems Stabilization Act.

Level I and Level II Trauma Centers

A hospital located in this Commonwealth shall qualify as a trauma center (qualified trauma center) if it is accredited by the Pennsylvania Trauma Systems Foundation (Foundation) as a Level I or Level II trauma center.

An out-of-State hospital qualifies as a trauma center (out-of-State qualified trauma center) if the hospital operates a trauma center that annually discharges more than 30 patients, who qualify as trauma patients under the Pennsylvania Trauma Outcome Study (PTOS) for 2 of the preceding 4 years or is West Virginia University Hospital and meets each of the following requirements:

(1) Is accredited as a Level I or Level II trauma center by the Foundation; or has obtained verification from the American College of Surgeons as a Level I or Level II trauma center; and is formally designated as a Level I or Level II trauma center by its home state.

(2) Pays to the Foundation the annual participation fee the out-of-State hospital would be charged were it accredited by the Foundation as a Level I or Level II trauma center.

Out-of-State qualified trauma centers shall submit to the Foundation on an annual basis the following:

(1) A copy of the clinical patient data the hospital submits to the National Trauma Database regarding residents in this Commonwealth who receive trauma services from the hospital.

(2) The total and Commonwealth resident-specific number of PTOS trauma visits and patient days for individuals who are Medical Assistance (MA) recipients and those who are uninsured. The definition of what constitutes a PTOS trauma case shall be the same for both Commonwealth and out-of-State hospitals.

There are no changes to the payment methodology for Level I and Level II trauma centers, including out-of-State hospitals.

Level III Trauma Centers

The Foundation accredits Level III trauma centers using standards, based on the American College of Surgeons guidelines for Level III trauma centers. In addition to these standards, a hospital shall meet all of the following criteria to qualify for Level III accreditation:

(1) Provide comprehensive emergency services.

(2) Have, on an annual basis, at least 4,000 inpatient admissions from its emergency department.

(3) For trauma centers accredited or seeking accreditation prior to October 23, 2010:

(a) Be located in a county without an accredited Level I or Level II trauma center.

(b) Not be located within 25 miles travel distance from a Level I or Level II trauma center.

(4) For trauma centers seeking accreditation on or after October 23, 2010:

(a) Be located in a county of the third to eighth class.

(b) Not be located within 25 miles travel distance from a Level I, Level II or Level III trauma center.

The Department allocates 10% of the total available funds to hospitals accredited or seeking accreditation as Level III trauma centers for up to 4 years, with documented evidence of progression towards accreditation and achievement of benchmarks as verified and established by the Foundation in collaboration with the Department (qualified Level III trauma centers).

(1) Fifty percent of this amount available for Level III trauma centers is distributed equally among qualified Level III trauma centers.

(2) Fifty percent of the total amount available for Level III trauma centers is distributed on the basis of each qualified Level III trauma center's percentage of MA and uninsured PTOS trauma cases and patient days compared to the Commonwealth Statewide total number of MA and uninsured PTOS trauma cases and patient days for qualified Level III trauma centers.

For these payments, the Department calculates payment to each qualified Level III trauma center using PTOS data provided by the Foundation. For purposes of calculating the hospital specific portion of the payment, the Department shall count all MA days, uninsured PTOS trauma cases and patient days, irrespective of the home state of the patient. Payment to each qualified Level III trauma center may not be greater than 50% of the average Statewide annual payment to a Level II trauma center.

The Department published notice of its intent to increase the funding allocation for these DSH payments at 41 Pa.B. 3309 (June 25, 2011). The Department received no public comments during the 30-day comment period. The Department has implemented the changes described in its intent notice with one clarification. Specifically, the Department clarified the time frame for the application of the Level III trauma center eligibility criteria.

Fiscal Impact

The Fiscal Year 2010-2011 fiscal impact of these trauma DSH payments is \$25.523 million (\$11.322 million in State general funds).

GARY D. ALEXANDER,
Secretary

Fiscal Note: 14-NOT-739. (1) General Fund; (2) Implementing Year 2010-11 is \$11,322,000; (3) 1st Succeeding Year 2011-12 is \$0; 2nd Succeeding Year 2012-13 is \$0; 3rd Succeeding Year 2013-14 is \$0; 4th Succeeding Year 2014-15 is \$0; 5th Succeeding Year 2015-16 is \$0; (4) 2007-08 Program—\$12,500,000; 2008-09 Program—\$11,597,000; 2009-10 Program—\$10,387,000; (7) Trauma Centers; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 12-256. Filed for public inspection February 10, 2012, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania 5 Card Slots 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 5 Card Slots.

2. *Price:* The price of a Pennsylvania 5 Card Slots instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania 5 Card Slots instant lottery game ticket will contain one play area consisting of "PULL 1," "PULL 2," "PULL 3," "PULL 4," "PULL 5," "PULL 6," "PULL 7" and "PULL 8." Each "PULL" is played separately and contains five playing

card symbols. The playing card symbols and their captions printed in black ink and located in the play area are: 2 of Spades (TWS), 3 of Spades (THS), 4 of Spades (FRS), 5 of Spades (FVS), 6 of Spades (SXS), 7 of Spades (SNS), 8 of Spades (ETS), 9 of Spades (NIS), 10 of Spades (TNS), Jack of Spades (JKS), Queen of Spades (QNS), King of Spades (KGS), Ace of Spades (ACS), 2 of Clubs (TWC), 3 of Clubs (THC), 4 of Clubs (FRC), 5 of Clubs (FVC), 6 of Clubs (SXC), 7 of Clubs (SNC), 8 of Clubs (ETC), 9 of Clubs (NIC), 10 of Clubs (TNC), Jack of Clubs (JKC), Queen of Clubs (QNC), King of Clubs (KGC) and Ace of Clubs (ACC). The playing card symbols and their captions printed in red ink and located in the play area are: 2 of Diamonds (TWD), 3 of Diamonds (THD), 4 of Diamonds (FRD), 5 of Diamonds (FVD), 6 of Diamonds (SXD), 7 of Diamonds (SND), 8 of Diamonds (ETD), 9 of Diamonds (NID), 10 of Diamonds (TND), Jack of Diamonds (JKD), Queen of Diamonds (QND), King of Diamonds (KGD), Ace of Diamonds (ACD), 2 of Hearts (TWH), 3 of Hearts (THH), 4 of Hearts (FRH), 5 of Hearts (FVH), 6 of Hearts (SXH), 7 of Hearts (SNH), 8 of Hearts (ETH), 9 of Hearts (NIH), 10 of Hearts (TNH), Jack of Hearts (JKH), Queen of Hearts (QNH), King of Hearts (KGH) and Ace of Hearts (ACH). Cards are ranked in value from high to low: A, K, Q, J, 10, 9, 8, 7, 6, 5, 4, 3, 2. Each "PULL" uses one 52-card deck of playing card symbols. There are no wild cards. Holders of winning tickets are entitled to the highest prize won in each "PULL."

4. *Prizes:* The prizes that can be won in this game are: \$5, \$7, \$10, \$15, \$50, \$100, \$500, \$1,000 and \$100,000. The player can win up to 8 times on a ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 10,800,000 tickets will be printed for the Pennsylvania 5 Card Slots instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with a "Royal Flush," represented by an Ace, King, Queen, Jack and 10 playing card symbols of the same suit and in the same "PULL," on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets with a "Straight Flush," represented by any five consecutive playing card symbols of the same suit and in the same "PULL," on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with "Four of A Kind," represented by any four playing card symbols of the same value and in the same "PULL," on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets with a "Full House," represented by "Three of A Kind," or three playing card symbols of the same value, combined with an additional "Pair" of playing card symbols, a "Pair" being two playing card symbols of the same value, in the same "PULL," on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets with a "Flush," represented by any five playing card symbols of the same suit and in the same "PULL," on a single ticket, shall be entitled to a prize of \$50.

(f) Holders of tickets with a "Straight," represented by any five consecutive playing card symbols of any suit and in the same "PULL," on a single ticket, shall be entitled to a prize of \$15.

(g) Holders of tickets with "Three of A Kind," represented by any three playing card symbols of the same value and in the same "PULL," on a single ticket, shall be entitled to a prize of \$10.

(h) Holders of tickets with "Two Pair," represented by two different "Pairs" of playing card symbols, each "Pair" being two playing card symbols of the same value and in the same "PULL," on a single ticket, shall be entitled to a prize of \$7.

(i) Holders of tickets with "One Pair," represented by any two playing card symbols of the same value and in the same "PULL," on a single ticket, shall be entitled to a prize of \$5.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

In Any Pull, Get A Combination Of Cards Found In The Prize Legend On The Back Of The Ticket And Win Prize Shown For That Combination. Win With:

<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets</i>	
ONE PAIR	\$5	8.57	1,260,000
TWO PAIR	\$7	30	360,000
ONE PAIR × 2	\$10	60	180,000
THREE OF A KIND	\$10	60	180,000
THREE OF A KIND + ONE PAIR	\$15	150	72,000
ONE PAIR × 3	\$15	150	72,000
STRAIGHT	\$15	150	72,000
ONE PAIR × 4	\$20	150	72,000
THREE OF A KIND × 2	\$20	300	36,000
THREE OF A KIND + (ONE PAIR × 2)	\$20	300	36,000
STRAIGHT + ONE PAIR	\$20	300	36,000
ONE PAIR × 8	\$40	600	18,000
THREE OF A KIND × 4	\$40	600	18,000
(STRAIGHT × 2) + THREE OF A KIND	\$40	600	18,000
(TWO PAIR × 5) + ONE PAIR	\$40	300	36,000
(TWO PAIR × 5) + STRAIGHT	\$50	600	18,000
THREE OF A KIND × 5	\$50	600	18,000
(STRAIGHT × 3) + ONE PAIR	\$50	600	18,000
(STRAIGHT × 2) + THREE OF A KIND + (ONE PAIR × 2)	\$50	600	18,000
FLUSH	\$50	600	18,000
(STRAIGHT × 6) + (ONE PAIR × 2)	\$100	1,200	9,000
(STRAIGHT × 4) + (THREE OF A KIND × 4)	\$100	1,200	9,000
FLUSH + (STRAIGHT × 2) + (THREE OF A KIND × 2)	\$100	1,200	9,000
FLUSH × 2	\$100	2,400	4,500
FULL HOUSE	\$100	2,400	4,500
(FLUSH × 3) + (THREE OF A KIND × 5)	\$200	3,429	3,150
FLUSH × 4	\$200	3,429	3,150
FULL HOUSE + (FLUSH × 2)	\$200	3,750	2,880
FULL HOUSE × 2	\$200	3,750	2,880
FULL HOUSE × 5	\$500	10,000	1,080
(FULL HOUSE × 2) + (FLUSH × 6)	\$500	9,231	1,170
FOUR OF A KIND	\$500	8,000	1,350
FOUR OF A KIND × 2	\$1,000	30,000	360
STRAIGHT FLUSH	\$1,000	30,000	360
STRAIGHT FLUSH × 5	\$5,000	240,000	45
ROYAL FLUSH	\$100,000	540,000	20
ONE PAIR = \$5			
TWO PAIR = \$7			
THREE OF A KIND = \$10			
STRAIGHT = \$15			
FLUSH = \$50			
FULL HOUSE = \$100			
FOUR OF A KIND = \$500			
STRAIGHT FLUSH = \$1,000			
ROYAL FLUSH = \$100,000			

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania 5 Card Slots instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania 5 Card Slots, prize money from winning Pennsylvania 5 Card Slots 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 5 Card Slots instant lottery game, the right of a ticket holder to claim the prize represented by the

ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania 5 Card Slots or through normal communications methods.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 12-257. Filed for public inspection February 10, 2012, 9:00 a.m.]

Pennsylvania \$1,000 A Week For Life '12 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 \$1,000 A Week For Life '12.

2. *Price:* The price of a Pennsylvania \$1,000 A Week For Life '12 instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania \$1,000 A Week For Life '12 instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWININ) and 30 (THIRTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWININ), 30 (THIRTY) and a LIFE (LIFE) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$750 (SVNHUNFTY) and \$1000WK (\$1000/WK/LF).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$4, \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$250, \$500, \$750 and \$1,000 A Week For Life. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 21,000,000 tickets will be printed for the Pennsylvania \$1,000 A Week For Life '12 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a LIFE (LIFE) symbol in the play area and a prize symbol of \$1000WK (\$1000/WK/LF) appears in the "Prize" area under the LIFE (LIFE) symbol, on a single ticket, shall be entitled to a prize of \$1,000 a week for life (\$1,040,000 lifetime minimum) which will be paid by an initial cash payment of \$52,000 plus equal annual payments of \$52,000 over the lifetime of the winner and continuing under the provisions of 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner) until the \$1,040,000 minimum has been paid to the designated beneficiary(s) or the estate of the deceased. If the winner of the Pennsylvania \$1,000 A Week For Life prize is younger than 18 years of age, the winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$750 (SVNHUNFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$750.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$250 (TWOHUNFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(g) 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 \$40⁰⁰ (FORTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$25⁰⁰ (TWY FIV) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(i) 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 \$20⁰⁰

(TWENTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(j) 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 \$10.⁰⁰ (TEN DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$4.⁰⁰ (FOR DOL) appears in the "Prize" area under the match-

ing "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(m) 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 \$2.⁰⁰ (TWO DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1.⁰⁰ (ONE DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

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 Winning Number,
Win Prize Shown Under The
Matching Number. Win With:*

<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 21,000,000 Tickets</i>
\$1 × 2	\$2	16.67
\$2	\$2	18.75
\$1 × 4	\$4	75
\$2 × 2	\$4	50
\$4	\$4	75
(\$2 × 2) + \$1	\$5	75
\$4 + \$1	\$5	150
\$5	\$5	166.67
\$1 × 10	\$10	375
(\$4 × 2) + \$2	\$10	375
\$5 × 2	\$10	300
\$10	\$10	500
\$2 × 10	\$20	750
\$5 × 4	\$20	1,500
\$10 × 2	\$20	1,500
\$20	\$20	1,500
\$5 × 5	\$25	750
(\$10 × 2) + \$5	\$25	1,500
\$20 + \$5	\$25	1,500
\$25	\$25	1,500
\$4 × 10	\$40	2,400
\$5 × 8	\$40	2,400
\$10 × 4	\$40	2,400
\$20 × 2	\$40	2,400
\$25 + \$10 + \$5	\$40	2,400
\$40	\$40	2,400
\$5 × 10	\$50	2,400
\$10 × 5	\$50	3,000
\$25 × 2	\$50	1,714
\$50	\$50	3,000
\$10 × 10	\$100	8,571
\$20 × 5	\$100	8,571
\$25 × 4	\$100	8,571
\$50 × 2	\$100	5,000
\$100	\$100	8,571
\$25 × 10	\$250	40,000
\$50 × 5	\$250	40,000
(\$100 × 2) + \$50	\$250	40,000
\$250	\$250	40,000
\$50 × 10	\$500	60,000
\$100 × 5	\$500	40,000

When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:

\$500	Win: \$500
\$750	\$750
LIFE	\$1000WK

Reveal a "LIFE" (LIFE) symbol, win \$1,000 A Week For Life!

Approximate Odds Are 1 In:

120,000
40,000
4,200,000

Approximate No. Of Winners Per 21,000,000 Tickets

175
525
5

Prizes, including the 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 \$1,000 A Week For Life '12 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 \$1,000 A Week For Life '12, prize money from winning Pennsylvania \$1,000 A Week For Life '12 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 \$1,000 A Week For Life '12 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 \$1,000 A Week For Life '12 or through normal communications methods.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 12-258. Filed for public inspection February 10, 2012, 9:00 a.m.]

DEPARTMENT OF STATE

Operation Help the Children; Cease and Desist Order

Operation Help the Children is ordered to cease and desist from soliciting charitable contributions in this Commonwealth until Operation Help the Children responds to the Bureau of Charitable Organizations' requests for information and duly registers or provides information that the organization 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 the order by writing to Drew Koser, Investigator, Department of State, Bureau of Charitable Organizations, 212 North Office Building, Harrisburg, PA 17120.

CAROL AICHELE,
Secretary

[Pa.B. Doc. No. 12-259. Filed for public inspection February 10, 2012, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Application for Lease of Right-of-Way

Under 67 Pa. Code § 495.4(d) (relating to application procedure), an application to lease highway right-of-way has been submitted to the Department of Transportation by the Borough of Collegeville, 491 East Main Street, Collegeville, PA 19426-2645.

The Borough of Collegeville is seeking to lease highway right-of-way located at the intersection of PA Rt. 29 and Main Street in Collegeville Borough, Montgomery County, approximately 13,133 ± square feet/hectares, adjacent to SR 0029, Section(s) OL1, for purposes of Collegeville Gateway, benches and trees.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Lester Toaso, District Executive, Engineering District 6-0, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525.

Questions regarding this application or the proposed use may be directed to Mary C. Lambright, Real Estate Specialist, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, (610) 205-6507.

BARRY J. SCHOCH, P.E.,
Secretary

[Pa.B. Doc. No. 12-260. Filed for public inspection February 10, 2012, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Meeting Cancellation

The February 21, 2012, meeting of the Environmental Quality Board (Board) is cancelled. The next regularly

scheduled meeting of the Board will occur on Tuesday, March 20, 2012, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. An agenda and meeting materials for the March 20, 2012, meeting will be available on the Department of Environmental Protection's web site at <http://www.depweb.state.pa.us> (Select "Public Participation"; "Public Participation Center").

Questions concerning the Board's next scheduled meeting may be directed to Michele Tate at (717) 783-8727 or mtate@pa.gov.

MICHAEL L. KRANCER,
Chairperson

[Pa.B. Doc. No. 12-261. Filed for public inspection February 10, 2012, 9:00 a.m.]

GOVERNOR'S OFFICE

Regulatory Agenda

Executive Order 1996-1 requires all agencies under the jurisdiction of the Governor to submit for publication an agenda of regulations under development or consideration. The following is the 32nd publication of the Administration's regulatory agenda, grouped by agency. Subsequent agendas will be published on the first Saturdays in February and July.

The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

This Agenda represents the Administration's present intentions regarding future regulations. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed below (as well as any considered subsequent to publication of this Agenda) is published.

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
ADMINISTRATION			
No regulations being developed or considered at this time.			
AGING			
PA Code Title VI Chapter 15 Protective Services for Older Adults	December 2012, as proposed.	The Older Adults Protective Services Act is under review in light of current interest in enhancing protections for vulnerable Pennsylvanians, the decision of the <i>PA Supreme Court in Nixon et al. v. Commonwealth, et al.</i> (which found the current protective services law to be unconstitutional) and numerous technical and administrative provisions that need to be revised. Regulations are routinely being reviewed as numerous pieces of pending legislation are being considered in addition to this omnibus proposal.	Denise Getgen (717) 772-0184
PA Code Title VI Chapter 23 Long-Term Care Ombudsman Program	June 2012, as proposed.	The Department wishes to promulgate regulations for the Long-Term Care Ombudsman program in order to bring it into conformity with national standards.	Bob McNamara (717) 772-3688
AGRICULTURE			
Domestic Animal 7 Pa. Code Chapter 2, 3, and 16	December 2012, as proposed.	The long-term project is intended to update the Department's Regulatory authority to make it more consistent with the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301—2389).	Craig E. Shultz, DVM, Director (717) 772-2852
Cervidae 7 Pa. Code Chapter 18	July 2012, as proposed.	Act 190 of 2002 amended the Domestic Animal Law to require the Department to license and regulate Cervidae livestock operations. Act 51 of 2006 further amended the requirements for Cervidae livestock operations. (3 Pa.C.S. §§ 2303—2380.9).	Craig E. Shultz, DVM, Director (717) 772-2852
Animal Exhibition Sanitation 7 Pa. Code Chapter 20a	July 2012, as proposed.	Act 211 of 2002 requires the Department to enforce sanitation requirements at animal exhibitions, and to regulate as necessary to meet this requirement. (3 Pa.C.S. §§ 2501—2504).	Craig E. Shultz, DVM, Director (717) 772-2852

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Biofuels 70 Pa. Code Chapter 11	October 2012, as proposed.	Act 78 of 2008 (the Biofuel Development and In-State Production Incentive Act) is currently being amended by the legislature. The Department has proposed regulations ready for submission but, will wait to see the final version of the amended Act.	Walt Remmert (717) 787-6772
Weights and Measures Regulations 70 Pa. Code Chapters 1—101	July 2012, as proposed	This long-term project is intended to update the Department's regulations authorized by the Consolidated Weights and Measures Act.	John Dillabaugh (717) 787-6772
Harness Racing Commission 58 Pa. Code Chapters 181, 183, 185 and 186—190	July 2012, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly and address conditions which exist in harness racing that did not exist when the current regulations were originally promulgated. This regulation is a long-term project and would amend 58 Pa. Code Chapters 181, 183, 185, and 186—190, including the general authority of the Commission and provisions relating to associations licensed to conduct pari-mutuel wagering, individual licensing, licensing of officials, rules of the conduct of races, veterinary practices, equine health, and medication, wagering, due process and disciplinary action.	Jorge Augusto (717) 787-8744
Horse Racing Commission 58 Pa. Code Chapters 161, 163, 165, 167, 169, 171 and 173	July 2012, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly and address conditions which exist in thoroughbred horse racing that did not exist when the current regulations were originally promulgated. This regulation is a long-term project and would amend 58 Pa. Code Chapters 161, 163, 165, 167, 169, 171, and 173 including the general authority of the Commission and provisions relating to associations licensed to conduct pari-mutuel wagering, individual licensing, licensing of officials, rules of the conduct of races, veterinary practices, equine health and medication, wagering, due process and disciplinary action.	Jorge Augusto (717) 772-5215
Commercial Feed Rules and Regulations 7 Pa. Code Chapter 71	July 2012, as proposed.	This regulation will replace 7 Pa. Code Chapter 71 and implement provisions of 3 Pa.C.S. §§ 5101—5115 (Commercial Feed Act)	Erin Bubb (717) 772-5215
Pet Food Rules and Regulations 7 Pa. Code Chapter 72	July 2012, as proposed.	This regulation will replace 7 Pa. Code Chapter 72 and implement provisions of 3 Pa.C.S. §§ 5101—5115 (Commercial Feed Act)	Erin Bubb (717) 772-5215
Clean and Green Regulations 7 Pa. Code Chapter 137b	June 2012, as proposed.	This regulation will address statutory changes made by Act 235 of 2004, Act 88 of 2010 and Act 109 of 2010 and will otherwise update the current regulations.	Douglas Wolfgang (717) 783-3167
Agricultural Conservation Easement Purchase Program Regulations 7 Pa. Code Chapter 138e	June 2012, as proposed.	This regulation will address statutory changes made by Act 61 of 2005 and Act 46 of 2006, and will otherwise update the current regulations.	Douglas Wolfgang (717) 783-3167
PA Food Code 7 Pa. Code Chapter 46	April 2012, as proposed.	This regulation will amend 7 Pa. Code Chapter 46 to make this Chapter consistent with the Retail Food Facility Safety Act and the Food Safety Act.	Lydia Johnson (717) 787-4315

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
BANKING			
Annual Assessment Regulation	Late 2012, still in formulation	Required pursuant to 17 Pa.C.S. § 503(a) and 71 P. S. § 733-204.A.	Carter D. Frantz Chief Counsel
Regulation governing continuing education under the Debt Management Services Act.	Early 2012, As proposed	Required pursuant to 63 P. S. § 2409.	Carter D. Frantz Chief Counsel
BOARD OF PARDONS			
No regulations being developed or considered at this date.			
COMMUNITY & ECONOMIC DEVELOPMENT			
No regulations being developed or considered at this date.			
COMMISSION ON CRIME AND DELINQUENCY			
37 Pa. Code Chapter 431 Constables' Education and Training Board	April 2012, as Final	The purpose of this regulation is to eliminate any waivers of the firearms portion of the basic training course, preclude any constable under the age of 21 from participating in the firearms portion of the basic training course and to require a constable who fails a first and second examination in the basic training course bear the financial responsibility for a second or third basic training. The proposed rulemaking also eliminates the 10mm caliber firearm from the firearms training course. Recent statutory changes have necessitated updates to the regulations.	John Pfau (717) 265-8546
CONSERVATION & NATURAL RESOURCES			
State Forests (Chapter 21)	March 2012, Publish proposed rulemaking	A number of provisions in this chapter need to be clarified and updated. The State Forest Picnic Area chapter (23) will be incorporated into this chapter to eliminate duplication and for ease of reference. Legal basis: Sections 302, 313, 502 of the Conservation & Natural Resources Act (71 P. S. §§ 1340.302, 1340.313, and 1340.502)	Matt Beaver, (717) 783-0379 Susan Wood, Esq. (717) 772-4171
State Forest Picnic Areas (Chapter 23)	March 2012, Publish proposed rulemaking	The provisions of this chapter will be incorporated into Chapter 21 (State Forests) for purposes of simplification and ease of reference. Legal basis: Sections 302, 313, 502 of the Conservation & Natural Resources Act (71 P. S. §§ 1340.302, 1340.313, and 1340.502)	Matt Beaver, (717) 783-0379 Susan Wood, Esq. (717) 772-4171
Conservation of Pennsylvania Native Wild Plants (Chapter 45)	April 2012, Publish proposed rulemaking	Major purpose of rulemaking is to update the lists of native wild plants within the classifications and change the beginning date of the ginseng harvest season from Aug. 1 to Sept. 1. Legal basis: Section 7 of the Wild Resource Conservation Act (32 P. S. § 5307); and Section 313 of the Conservation and Natural Resources Act (71 P. S. § 1340.313).	Ellen Shultzabarger (717) 214-3813 Susan Wood, Esq. (717) 772-4171
CORRECTIONS			
Revisions to 37 Pa. Code Chapter 93	July 2012, as proposed	The Motivational Boot Camp regulations are being revised to eliminate unnecessary staffing provisions.	Timothy Holmes (717) 731-0444
Amendments to 37 Pa. Code § 94.2	August 2012, as proposed	The inmate correspondence regulations will be revised to clarify definitions and procedures for incoming inmate mail	Randall N. Sears (717) 728-7763
Amendments to 37 Pa. Code § 94.4	July 2012, as Proposed	The Amendment will restrict the ability of individuals to purchase items from outside the institution for inmates.	Randall N. Sears (717) 728-7763

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
EDUCATION			
Standards for Approved Private Schools 22 Pa. Code Chapter 171 Subchapter C	Fall 2012, as final.	These standards define the elements of Approved Private Schools and the Chartered Schools (schools for the deaf and blind). These standards contain general provisions and allowable expenses and costs. The standards are promulgated under the Authority of the Public School Code of 1949, as amended, PL 30, No. 14, March 16, 1949, P. S. §§ 1-101, et. seq.	John Tommasini (717) 783-6134
State Board of Education 22 Pa. Code Chapter 10	February 2012, as final omitted	As directed by Act 104 of 2010, the State Board of Education will promulgate new regulations that set forth a model memorandum of understanding between school entities and local police departments; establish protocol for notifying police when certain offenses occur on school property; establish protocol for emergency and non-emergency response by the police; and establish procedures and protocols for the response and handling of students with disabilities.	Karen Molchanow (717) 787-3787
State Board of Private Licensed Schools 22 Pa. Code Chapter 73	Spring 2012, as proposed.	These regulations define the requirements for obtaining licensure or registration and for operating as a Private Licensed School. The regulations also define the investigatory and hearing process for enforcement of statutory and regulatory requirements. The Board plans to update the regulations which were promulgated in 1988 to reflect inflation and to address certain issues that have arisen during that time. The regulations are promulgated under the authority of the Private Licensed Schools Act (24 P. S. §§ 6501, et. seq.)	Patricia Landis (717) 783-8228
State Board of Education 22 Pa. Code Chapter 4	September 2012, as proposed.	These regulations establish rigorous academic standards and assessments to facilitate the improvement of student achievement and to provide parents and communities a measure by which school performance can be determined. The regulations are promulgated under the authority of the Public School Code of 1949, 24 P. S. §§ 26-2603-B and 2604-B.	Karen Molchanow (717) 787-3787
EMERGENCY MANAGEMENT AGENCY			
Chapter 113. Volunteer Fire Company, Ambulance Service, and Rescue Squad Assistance Chapter 114 Volunteer Fire Company and Volunteer Ambulance Service Grant	June 2012, as proposed	35 Pa.C.S. 7385 (c)—The Volunteer Loan Assistance Program regulations found in 4 Pa. Code Ch. 113 (relating to volunteer fire company, ambulance service and rescue squad assistance) are hereby transferred to the commissioner from the agency. The commissioner shall fully implement and administer those regulations on or before January 12, 1996. The commissioner may be substituted for the agency throughout the regulations and the regulations may be renumbered and published in the <i>Pennsylvania Bulletin</i> as final regulations without those regulatory changes being subject to the provisions of the act of June 25, 1982 (P. L. 633, No. 181), known as the regulatory review act.	Vince Hudock (717) 651-2728
ENVIRONMENTAL HEARING BOARD			
PA Code Title 25 Chapter 1021 Practice and Procedure	The Environmental Hearing Board intends to propose corrections to existing rules in 2012.	The Environmental Hearing Board intends to correct an omission in the language of 25 Pa. Code § 1021.51 which was amended in 2009, and eliminate its rules pertaining to the Costs Act which has expired.	Maryanne Wesdock (412) 565-5245

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
ENVIRONMENTAL PROTECTION			
Noncoal Program Noncoal Surface Mining Conservation and Reclamation Act 25 Pa. Code Chapter 77.	Fall 2012, as proposed	This rulemaking includes revisions to Chapter 77 (Noncoal Mining) that govern the licensing of mine operators and permitting of mines of minerals other than coal. Specific areas for revision include clarification of permit application requirements including hydrologic data requirements.	Bill Allen (717) 783-9580 wallen@pa.gov
Water Supply Replacement Surface Mining Conservation and Reclamation Act 25 Pa. Code Chapters 87 and 88	Summer 2012, as proposed	This rulemaking includes revisions to Chapters 87 and 88, which will clarify what is necessary to meet the coal mine operator's obligation to permanently pay the operation and maintenance costs for replacement water supplies.	Greg Shuler (717) 783-1199 gshuler@pa.gov
Remining Requirements (Subchapters F and G Revisions) Surface Mining Conservation and Reclamation Act, 25 Pa Code Chapters 86 and 88	Summer 2012, as proposed	The rulemaking includes amendments to remining requirements in Chapters 86 and 88 (Subchapters F and G) in order to reflect changes enacted in EPA regulations.	Keith Brady (717) 787-4814 kbrady@pa.gov
Federal Office of Surface Mining (OSM) Program Consistency Updates Surface Mining Conservation and Reclamation Act, 25 Pa. Codes Chapters 86, 89, and 90	Summer 2012, as proposed	The regulatory package will include amendments to clarify the definition of "mining activities" in Chapter 86 effluent limits for passive treatment systems to comply with Federal regulations; and updates to Chapter 90 coal refuse site selection regulations to comply with the revised Coal Refuse Disposal Control Act.	Bill Allen (717) 783-9580 wallen@pa.gov
Noncoal Mining Fees Noncoal Surface Mining Conservations & Reclamation Act 25 Pa Code Chapter 77	Summer 2012, as final	The rulemaking includes amendments to 25 Pa Code Chapter 77 in order to implement fees to support the Noncoal Mining Program.	Bill Allen (717) 783-9580 wallen@pa.gov
Coal Mining Permit Fees Surface Mining Conservation and Reclamation Act, 25 Pa. Code Chapter 86	Summer 2012, as final	The rulemaking increases permit application fees to support program activities.	Bill Allen (717) 783-9580 wallen@pa.gov
Areas Unsuitable for Surface Mining Surface Mining Conservation and Reclamation Act, 2 5 Pa. Code Chapter 86	Fall 2012, as proposed	The rulemaking includes amendments to Chapter 86 to designate coal seams within Big Run watershed, Graham Township, Clearfield County, as unsuitable for surface mining operations. The regulations results from a petition submitted to the Environmental Quality Board by Graham Township Supervisors, which requested that the Big Run drainage be designated as unsuitable for surface mining operations.	Geoff Lincoln (717) 783-9582 glincoln@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Handling and Use of Explosives Act of 1937; The Administrative Code of 1929; Reorganization Plan No. 2 of 1975; Reorganization Plan No. 8 of 1981; Surface Mining Conservation and Reclamation Act; and Noncoal Surface Mining Conservation and Reclamation Act 25 Pa. Code Chapter 211	Spring 2012, as proposed	The rulemaking will revise current explosive regulations to address blasting activities relating to seismic exploration. The rulemaking will also update explosives use requirements, enforcement authority and eliminate antiquated requirements.	Rick Lamkie (814) 472-1885 rlamkie@pa.gov
Oil & Gas Well Program Oil and Gas Act 25 Pa. Code Chapter 78 Subchapter C	Winter 2012, as proposed	This rulemaking includes revisions to Chapter 78 (Oil and Gas) subchapter C, regulating all surface activities associated with Oil and Gas exploration and development, including; changes to PPC planning, production fluid control, storage, disposal and containment in pits/tanks, liner standards for centralized impoundments, disposal of drill cuttings and residual wastes, secondary containment, site restoration, pipelines, water management plans, reporting releases and road spreading of brine.	Scott Perry (717) 772-2199 scperry@pa.gov
Oil & Gas Well Program Oil and Gas Act 25 Pa. Code Chapter 78 Subchapter D	Fall 2012, as proposed	The rulemaking includes revisions to Chapter 78 (Oil and Gas) Subchapter D, regulating the drilling, casing, cementing, completion, operation, production, plugging and other subsurface activities associated with Oil and Gas exploration and development, including revisions to well plugging procedures, venting, alternative methods, and to address the plugging of unconventional wellbore laterals and coal bed methane wells.	Scott Perry (717) 772-2199 scperry@pa.gov
Underground Coal Mine Safety Automated External Defibrillators Bituminous Coal Mine Safety Act 25 Pa Code Chapter 208	Spring 2012, as final	The rulemaking establishes safety standards relating to Automated External Defibrillators in underground bituminous coal mines.	Joseph Sbaffoni (724) 439-7469 jsbaffoni@pa.gov
Underground Coal Mine Safety Bituminous Coal Mine Safety Act 25 Pa Code Chapter 208	Spring 2012, as proposed	This rulemaking adopts by reference, with certain modifications, the MSHA regulations (30 CFR Part 75) for a high voltage continuous mining machine standard for underground bituminous coal mines.	Joseph Sbaffoni (724) 439-7469 jsbaffoni@pa.gov
Underground Coal Mine High Voltage Continuous Mining Machine Standards for Underground Coal Mines Bituminous Coal Mine Safety Act 25 Pa. Code Chapter 208	Fall 2012, as proposed	This rulemaking adopts by reference, with certain modifications, the MSHA regulations (30 CFR Part 75) for a high voltage continuous mining machine standard for underground bituminous coal mines.	Joseph Sbaffoni (724) 439-7469 jsbaffoni@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Underground Coal Mine Safety Maintenance of Incombustible Content of Rock Dust in Underground Coal Mines Bituminous Coal Mine Safety Act 25 Pa. Code Chapter 208	Fall 2012, as proposed	This rulemaking adopts by reference, with certain modifications, the MSHA regulations (30 CFR Part 75) for maintenance of incombustible content of rock dust in underground bituminous coal mines.	Joseph Sbaffoni (724) 439-7469 jsbaffoni@pa.gov
Water Quality Standards Review Clean Streams Law 25 Pa. Code Chapters 93 and 16	Winter 2012, as proposed	The proposed rulemaking will include revisions to the Commonwealth's water quality criteria and standards in Chapters 93 and 16 to reflect the latest scientific information and Federal guidelines for criteria development, as required by the triennial review requirements in the Federal Clean Water Act.	Tom Barron (717) 787-9637 tbarron@pa.gov
Dam Safety and Waterways Management Fees Dam Safety and Encroachments Act and Clean Streams Law 25 Pa. Code Chapter 105	Winter 2012, as proposed	The purpose of this proposed rulemaking package is to amend existing regulations at 25 Pa. Code, Chapter 105 to update existing fees and include additional fees for activities performed by the Department. The fees have not been increased since 1991.	Sidney Freyemuth (717) 772-5977 sfreyermut@pa.gov
HEDD- High Electric Demand Days Air Pollution Control Act 25 Pa. Code Chapters 121 and 129	Fall 2012, as proposed	The proposed rulemaking would amend 25 Pa Code Chapter 129 to limit emissions of nitrogen oxides (NOx) from electric generating units (EGUs) and emergency generator sets used during non-emergency periods that operate less than 1200 hours per Ozone Season and generate electricity during periods of peak electric demand, including high electric demand days (HEDD), which frequently coincide with periods of high ground-level ozone concentrations. Amendments to § 121.1 (relating to definitions) would also be made to support the proposed amendments to Chapter 129.	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Sulfur Limits in Commercial Fuel Oil Air Pollution Control Act 25 Pa Code Chapters 121 and 123	Summer 2012, as final	The final rulemaking amends 25 Pa. Code § 123.22 (relating to combustion units) to lower the maximum allowed percent sulfur content in commercial fuel oil sold for and used in combustion until in this Commonwealth, to further limit the emissions of sulfur dioxide (SO ₂) from these sources. Amendments to § 121.1 (relating to definitions) will also be made to support the final amendments to § 123.22. The final rulemaking will ensure consistency with the State Implementation Plan revision submitted by Pennsylvania to meet reasonable progress goals for reducing regional haze.	Susan Hoyle (717) 772-2329 shoyle@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Flexible Packaging Printing Presses and Offset Lithographic and Letterpress Printing Presses Air Pollution Control Act 25 Pa. Code Chapter 121 and 129	Summer 2012, as proposed	The proposed rulemaking would amend 25 Pa. Code Chapter 129 (relating to standards for sources) to add requirements to reduce the emissions of volatile organic compounds (VOCs) from flexible packaging printing presses and offset lithographic printing and letterpress printing presses to meet the Clean Air's "reasonably available control measures" requirement for ozone nonattainment areas. The proposal would amend §§ 129.51 and 129.67 (relating to general; and graphic arts systems) and add §§ 129.67a and 129.67b (relating to control of VOC emissions from flexible packaging printing presses; and control of VOC emissions from offset lithographic printing presses and letterpress printing presses). Amendments to § 121.1 (relating to definitions) would also be made to support the proposed amendments to Chapter 129.	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Repeal of Employer Trip Reduction Air Pollution Control Act 25 Pa. Code Chapter 126, Subchapter B	Winter 2012, as final-omitted	This final omitted-rulemaking would repeal the employer trip reduction (ETR) regulations in Chapter 126, Subchapter B (relating to employer trip reduction). The ETR program was originally mandated by the 1990 Amendments of the Clean Air Act. In 1994, the PA General Assembly enacted Act 95 of 1994 suspending the implementation and enforcement of the program because of disproportionate economic costs. Congress has since enacted legislation authorizing states to implement alternative programs.	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Repeal of Portable Fuel Containers Air Pollution Control Act 25 Pa. Code Chapter 130, Subchapter A	Winter 2012, as final-omitted	This final-omitted rulemaking would repeal the portable fuel container (PFC) regulations in Chapter 130, Subchapter A (relating to portable fuel containers). This regulation was promulgated at 32 Pa.B. 4819 (October 5, 2002). The United States Environmental Protection Agency subsequently adopted more stringent measures in February 2007 rendering this regulation unnecessary.	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Repeal of St. Joe Resources Company Air Pollution Control Act 25 Pa. § 128.21	Winter 2012, as final-omitted	This final-omitted rulemaking would repeal the alternative compliance standard found at § 128.21 (relating to St. Joe Resources Company; Potter Township, Beaver County, Pennsylvania) Section 128.21 was promulgated at 16 Pa.B. 521 (February 22, 1986). The alternative compliance standard has been superseded by Federally enforceable permit conditions. The standard in § 128.21 is no longer applicable.	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Emissions of Particulate Matter Air Pollution Control Act 25 Pa. § 139.12	Spring 2012, as proposed	The proposed rulemaking would amend 25 Pa. Code § 139.12 (relating to emissions of particulate matter) to reflect changes in Federal test method requirements. The Environmental Quality Board amended § 139.12 at 27 Pa.B. 6804 (December 27, 1997) to require source testing only for filterable particulate matter. The United States Environmental Protection Agency has revised the source of test method (Method 202) to require the testing of both filterable and condensable particulate matter for purposes of emission inventories and new source review applicability determinations. Other clarifying amendments to Chapter 139 (relating to sampling and testing) would also be proposed for timeliness of reporting requirements.	Susan Hoyle (717) 772-2329 shoyle@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Amendments for the Control of Major Sources of NO _x and VOCs Air Pollution Control Act 25 Pa. Code Chapter 129	Summer 2012, as proposed	The proposed rulemaking would amend the Reasonably Available Control Technology Requirements for major NO _x - and VOC-emitting stationary sources; the proposal would not apply to major VOC-emitting facilities subject to Federal Control Technique Guidelines adopted by the Board as final rulemakings.	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Transport Rule NO _x and SO ₂ Trading Programs Air Pollution Control Act 25 Pa Code Chapter 145	Spring 2012, as proposed	The proposed rulemaking would add a Subchapter E to Chapter 145 to establish the Commonwealth's allowance allocation provisions for the Environmental Protection Agency (EPA) Transport Rule (TR) nitrogen oxides (NO _x) Annual Trading Program, TR NO _x Ozone Season Trading Program and TR Sulfur dioxides (SO ₂) Group 1 Trading Program as a means of mitigating the interstate transport of fine particulates and ozone, and their precursors, NO _x and SO ₂ . The TR identifies emission reduction responsibilities of upwind states, and also promulgates enforceable Federal Implementation Plans (FIPs) to achieve the required emission reductions in each state through cost effective and flexible requirements for power plants. Each state has the option of replacing FIPs with State rules approved as part of the State Implementation Plan (SIP). States are only allowed to change the methodology by which responsibility for achieving the required emissions reductions is allocated among subject units. The proposed rulemaking would affect fossil fuel fired electric generating units (EGUs) with a rated capacity of greater than 25 megawatts and subject to the applicability provisions of the TR in 40 CFR 97.404, 97.504, and 97.604. If adopted as a final-form regulation, the amendments will be submitted to the EPA as a revision to the SIP.	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Air Quality Plan Approval and Operating Permit Fees Air Pollution Control Act 25 Pa. Code Chapters 127 and 139	Spring 2012, as proposed	The proposed rulemaking would: amend existing requirements and fees codified in 25 Pa. Code Chapter 127, Subchapter I (relating to plan approval and operating permit fees); add new categories of fees to Chapter 127, Subchapter I, to address modifications of existing plan approvals and requests for determination of whether a plan approval is required; add a new section to address fees for risk assessment applications; amend the existing emission fee paid by the owner or operator of a Title V facility; and add Subchapter D (relating to testing, auditing and monitoring fees) to Chapter 139 (relating to sampling and testing) to add new categories of fees and to establish a fee schedule to address Department-performed source testing and auditing and monitoring activities for continuous emission monitoring systems (CEMS).	Dean Van Orden (717) 783-9664 dvanorden@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Control of VOC Emissions from Miscellaneous Metal Parts and Plastic Parts Surface Coating Processes, Automobile and Light-duty Truck Assembly Surface Coating Processes and Fiberglass Boat Manufacturing Processes, and Amendments to Mobile Equipment Repair and Refinishing Air Pollution Control Act 25 Pa. Code Chapters 121 and 129	Summer 2012, as proposed	The proposed rulemaking would amend the existing surface coating regulations under 25 Pa. Code Chapter 129 (relating to standard for sources) to further replace the emissions of volatile organic compounds (VOCs) from miscellaneous metal parts and plastic parts surface coating processes, automobile and light-duty truck assembly surface coating processes and fiberglass boat manufacturing processes to meet the Clean Air Act (CAA) "reasonably available control measures" including "reasonably available control technology" (RACT), requirements for ozone nonattainment areas. The proposed rulemaking would amend the existing surface coating regulations in 25 Pa. Code § 129.75 (relating to mobile equipment repair and refinishing) to coordinate emission limits and work practice requirements of the CAA RACT for automobiles and light-duty trucks and the Ozone Transport Commission model rule requirements for motor vehicle and mobile equipment non-assembly line coating operations. Amendments to 25 Pa. Code § 121.1 (relating to definitions) would also be proposed to support amendments to Chapter 129.	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Control of VOC Emissions from Industrial Cleaning Solvent Operations Air Pollution Control Act 25 Pa. Code Chapters 121 and 129	Summer 2012, as proposed	The proposed rulemaking would amend 25 Pa. Code § 121.1 (relating to definitions) and Chapter 129 (relating to standards for sources) to add requirements to reduce the emissions of volatile organic compounds (VOCs) from industrial cleaning solvent operating to meet the Clean Air Act (CAA) "reasonably available control measures" including "reasonably available control technology" (RACT), requirements for ozone nonattainment areas. The proposal would add 25 Pa. Code § 129.63a (relating to control of VOC emissions from industrial cleaning solvent operations) to adopt emission limits and work practice standards. The emission limits and work practice standards would be consistent with the recommendations of the United States Environmental Protection Agency (EPA) included in the corresponding industrial cleaning solvent Control Techniques Guidance (CTG). The EPA recommends applying the control recommendations to operations that emit at least 15 pounds per day (lb/day) of Voc prior to controls, which is consistent with the threshold level contained in many previous CTGs.	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Municipal Waste regulated Medical Amendments Solid Waste Management Act 25 Pa. Code Chapter 284	Spring 2012, as proposed	This rulemaking will amend the existing Chapter 284. This will include some definitions in Chapter 271 that will be added or amended. The term infectious waste will be replaced with the term "regulated medical waste." This terminology change will be a global change. In addition to definitional changes, this proposal also includes changes to storage, transporter licensing, and manifesting requirements for regulated medical waste.	Steve Socash (717) 787-7381 ssocash@pa.gov
Residual Waste Generator Amendments Solid Waste Management Act and Waste Transportation Safety Act 25 Pa. Code Chapter 287	Fall 2012, as proposed	There proposed revisions streamlined and update biennial reporting requirements, reduce the number of generators subject to biennial reporting and annual chemical analyses requirements, and eliminate submission of annual chemical analyses. The requirement for source reduction strategies is proposed for elimination.	Steve Socash (717) 787-7381 ssocash@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Radiological Health 25 Pa Code Chapters 215—240	Fall 2012, as proposed	This rulemaking will amend Pa Code Chapters 215—240 in order to incorporate by reference Federal regulations pertaining to the security of certain radioactive material; to address new x-ray technology that is not addressed in current regulations; and to include radon revisions that are not addressed in current regulations.	Joe Melnic (717) 783-9730 jmelnic@pa.gov
GENERAL SERVICES			
Responsibility, 4 Pa. Code Chapter 60	Spring 2012, as proposed	This chapter will be amended to be consistent with the Procurement Code and to provide for uniform debarment and suspension procedures.	Michael C. Barrett (717) 346-9781
Committee on Construction Contract Documents, 4 Pa. Code Chapter 62	Summer 2012, as final omitted	The Procurement Code repealed the legislation creating this committee, which no longer exists.	Michael C. Barrett (717) 346-9781
Selections Committee, 4 Pa. Code Chapter 64	Summer 2012, as final omitted	These regulations should be rescinded since they have been superseded by the Commonwealth Procurement Code.	Michael C. Barrett (717) 346-9781
Emergency Construction Repairs 4 Pa. Code Chapter 67	Summer 2012, as final omitted	These regulations should be rescinded since they have been superseded by the Commonwealth Procurement Code.	Michael C. Barrett (717) 346-9781
Contract Compliance 4 Pa. Code Chapter 68, Subchapter A, Prequalification of Vendors and Non-construction Contractors	Summer 2012, as final omitted	These regulations should be rescinded since the subject matter of these rules is now covered by the directives management system.	Michael C. Barrett (717) 346-9781
Methods of Awarding Contracts, 4 Pa. Code Chapter 69	Summer 2012, as final omitted	These regulations should be rescinded since they have been superseded by the Commonwealth Procurement Code.	Michael C. Barrett (717) 346-9781
Use of the Forum 4 Pa. Code Chapter 87	Summer 2012, as final omitted	The regulations will be amended to reflect the Department's current use of a rental agreement instead of a permit and to reflect the current organizational structure.	Michael C. Barrett (717) 346-9781
Small Business 4 Pa. Code	Winter 2012, as proposed	With the Small Business Initiative Executive Order and the Veteran-Owned Business Executive Order, we need new regulations regarding certification.	Michael C. Barrett (717) 346-9781
Exercise of First Amendment Rights/ Use of Capitol Complex 4 Pa. Code Chapter 85 and 86	Winter 2012, as proposed	We need to take the existing Statement of Policy and regulation and combine them as an amended regulation if we are to sustain DGS action in regard to protestors.	Michael C. Barrett (717) 346-9781

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
HEALTH			
Communicable and Non-Communicable Diseases 28 Pa. Code § 27.1 et seq.	Preparing for promulgation, no date available	These regulations provide “Disease Control Measures” creating a better system for the prevention of communicable and non-communicable diseases. Certain communicable and non-communicable diseases represent substantial public health threats because of their potential to spread or because they represent preventable health risks. The current revision reflects the fact that new diseases are always emerging. The Department’s authority to promulgate these regulations is found in the Disease Prevention Control law of 1955, 35 P. S. §§ 521.1 et seq. (the Act). Section 16(a) of the (Act 35 P. S. § 521.16 (a)) gives the Board authority to issue rules and regulations on a variety of matters related to communicable and non-communicable diseases. Section 16(b) of the Act (35 P. S. § 521.16 (b)) gives the Secretary of Health the authority to review existing regulations and make recommendations to the Board for changes that the Secretary considers to be desirable. There is also a legislative authority for specific provisions of the regulations. Administrative Code of 1929 (71 P. S. §§ 51 et seq.) (Code) Section 20102 (g) of the code (71 P. S. § 532 (g)) provides general authority for the Department to promulgate regulations.	Stephen M. Ostroff, M.D. Director of Bureau of Epidemiology Department of Health sostroff@pa.gov (717) 787-3350
HOUSING FINANCE AGENCY			
No regulations being developed or considered at this date.			
INFRASTRUCTURE INVESTMENT AUTHORITY			
25 Pa. Code §§ 963.12(a)(6) and (7) 963.13(b)(2), 963.13(c), 963.14(a), 963.15(a), 963(15)(c), 25 Pa. Code § 965.4(9), and 25 Pa. Code § 965.7.	Spring 2012, as proposed	PENNVEST recommends the following revisions: (1) Delete 25 Pa. Code § 963.12(a)(7) thereby allowing PENNVEST to provide financial assistance (loan and grant) for costs associated with the extraction for profit of minerals or other resources from wastewater of sludge whether the project is sponsored by a public or private actor. (2) Amend 25 Pa. Code § 963.13(c) by revising the section to provide for a amortization of advance funding loans with a term of 59 months of interest only and repayment on principal and interest on the 60th month. (3) Amend 25 Pa. Code § 963.18 increasing the current threshold for prior written approval of change orders from \$25,000 to \$50,000. (4) Amend 25 Pa. Code § 963.15(a) by revising the first sentence to provide for a change in the normal loan term to allow 3 years of interest only prior to principal amortization. (5) Amend 25 Pa. Code § 963.15(c)(5) to provide that maximum interest rates on loans shall be determined based upon the unemployment rate for the applicable county in the most recent calendar year for which data has been finalized as of the application cutoff date. (6) Amend 25 Pa. Code § 963.4(9) to allow for eligible land costs under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. (7) Amend 25 Pa. Code § 965.7 to eliminate the requirement for a second opinion project review if the applicant is able to prove to the satisfaction of PENNVEST that no alternative methodologies are available to reduce project costs for projects with construction cost plus contingency in excess of \$15 million.	Shawn W. Weis (717) 783-6776

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
INSURANCE			
No regulations being developed or considered at this date.			
LABOR AND INDUSTRY			
Uniform Construction Code, Title 34, Part XIV, Bureau of Occupational and Industrial Safety	Fall 2012, Submit proposed rulemaking	Adopt updates accessibility requirements (Chapter 11 and Appendix E of the International Building Code) as required by the Pennsylvania Construction Code Act.	Edward Leister (717) 783-6304
Uniform Construction Code, Title 34, Part XIV, Bureau of Occupational and Industrial Safety	Fall 2012, Submit final-omitted rulemaking	Adopted undated provisions of the International Code Council Codes as directed by the Uniform Construction Code Review and Advisory Council, in accordance with the Pennsylvania Construction Code Act.	Edward Leister (717) 783-6304
Flammable and Combustible Liquids, Title 37, Part I, Bureau of Occupational and Industrial Safety	Fall 2012, Submit proposed rulemaking	Update the requirements for unattended self-service stations and adopt requirements for storage and dispensing of compress natural gas as vehicular fuel.	Edward Leister (717) 783-6304
Boilers and Unfired Pressure Vessels, Title 34, Chapter 3a, Bureau of Occupational and Industrial Safety	Summer 2012, Submit proposed rulemaking	Update the codes adopted to the current editions.	Edward Leister (717) 783-6304
Unemployment Compensation, Title 34, Chapter 65, Office of Unemployment Compensation Benefits	Winter 2012, Submitted Proposal Rulemaking	Implement active search for work and update refusal of work regulation	Sean Creegan (717) 787-4186
Unemployment Compensation, Title 34, Chapter 101, Board of Review	Winter 2012, Submit final-omitted in	Delete language re distance requirement in telephone regulation to conform with Act 6 of 2011	Gerard Mackarevich (717) 783-1232
Bureau of Labor Law Compliance, Title 34, Chapter 231 Minimum Wage	Summer 2012, Submit final form rulemaking with proposed rulemaking omitted	Rescind expired Food-Service Employee Incentive Program	Rich Lengler (717) 787-4186
Bureau of Labor Law Compliance, Title 34, Part XII, Chapter 225, Prohibition of Excessive Overtime in Health Care Act	Winter 2012 Submit proposed rulemaking	Regulations to establish a complaint and hearing process	Karen Galli (717) 787-4186
Bureau of Labor Law Compliance, Title 34, Chapters 83 and 84, Apprentices	Spring 2012, Submit proposed rulemaking	Amend regulations to reflect Federal requirements.	Rich Lengler (717) 787-4186
Bureau of PENNSAFE Title 34, Chapters 301—323, Worker and Community Right to Know	December 2012, Submit proposed rulemaking	Amend the PA Hazardous Substance List	Thomas Ward, Jr. (717) 783-1826

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Office of Deaf and Hard of Hearing, Title 34, Chapter 501 Registration of Sign Language Interpreters and Transliterators	Fall 2012, Submit Proposed rulemaking	Amend regulations to be consistent with amendments to Sign Language Interpreter and Transliterators State Registration Act, 63 P. S. §§ 1725.1—1725.11, that were enacted in November 2010.	Sharon Behun (717) 783-4912
Bureau of Labor Law Compliance, Title 3, Chapter 231, Minimum Wage	Winter of 2012, Submit proposed rulemaking	Update regulations to be consistent with Federal regulations changes.	Richard Lengler (717) 787-4186
Workers' Compensation Appeal Board (Board), Title 34, Chapter 111, Special Rules of Administrative and Procedure Before the Board	December 2012, Submit proposed rulemaking	Revise regulations to reflect evolving procedures and technological changes.	Commissioner Alfonso Frioni, Jr. (412) 531-2680
Office of Adjudication, Title 34, Chapter 131, Special Rules of Administrative Practice and Procedure Before the Workers' Compensation Judges	December 2012, Submit proposed rulemaking	Revise regulations to reflect evolving procedures and technological changes.	Deputy Secretary Elizabeth Crum (717) 787-5082
MILITARY AND VETERANS AFFAIRS			
No regulations being developed or considered at this date.			
MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION			
No regulations being developed or considered at this date.			
PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM			
No regulations being developed or considered at this time.			
PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY			
22 Pa. Code Chapter 121 Student Financial Aid	June 2012, as Proposed	These regulations have not been updated in some time. The revisions seek to increase the transparency in regard to the processes used for financial assistance determinations.	Christine Zuzack (717) 720-2368
PROBATION AND PAROLE			
Revision to 37 Pa. Code §§ 63, 65, 67, 69, 71, 73, 75, 77 "Board of Probation and Parole"	Continues to be worked on in FY 2012	Updates to incorporate recent changes to Title 61 and emphasis on evidence based practices	Linda Laub, Acting Chief Counsel (717) 787-8126
Addition of a section to 37 Pa. Code Part II. "Board of Probation and Parole"	Continues to be worked on in FY 2012.	Addition to address urinalysis collection as mandated by 61 Pa.C.S. § 6137(e).	Colleen Fickel, Director, Central Services, PBPP (717) 787-5699 x 292

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
37 Pa. Code, Chapter 79 The County Probation and Parole Officers Firearms Education and Training Law 61 P. S. § 332.5(13) requires the Commission to “make rules and regulations and to perform other duties as may be reasonably necessary or appropriate to implement the training program for county probation and parole officers.”	Expected to be submitted to IRRC by the end of 2012	Add new sections relating to “Break in Service” and “Weapons Change.”	Todd Burns, Executive Director, FETC (717) 787-5699 x 389
<i>PUBLIC SCHOOL EMPLOYEES’ RETIREMENT SYSTEM</i>			
No regulations being developed or considered at this time.			
<i>PUBLIC WELFARE</i>			
Subsidized Child Care Eligibility 55 Pa. Code Chapter 3041	March 2012, as final omitted	This regulation amends the definition of self-employment, repeals subsidized child care special eligibility for children enrolled in a prekindergarten program and amends copayment requirements for school-age child care subsidies. This regulation is being promulgated under the authority of Act 2011-22.	Angie Logan (717) 772-4141
Subsidized Child Care Hearings, Overpayments and Absence Changes 55 Pa. Code Chapter 3041	April 2012, as final omitted	This regulation will disqualify a parent or caretaker from participation in the subsidy program if the parent signs a waiver of an administrative disqualification hearing; require the eligibility agency to refer cases of provider fraud to the Office of Inspector General; codify the overpayment notices process; and clarify the regulation related to families qualified for special eligibility in the Head Start expansion program. Changes will also include suspending payment after five days of absence, end payment of subsidy 30 days after an involuntary job loss, while allowing eligibility to continue up to 60 days after the loss of employment and establish a cap on the number of annual paid absences. This regulation is being promulgated under the authority of Act 2011-22.	Angie Logan (717) 772-4141
Subsidized Child Care Absence Changes 55 Pa. Code Chapter 168	April 2012, As final omitted	Changes will include suspending payment after five days of absence and establishing a cap on the number of annual paid absences. This regulation is being promulgated under the authority of Act 2011-22.	Angie Logan (717) 772-4141
Office of Developmental Programs Home and Community Based Services 55 Pa. Code Chapter 51	April 2012, as final-omitted	This regulation established payment rates, fee schedules and payment methodology for home and community-based services and provider qualifications for providers in the Adult Autism, Consolidated and Person/Family Directed Support waiver program under Act 2011-22.	Angie Logan (717) 772-4141
Office of Developmental Programs ICF/MR Programs 55 Pa. Code Chapter 6211	April 2012, as final-omitted	This regulation will revise the Department payment methodologies, provider cost report requirements and update definitions for private ICF/MR programs. This regulation is being promulgated under the authority of Act 2011-22.	Angie Logan (717) 772-4141

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Revisions to the Special Allowance for Supportive Services Requirement Road to Economic Self-sufficiency through Employment and Training (RESET) Program 55 Pa. Code Chapter 165	April 2012, as final omitted	This final-omitted rulemaking eliminates several types of special allowances, combines public and private transportation related special allowances into one category, and reduces the maximum combined annual limit for transportation from \$3,000 to \$1,500. This final omitted rulemaking also eliminated the motor vehicle insurance special allowance. In addition, the lifetime limit for other work, education and training related allowances is reduced from \$2,000 to \$1,000. This regulation is being promulgated under the authority of Act 2011-22.	Angie Logan (717) 772-4141
State Supplementary Payment Levels 55 Pa. Code Chapter 299	April 2012, as final-omitted	The purpose of this final-omitted rulemaking is to codify the SSP levels in the text of 55 Pa. Code § 299.37 and to rescind Appendix A (relating to SSP payment levels). This regulation is being promulgated under the authority of Act 2011-22.	Angie Logan (717) 772-4141
Program Certification 55 Pa. Code Chapters 101, 105, 107, 108, 109, 145, and 148	June 2012, As proposed	The purpose of this proposed rulemaking is to clarify and update Title 55 of the Pennsylvania Code. This proposed regulation will remove references to agencies and acronyms that no longer exist and ensures that all revisions comply with State and Federal law and policy.	Angie Logan (717) 772-4141
Revisions to Restitution and Disqualification Policy 55 Pa. Code Chapter 255	June 2012, As proposed	The purpose of this proposed rulemaking is to clarify restitution and disqualification policy to comply with State and Federal Law and Policy.	Angie Logan (717) 772-4141
Residential Treatment Facilities (FTF) 55 Pa. Code Chapters 31, 1157, 1165	June 2012, as final-form	This regulation codifies coverage for mental health services to children under 21 years of age that are provided in a residential treatment facility.	Angie Logan (717) 772-4141
Psychiatric Rehabilitation Services 55 Pa. Code Chapter 5230	April 2012, as final form	This regulation promulgates the minimum standards for the delivery of Psychiatric Rehabilitation Services (PRS) for adults. PRS are therapeutic rehabilitation services for individuals with serious mental illness that increase competence in normal life activities and allow individuals to pursue life goals with the greatest possible level of independence.	Angie Logan (717) 772-4141
Inpatient Hospital Services 55 Pa. Code Chapter 1163	April 2012, final-omitted	This final-omitted rulemaking amends current MA regulations at 55 Pa. Code, Chapter 1163, Subchapter A, to eliminate separate payment for normal newborn care for inpatient acute general hospitals. Normal newborn care will be covered as part of the mother's obstetrical delivery APR-DRG payment. The regulations also amend payment policy for readmissions to an acute care general hospital paid through DRG to increase the readmission time frame for review from within 7 days to within 30 days of discharge, as specified at § 443.9 of the Public Welfare Code. This regulation is being promulgated under the authority of Act 2011-22.	Angie Logan (717) 772-4141

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Medical Assistance Copayment Changes 55 Pa. Code Chapter 1101	April 2012, as final-omitted	The purpose of this final-omitted regulation is to eliminate excess copayment reimbursement, to update nominal sliding scale MA copayment amounts and allow adjustments to the sliding scale copayment amounts for publication of notice in the <i>Pennsylvania Bulletin</i> , and to apply a copayment for nonemergency medical transportation paratransit services. Additionally, § 1101.63 is amended to make technical corrections to the chapter to reflect and clarify copayment exclusions currently in effect under the MA program. This regulation is being promulgated under the authority of Act 2011-22.	Angie Logan (717) 772-4141
Pharmacy Benefit Package Change 55 Pa. Code Chapter 1121	June 2012, as final-omitted	Act 22 of 2011 requires the Department to establish benefit packages for pharmacy services for medical assistance recipients 21 years of age or older, and any exceptions to such benefit packages as the Department determines are appropriate during state fiscal year 2011-2012. This regulation package is codifying the pharmacy benefit package changes which were published in the Pharmacy Benefit Package notice at 41 Pa.B. 6455 (December 3, 2011).	Angie Logan (717) 772-4141
Dental Benefits Package Change 55 Pa. Code Chapter 1149	June 2012, as final-omitted	Act 22 of 2011 requires the Department to establish benefit packages for dental services for medical assistance recipients 21 years of age or older, and any exceptions to such benefit packages as the Department determines are appropriate during state fiscal year 2011-2012. This regulation package is codifying the dental package changes which were published in the Dental Benefit Package notice at 41 Pa.B. 5133 (September 24, 2011).	Angie Logan (717) 772-4141
Payment for Nursing Facility Services Provided by Special Rehabilitation Nursing Facilities; Change in Methods and Standards of Setting Payment Rates. 55 Pa. Code Chapter 1187	July 2012, as proposed	This change in rate methodology will allow the Commonwealth to provide payments that reflect the type of services provided by the initial four Special Rehabilitation Nursing Facilities and eliminated existing litigation challenging the adequacy of the case-mix per diem payment rates for facilities in peer group 13.	Angie Logan (717) 772-4141
Long Term Living Home and Community Based Services 55 Pa. Code Chapter 52	April 2012, as final-omitted	The regulation will establish provider qualifications and payment provisions for providers rendering services under the Aging, Attendant Care, COMM CARE, Independence and OBRA Home and Community Based Service waivers and the Act 150 program. This regulation is being promulgated under the authority of Act 2011-22.	Angie Logan (717) 772-4141
Appeal and Fair Hearing and Administrative Disqualification Hearings 55 Pa. Code Chapter 275	July 2012, as proposed	This regulation will update definitions, streamline administrative practices, and incorporate hearing procedures that will support efficiency in the hearing and appeals process.	Angie Logan (717) 772-4141
Medical Assistance Provider Appeal Procedures 55 Pa. Code Chapter 41	July 2012, as proposed	This regulation will clarify procedural and substantive matters related to provider appeals including the filing and post hearing practices for provider appeals.	Angie Logan (717) 772-4141

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Administrative of County Children and Youth Programs 55 Pa. Code Chapter 3130	December 2012, as proposed	This regulation incorporates the amendments to the Juvenile Act as a result of Act 126 of 1998 and the Federal regulations of Title IV-B and Title IV-E funding for child welfare services for children in their own homes and for children receiving placement services. Major changes include permanent hearings and the matters to be determined, requirements related to reasonable efforts including aggravated circumstances contrary to the welfare and best interests and redefining permanency goals for children.	Angie Logan (717) 772-4141
Payment for Child Care 55 Pa. Code Chapter 287	December 2012, as proposed	Chapter 287 will be rescinded as it no longer reflects current policy. Chapter 3140 (relating to planning and financial reimbursement requirements for county children and youth social service programs) already addresses the current determination requirements of TANF-relatedness and Medical Assistance eligibility for children placed by county children and youth agencies.	Angie Logan (717) 772-4141
Planning and Financial Reimbursement requirements for County Children and Youth Social Service Programs	December 2012, as proposed	This regulation provides the requirements for reimbursement for services to county children and youth agencies. The regulations are in need of revision to ensure consistency with Federal requirements and policy to ensure the validity of state and Federal claims.	Angie Logan (717) 772-4141
REVENUE			
Amendments to Estates and Trusts—Personal Income Tax Regulations 61 Pa. Code Chapters 101, 103, 105, and 117	July 2012, as proposed	The Department is promulgating this regulation to codify the Department's policy for the taxation of estates and trusts in the Commonwealth and to provide clear instructions for taxpayers regarding reporting requirements.	Douglas Berguson (717) 346-4633
Amended Returns—Personal Income Tax Regulations 61 Pa. Code Chapters 117, 119, and 121	April 2012, as proposed	The Department is promulgating this regulation to clarify the Department's policy on Amended Returns for Pa. PIT and replace outdated language. In addition, the regulation will provide clear instructions for taxpayers regarding petitions for refunds.	Douglas Berguson (717) 346-4633
Consolidation of Administrative Appeals under the Board of Appeals 61 Pa. Code Chapters 7 and 901	April 2012, as proposed	The Department is proposing regulations to consolidate the administrative appeals under the Board of Appeals and streamline the administrative appeals process.	Douglas Berguson (717) 346-4633
Amendments to Realty Transfer Tax Regulations 61 Pa. Code Chapter 91	Proposed Regulation published at 41 Pa.B. 6220 (November 19, 2011) December 2012, as final	Amendments to the Realty Transfer Tax regulations are being proposed to improve the clarity and effectiveness of the regulations.	Douglas Berguson (717) 346-4633
Amendments to Local Option Small Games of Chance 61 Pa. Code Chapter 901	Proposed regulation published at 41 Pa.B. 4638 (August 27, 2011) December 2012, as final	The Department is proposing revisions to improve the clarity and effectiveness of the regulations relating to games of chance.	Douglas Berguson (717) 346-4633

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
General Provisions Application of Payments 61 Pa. Code Chapter 5a	June 2012, as proposed	The Department is promulgating this regulation to clarify the provisions of the Taxpayers' Bill of Rights and provide a procedure for the application of a payment received from the taxpayer to tax liability owned the Department	Douglas Berguson (717) 346-4633
SECURITIES COMMISSION			
No regulations being developed or considered at this time.			
STATE			
Bureau of Professional and Occupational Affairs —Schedule of Civil Penalties for violations of the Clean Indoor Air Act— 49 Pa. Code Chapter 43b. (16-46) —Telephonic Testimony— 49 Pa. Code Chapter 43b. (number not yet assigned) —Recording Devices— 49 Pa. Code, §§ 43b.101 and 43b.102 (16A-45)	Spring 2012, as Final. Summer 2012, as Proposed. Fall 2012, as Proposed.	This regulation would create a schedule of civil penalties for violations of the Act of June 13, 2008 (P. L. 182, No. 27), known as the Clean Indoor Air Act. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner to set forth schedules of civil penalties. Section 5(b)(1)(ii) of the Clean Indoor Air Act, 35 P. S. § 637.5(b)(1)(ii), authorizes the Bureau to enforce the act. This proposed rulemaking would provide rules for the admission of testimony received by telephone at hearings conducted by boards/commissioners or hearing examiners. Statutory Authority: Section 3 of the Commissioner of Professional and Occupational to promulgate regulations setting forth the procedural rules to be followed in the conduct of hearings in disciplinary matters before a licensing board or commission, after consultation with the licensing boards and commissions. This proposed rulemaking would provide rules for the use of electronic (audio and visual) recording devices during meetings of the boards and commissions within the Department of State for which the Bureau of Professional and Occupational Affairs provides administrative support. Statutory Authority: Sections 710 and 711 of the Sunshine Act, Act of October 15, 1998 (P. L. 179, No. 93) authorizes the adoption of rules and regulations governing the use of recording devices in public meetings.	Cynthia K. Montgomery (717) 783-7200

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Accountancy</p> <p>—Continuing Education— 49 Pa. Code §§ 11.61—11.69a (16A-5511)</p> <p>—General Revisions— 49 Pa. Code Chapter 11 (number not yet assigned)</p> <p>—Civil Penalty Schedule— Accountants— 49 Pa. Code § 43b.10a. (16-48)</p>	<p>Spring 2012, as Final.</p> <p>Summer 2012, as Proposed.</p> <p>Spring 2012, as Final.</p>	<p>The regulation would amend continuing professional education requirements for licensed certified public accountants and public accountants. Statutory Authority: Section 3 of the C.P.A. Law, 63 P. S. § 9.3.</p> <p>This proposed rulemaking would implement the amendments to the CPA Law made by the Act of July 9, 2008 (P. L. 954, No. 73). Statutory Authority: Section 3 of the C.P.A. Law, 63 P. S. § 9.3.</p> <p>This regulation would adopt a schedule of civil penalties for violation of the continuing education regulations of the Board. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner of Professional and Occupational Affairs to set forth schedules of civil penalties, with the approval of the Board.</p>	<p>Sara Fox (717) 783-1404</p>
<p>State Architects Licensure Board</p> <p>—Experienced Requirement— 49 Pa. Code §§ 9.41 and 9.46 (16A-4120)</p>	<p>Summer 2012, as Proposed.</p>	<p>This proposed rulemaking would clarify that the experience requirement must be completed as a condition of licensure rather than as a condition of admittance to the licensing examination and is sufficient that an examination candidate has begun acquiring qualifying experience. Statutory Authority: Section 6(a) and (d) of the Architects Licensure Law, 63 P. S. § 34.6(a) and (b).</p>	<p>Penny Walker (717) 783-3397</p>
<p>State Athletic Commission</p> <p>—Mixed martial arts update— 58 Pa. Code § 28.30 (16-53)</p>	<p>Summer 2012, as proposed</p>	<p>The proposed rulemaking would alter the Commission's current MMA regulations to permit amateur contestants to petition to strike at an opponent's head when on the ground after at least four amateur bouts. Statutory Authority: Sections 103(b) and 501 of the State Athletic Code, 5 Pa.C.S. § 103(b)(1), authorizes the Commission to promulgate regulations regarding professional and amateur boxing contests and exhibitions.</p>	<p>Martha Brown (717) 783-0736</p>
<p>State Board of Auctioneer Examiners</p> <p>—Schedule of Civil Penalties— 49 Pa. Code § 43b.12a (16A-648)</p>	<p>Spring 2012, as proposed</p>	<p>The proposed rulemaking would make updates to the current schedule of civil penalties, as requested by the Board. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner of Professional and Occupational Affairs to set forth schedules of civil penalties.</p>	<p>Terri Kocher (717) 783-3397</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Barber Examiners</p> <p>—Fees— 49 Pa. Code § 3.103 (16A-428)</p> <p>—General Revisions— 49 Pa. Code Chapter 3 (16A-429)</p>	<p>Spring 2012, as Proposed.</p> <p>Fall 2012, as proposed</p>	<p>The proposed rulemaking would increase biennial renewal fees and fees for other board services. Statutory Authority: Section 14 of the Barbers License Law, 63 P. S. § 564.</p> <p>The proposed rulemaking would update the regulations for barber managers, temporary student licenses, barber shops and schools of barbering. Statutory Authority: Section 10 of the Barbers License Law, 63 P. S. § 560</p>	<p>Kelly Diller (717) 783-3402</p>
<p>State Board of Chiropractic</p> <p>—Chiropractic specialties— 49 Pa. Code Ch. 5 (16A-4312)</p> <p>Review of Chiropractic Treatment— 49 Pa. Code Chapter 5 (16A-4315)</p> <p>—Assistance of Unlicensed Supportive Personnel— 49 Pa. Code, Chapter 5 (16A-4316)</p> <p>—Licensure by Reciprocity— 49 Pa. Code § 5.13 (16A-4320)</p> <p>—Volunteer license— 49 Pa. Code § 5.20 (16A-4321)</p>	<p>Spring 2012, as Proposed</p> <p>Spring 2012, as Final.</p> <p>Spring 2012, as Final.</p> <p>Spring 2012, as Final.</p> <p>Spring 2012, as Final (Proposed-omitted).</p>	<p>The Chiropractic Practice Act prohibits licensees from holding themselves out as specialists unless they possess a post-graduate certification in that specialty. This proposed rulemaking would identify the certifications acceptable to the Board. Statutory Authority: Section 302(3) of the Chiropractic Practice Act, 63 P. S. § 625.302(3).</p> <p>This rulemaking would establish standards for chiropractors that engage in chiropractic peer review. Statutory Authority: Section 302(3) of the Chiropractic Practice Act, 63 P. S. § 625.302(3).</p> <p>This regulation would establish standards for the delegation of tasks to unlicensed supportive personnel. Statutory Authority: Sections 302(3) and 601 of the Chiropractic Practice Act, 63 P. S. §§ 624.302(3) and 625.601.</p> <p>This regulation would provide a revised method of licensing out-of-state chiropractors by reciprocity. Statutory Authority: Sections 302(3) and 504 of the Chiropractic Practice Act, 63 P. S. §§ 625.302(3) and 625.504.</p> <p>This regulation would amend the volunteer license regulations to the amendments to the Volunteer Health Services Act under Act 58 of 2002. Statutory Authority: Section 302 of the Chiropractic Practice Act, 63 P. S. § 625.302; and section 5 of the Volunteer Health Services Act, 35 P. S. § 449.45.</p>	<p>Mary Sue Ferster (717) 783-7155</p>
<p>Corporation Bureau —UCC Revised Article 9—(16-35)</p>	<p>Fall 2012, as Proposed.</p>	<p>This proposed rulemaking would adopt (with some revisions) the Model rules promulgated by the International Association of Corporate Administrators, which call for the delivery of filings by electronic means and acceptance of credit card payments. Statutory Authority: Section 9526 of the Uniform Commercial Code Modernization Act of 2001, 13 Pa.C.S. § 9526.</p>	<p>Martha Brown (717) 787-6802</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Cosmetology</p> <p>—Fees— 49 Pa. Code § 7.2 (16A-4515)</p> <p>—Sanitation— 49 Pa. Code Chapter 7 (16A-4516)</p> <p>—Schedule of Civil Penalties— 49 Pa. Code Chapter 43b, § 43b.5. (number not yet assigned)</p>	<p>Spring 2012, as Proposed.</p> <p>Fall 2012, as Proposed.</p> <p>Spring 2012, as Proposed.</p>	<p>The proposed regulation would increase biennial renewal fees for all licensee classifications and would increase certain application fees where the current fees have been determined to be inadequate. Statutory Authority: Section 16(d) of the Beauty Culture Law, 63 P. S. § 522(d), requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to match expenditures over a 2-year period.</p> <p>This proposed rulemaking would update the Board's regulations on sanitation to conform to modern standards within the profession. Statutory Authority: Sections 11 and 14 of the Act of May 3, 1933 (P. L. 242, No. 86), commonly referred to as the Beauty Culture Law, 63 P. S. §§ 517 and 520.</p> <p>This proposed rulemaking would amend the schedule of civil penalties for the State Board of Cosmetology to implement Act 48 civil penalties for failure of a school to submit quarterly reports. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p>	<p>Kelly Diller (717) 783-7130</p>
<p>State Board of Dentistry</p> <p>—Anesthesia Update— 49 Pa. Code, Subchapter E, §§ 33.331—33.342 (16A-4621)</p> <p>—EFDA Scope of Practice— 49 Pa. Code § 33.205a. (16A-4624)</p> <p>—Volunteer License— 49 Pa. Code § 33.110 (Number not yet assigned)</p>	<p>Spring 2012, as Proposed.</p> <p>Spring 2012, as Final.</p> <p>Spring 2012, as Final (proposed-omitted).</p>	<p>This proposed rulemaking would update the standards for the administration of general anesthesia, deep sedation, moderate sedation, minimal sedation and nitrous oxide/oxygen analgesia in dental offices. Statutory Authority: Sections 3(o) and 11.2 of the Dental Law, 63 P. S. §§ 122(o) and 130c.</p> <p>This regulation implements the act of April 29, 2010 (P. L. 176, No. 19), which amended the Dental Law to expand the scope of practice for expanded function dental assistants. Statutory Authority: The proposed rulemaking is authorized by section 4 of the act of April 29, 2010 (P. L. 176, No. 19), which requires the Board to promulgate regulations within 18 months of its effective date (June 28, 2010); and by section 3(d.1) and (o) of the Dental Law (act), 63 P. S. § 122(d.1) and (o).</p> <p>This regulation would amend the current volunteer license regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).</p>	<p>Lisa Burns (717) 783-7162</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Registration Board for Professional Engineers, Land Surveyors and Geologists</p> <p>—General Revisions— 49 Pa. Code Chapter 37 (16A-479)</p> <p>—Qualifications for Licensure— 49 Pa. Code Chapter 37 (16A-4711)</p>	<p>Fall 2012, as Proposed.</p> <p>Fall 2012, as Final.</p>	<p>The proposed rulemaking would clarify education and experience requirements for regular and “grandfathered” candidates for examination and licensure; revise categories of acceptable professional references for candidates; update the branches of engineering for which license examinations are offered; prescribe standards relating to the use of an electronic seal and signature; clarify criteria for approval of fictitious and corporate names that use variations of professional titles; eliminate unnecessary administrative requirements; and make editorial changes. Statutory Authority: Section 4 of the Engineer, Land Surveyor and Geologist Registration Law, 63 P. S. § 151.</p> <p>The regulation implements Act 25 of 2010, to provide for the certification of geologists-in-training, and to update the board’s regulations concerning the licensure process for engineers and land surveyors. Statutory Authority: Section 4(l) of the Engineer, Land Surveyor and Geologist Registration Law, 63 P. S. § 151(l).</p>	<p>DeAndra Burger (717) 783-7049</p>
<p>—State Registration Board for Professional Engineers, Land Surveyors and Geologists—</p> <p>Schedule of Civil Penalties—Engineers, Land Surveyors and Geologists— 49 Pa. Code Chapter 43b. (16A-54)</p>	<p>Spring 2012, as Final.</p>	<p>The regulation would make necessary corrections to schedule of civil penalties relating to unlicensed practice and practice on a lapsed license required by the Commonwealth Court’s decision in <i>Evans v. Land Surveyors and Geologists</i>, 15 A.3d 99 (Pa. Cmwlth. 2011). Statutory Authority: Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48), 63 P. S. § 2205(a).</p>	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Funeral Directors</p> <p>General Revisions— 49 Pa. Code Chapter 13 (Number not yet assigned)</p> <p>Renewal; Continuing Education Enforcement— 49 Pa. Code Chapter 13 (16A-4819)</p> <p>Schedule of Civil Penalties— Funeral Directors 49 Pa. Code § 43b.6 (16A-4820)</p>	<p>Fall 2012, as Proposed</p> <p>Fall 2012, as Proposed</p> <p>Fall 2012, as Proposed</p>	<p>The proposed rulemaking would update the Board's regulations related to advertising, application procedures, facility requirements, qualifications, and supervisor responsibilities. Statutory Authority: Section 16 (a) of the Funeral Director Law, 63 P. S. § 479.16(a).</p> <p>This proposed rulemaking would update and clarify the Board's regulations relating to renewal of licenses and enforcement of continuing education. Statutory Authority: Sections 10(b)(1) and 16(a) of the Funeral Director Law, 63 P. S. §§ 479.10(b)(1) and 479.16(a).</p> <p>This proposed regulation would establish a schedule of civil penalties for continuing education enforcement. Statutory Authority: Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48), 63 P. S. § 2205(a).</p>	<p>Heidy Weirich (717) 783-3397</p>
<p>State Board of Landscape Architects</p> <p>—Statutorily Mandated Amendments— 49 Pa. Code Chapter 15 (16A-6110)</p> <p>—General Revisions— 49 Pa. Code Chapter 15 (16A-6111)</p> <p>—Schedule of Civil Penalties— Landscape Architects 49 Pa. Code Chapter 43b. (16A-6120)</p> <p>—Electronic Seals and Signing— 49 Pa. Code Chapter 15 (16A-6121)</p>	<p>Spring 2012, as Final (proposed omitted).</p> <p>Spring 2012, as Proposed</p> <p>Spring 2012, as Proposed.</p> <p>Fall 2012, as proposed</p>	<p>This regulation would implement the act of July 17, 2009 (P. L. 94, No. 24). Statutory Authority: Section 4(9) of the Landscape Architects' Registration Law, 63 P. S. § 904(9).</p> <p>This proposed rulemaking implements updates to current practices of the Board with respect to qualifications and experience, examinations and continuing education. Statutory Authority: Section 4 of the Landscape Architects' Registration Law, 63 P. S. § 904.</p> <p>This proposed rulemaking would adopt a schedule of civil penalties for unlicensed practice and other violations of the Landscape Architects Registration Law. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner of Professional and Occupational Affairs to set forth schedules of civil penalties, with the approval of the Board.</p> <p>This proposed rulemaking will implement rules on electronic seals and signing from other design professional boards in Pennsylvania and other states. Statutory Authority: Sections 4 and 9 of the Landscape Architects' Registration Law, 63 P. S. §§ 904 and 909.</p>	<p>Terrie Kocher (717) 772-8528</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Medicine —Mcare Update— 49 Pa. Code Chapters 16 and 17 (16A-4925)	Spring 2012, as Final (proposed- omitted)	The regulation deletes outdated references to the repealed Health Care Services Malpractice Act, 40 P. S. §§ 1301.101—1301.1006, and replaces it with references to the Medical Care Availability and Reduction of Error (Mcare) Act, 40 P. S. §§ 1303.101—1303.910. Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8, authorizes the Board to promulgate regulations that are reasonably necessary to carry out the purposes of the Act.	Tammy Dougherty (717) 783-1400
—Use of Medical Devices and Lasers— 49 Pa. Code Chapter 16 (16A-4927)	Spring 2012, as Proposed.	The proposed rulemaking is intended to clarify the requirements of the use and delegation of the use of medical devices and medical lasers. Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8	
—Behavior Specialists— 49 Pa. Code Chapter 18 (16A-4929)	Spring 2012, as Final.	The regulation implements the licensure or certification of behavior specialists as required by the Act of July 9, 2008 (P. L. 885, No. 62). Statutory Authority: Section 3(g) of the Act of July 9, 2008 (P. L. 885, No. 62) requires the Board, in consultation with the Department of Public Welfare, to promulgate regulations providing for the licensure or certification of behavior specialists.	
—Licensure of Respiratory Therapists and Physician Assistants— 49 Pa. Code Chapter 18 (16A-4930)	Spring 2012, as Proposed.	The proposed rulemaking would implement the amendments made to the Medical Practice Act by the Act of July 4, 2008 (P. L. 580, No. 45) relating to licensure of respiratory therapists and physician assistants. Statutory authority: Section 8 of the Act of July 4, 2008 (P. L. 580, No. 45) requires the Board and the State Board of Osteopathic Medicine to jointly promulgate regulations to implement the amendments.	
—Perfusionists— 49 Pa. Code Chapter 18, Subchapter J. (16A-4931)	Spring 2012, as Proposed.	The regulation would set forth the requirements for licensure of perfusionists. Statutory Authority: Section 4 of the Act of June 11, 2008 (P. L. 154 No. 19) requires the Board to promulgate regulations to implement licensure of perfusionists within 18 months of the effective date. The act was effective on August 10, 2008.	
—Certified Midwives— 49 Pa. Code Chapter 18 (16A-4932)	Fall 2012, as Proposed.	The proposed rulemaking would provide for the licensure of “certified” midwives as suggested by the Commonwealth Court’s decision in <i>Goslin v. State Board of Medicine</i> , 949 A.2d 372. Statutory Authority: Sections 1 and 2 of the Midwife Registration Law of 1929, 63 P. S. §§ 171 and 172, and section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8, make it unlawful to practice as a midwife without a certificate from the Medical Board and authorize the Board to issue rules and regulations as may be necessary for the examination, licensing, and proper conduct of the practice of midwifery by midwives.	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Medicine (cont'd)			
—Prescribing— 49 Pa. Code § 16.92 (16A-4933)	Spring 2012, as Proposed	The proposed rulemaking would rewrite, simplify and update the Board's regulations relating to prescribing controlled substances and other drugs of abuse. Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8.	
—Genetic Counselors— 49 Pa. Code Chapter 18 (number not yet assigned)	Summer 2012, as Proposed	This proposed rulemaking would implement the act of December 22, 2011 (P. L. __, No. 125) relating to the licensure of genetic counselors. Statutory Authority: Section 3 of Act 125 of 2011 requires the Board to promulgate regulations within 12 months. Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8, provides the general regulatory powers of the Board	
—Licensure of Athletic Trainers— 49 Pa. Code Chapter 18, Subchapter H (number not yet assigned)	Summer 2012, as Final (proposed-omitted)	This regulation is required to amend the Board's regulations regarding athletic trainers to refer to "licensure" rather than "certification as amended by the act of December 22, 2011 (P. L. __ No. 124). Statutory Authority: Section 8 of the Medical Practice Act of 1985. 63 P. S. § 422.8.	
—Schedule of Civil Penalties— 49 Pa. Code, § 43b.20. (number not yet assigned)	Fall 2012, as Proposed.	This proposed rulemaking would amend the schedule of civil penalties for the State Board of Medicine to implement Act 48 civil penalties for practicing on a lapsed license and for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	
—Volunteer Licenses— 49 Pa. Code Chapter 16 (16A-4934)	Spring 2012, as Final (proposed-omitted)	This regulation will amend the volunteer license regulations to conform to amendments to the Volunteer Health Services Act (Acts 29 of 2007 and 58 of 2002). Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8.	
Navigation Commission of the Delaware River and its Navigable Tributaries			
—General Revisions— 4 Pa. Code §§ 405.7, 405.8, and 405.12 (16A-663)	Spring 2012, as Proposed	The proposed rulemaking would require all currently licensed pilots to hold and maintain an active Federal first class pilot's license and endorsement of the routes to be traversed. Statutory Authority: Section 4 of the Act of March 29, 1803 (P. L. 542), 55 P. S. § 31, and section 2504-B(4) of the Administrative Code of 1929, 71 P. S. § 670.2(4)	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Nursing			
—LPN / IV Therapy— 49 Pa. Code § 21.145 (16A-5122)	Spring 2012, as Final.	This regulation addresses the LPN's role in working with peripherally inserted central catheters (PICC lines). Statutory Authority: Section 17.6 of the Practical Nurse Law, 63 P. S. § 667.6.	Cindy Miller (717) 783-7142
—Application Procedures— 49 Pa. Code § 21.151 (16A-5134)	Summer 2012, as Proposed	The proposed rulemaking would provide for admission to the practical nurse exam for applicants who have graduated from a foreign practical nursing program that is equivalent to an LPN education program of study required in this Commonwealth at the time the program was completed as determined by the Commission on Graduate of Foreign Nursing Schools (CGFNS). Statutory Authority: Sections 5 and 17.6 of the Practical Nurse Law, 63 P. S. §§ 655 and 667.6.	
—Reactivation/ Re-licensure after Lapse— 49 Pa. Code Chapter 21 (16A-5135)	Fall 2012, as Proposed	This proposed rulemaking would set standards for the reactivation/re-licensure of nurses whose licenses have lapsed for a significant period of time. Statutory Authority: Sections 2.1 and 11 of the Professional Nursing Law, 63 P. S. §§ 212.1 and 221; and sections 13.1 and 17.6 of the Practical Nurse Law, 63 P. S. §§ 663.1 and 667.6, authorize the Board to regulate the renewal of expired or inactive licenses and to promulgate regulations generally.	
—Out of State Nursing Education Programs using Pennsylvania Clinical Sites— 49 Pa. Code Chapter 21 (16A-5137)	Summer 2012, as Proposed	This proposed rulemaking would require out of state educational programs that intend to place nursing students in Pennsylvania facilities for clinical education with a Pennsylvania licensed nurse preceptor to apply to the Board for permission to utilize the clinical site. This same requirement is placed on Pennsylvania nursing education programs. Statutory Authority: Section 6.1 of the Professional Nursing Law, 63 P. S. § 216.1 and Section 9 of the Practical Nurse Law, 63 P. S. § 659.	
—Fees for Nursing Education Programs— 49 Pa. Code Chapter 21 (number not yet assigned)	Spring 2012, as Proposed.	This proposed rulemaking is necessary to set fees for the approval of nursing education programs. Statutory Authority: Section 11.2 of the Professional Nursing Law, 63 P. S. § 221.2, and Section 17.5 of the Practical Nursing Law, 63 P. S. § 667.5, set forth the authority to the setting of fees by regulation. Section 6.2 of the Professional Nursing Law, 63 P. S. § 216.2, provides the Board's authority to approve nursing education programs. Sections 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k) and 17.6 of the Practical Nursing Law, 63 P. S. § 667.6, provide the general rulemaking authority of the Board.	
—Volunteer License— 49 Pa. Code Chapter 21, Subchapter F, §§ 21.601—21.607. (number not yet assigned)	Spring 2012, as Final (Proposed-omitted).	This regulation would amend the volunteer license regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Examiners of Nursing Home Administrators</p> <p>—Sexual Misconduct— 49 Pa. Code §§ 39.1 and 39.9 (16A-6211)</p> <p>—Continued Competence— 49 Pa. Code Chapter 39 (16A-6213)</p> <p>Schedule of Civil Penalties— 49 Pa. Code Chapter 43b, § 43b.17 (number not yet assigned)</p>	<p>Summer 2012, as Proposed.</p> <p>Spring 2012, as Proposed</p> <p>Summer 2012, as Proposed.</p>	<p>This proposed rulemaking would add sexual abuse, sexual misconduct and sexual harassment as offenses for which a nursing home administrator's license may be disciplined. Statutory Authority: Sections 4(c) and 6(g) of the Nursing Home Administrators Licensure Act, 63 P. S. §§ 1104(c) and 1106(g).</p> <p>This proposed rulemaking would provide the requirements for demonstrating continued competence when reactivating a license that has been inactive for more than 5 years. Statutory Authority: Section 4(a)(4), (9) and (c) of the Nursing Home Administrators Licensure Act, 63 P. S. § 1104(a)(4), (9) and (c).</p> <p>This proposed rulemaking would amend the schedule of civil penalties for the State Board of Examiners of Nursing Home Administrators to implement Act 48 civil penalties for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p>	<p>Chris Stuckey (717) 783-7155</p>
<p>State Board of Occupational Therapy Education and Licensure</p> <p>—Continued Competency— 49 Pa. Code §§ 42.50—42.58 (16A-677)</p> <p>—Referrals by Certified Registered Nurses Practitioners and Physician Assistants— 49 Pa. Code Chapter 42 (16A-678)</p>	<p>Spring 2012, as Final.</p> <p>Spring 2012, as Final (Proposed omitted)</p>	<p>The proposed rulemaking would implement section 15(a) of the Occupational Therapy Practice Act, 63 P. S. § 1515(a), which authorizes the board to establish additional requirements for the license renewal designed to assure continued competency. Statutory Authority: Section 5(b) of the Occupational Therapy Practice Act, 63 P. S. § 1505(b).</p> <p>The regulation would conform the board's regulations with changes made by Act 48 of 2007 and Act 45 of 2008, which permit CRNPs and Physician Assistants to make referrals to Occupational Therapists. Statutory Authority: Section 5(b) of the Occupational Therapy Practice Act, 63 P. S. § 1505(b).</p>	<p>Judy Harner (717) 783-1389</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Occupational Therapy Education and Licensure (cont'd)</p> <p>—Child Abuse Reporting Requirements— 49 Pa. Code Chapter 42 (16A-679)</p> <p>—Code of Ethics— 49 Pa. Code § 42.24 (16A-6710)</p>	<p>Spring 2012, as Final (proposed omitted)</p> <p>Spring 2012, as Proposed</p>	<p>This regulation updates the Board's regulations on mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL). 23 P. S. 6301—6386. Statutory Authority: Section 6383(b)(2) of the CPSL requires the Board to promulgate regulations consistent with the CPSL; Section (5)(b) of the Occupational Therapy Practice Act, 63 P. S. § 1505(b) directs the Board to adopt regulations consistent with law.</p> <p>This proposed rulemaking would update and amend the Board's existing code of ethics to adopt the AOTA ethics standards. Statutory Authority: Section (5)(b) of the Occupational Therapy Practice Act, 63 P. S. § 1505(b).</p>	
<p>State Board of Optometry</p> <p>—Continuing Education— 49 Pa. Code §§ 23.81 and 23.82. (16A-5213)</p> <p>Schedule of Civil Penalties— Optometrists 49 Pa. Code Chapter 43b (16A-5212)</p> <p>—Volunteer License— 49 Pa. Code § 23.26 (16A-5214)</p>	<p>Fall 2012, as Proposed</p> <p>Summer 2012, as Proposed.</p> <p>Spring 2012, as Final (Proposed-omitted).</p>	<p>This proposed regulation would update the Board's regulations to conform to current practices. Statutory Authority: Sections 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner to set forth schedules of civil penalties.</p> <p>This proposed regulation would adopt a schedule of civil penalties for continuing education violations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner to set forth schedules of civil penalties.</p> <p>This regulation would amend the Board's volunteer license regulations to conform to amendments to the Volunteer Health Services Statutory Authority: Section 3(b)(14) of the Optometric Practice and Licensure Act, 63 P. S. § 244.3(b)(14).</p>	<p>Mary Sue Ferster (717) 783-7155</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Osteopathic Medicine			
—Miscellaneous Provisions— 49 Pa. Code Chapter 25 (16A-5319)	Spring 2012, as Final (proposed omitted)	This regulation would implement Act 46 of 2007. Statutory Authority: Section 10(h) of the Osteopathic Medical Practice Act (Act), 63 P. S. § 271.10(h), authorizes the Board to establish rules and regulations relating to physician assistants; and section 16 of the Act, 63 P. S. § 271.16, authorizes the Board to adopt regulations as are reasonably necessary to carry out the purposes of the Act.	Tammy Dougherty (717) 783-4858
—Perfusionists— 49 Pa. Code Chapter 25 (16A-5320)	Spring 2012, as Proposed	This regulation would set forth the requirements for licensure of perfusionists. Statutory Authority: Section 4 of the Act of June 11, 2008 (P.L 161, No. 20) requires the Board to promulgate regulations to implement licensure of perfusionists.	
—Licensure of Respiratory Therapists and Physician Assistants— 49 Pa. Code Chapter 25 (16A-5321)	Spring 2012, as Proposed.	The proposed rulemaking implements the amendments made to the Osteopathic Medical Practice Act by the Act of July 4, 2008 (P. L. 589, No. 46) relating to licensure of respiratory therapists and physician assistants. Statutory Authority: Section 8 of the Act of July 4, 2008 (P. L. 589, No. 46) requires the Board and the State Board of Medicine to jointly promulgate regulations to implement the amendments.	
—Volunteer License— 49 Pa. Code §§ 25.601—25.607. (16A-5323)	Spring 2012, as Final (proposed omitted)	This regulation would amend the Board's volunteer license regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002 and Act 29 of 2007. Statutory Authority: Section 16 of the Osteopathic Medicine Act, 63 P. S. § 271.16.	
—Genetic Counselors— 49 Pa. Code Chapter 25 (number not yet assigned)	Summer 2012, as Proposed	This proposed rulemaking would implement the act of December 22, 2011 (P. L. __, No. 126) relating to the licensure of genetic counselors. Statutory Authority: Section 3 of Act 126 of 2011 requires the Board to promulgate regulations within 12 months. Section 16 of the Osteopathic Medicine Practice Act, 63 P. S. § 271.16, provides the general regulatory powers of the Board.	
—Licensure of Athletic Trainers— 49 Pa. Code Chapter 25, Subchapter M (number not yet assigned)	Summer 2012, as Final (proposed omitted)	This regulation is required to amend the Board's regulations regarding athletic trainers to refer to "licensure" rather than "certification" as amended by the act of December 22, 2011 (P. L. __, No. 123). Statutory Authority: Section 16 of the Osteopathic Medicine Practice Act, 63 P. S. § 271.16.	
—Schedule of Civil Penalties— 49 Pa. Code Chapter 43b. (number not yet assigned)	Summer 2012, as Proposed	This proposed rulemaking would establish a schedule of civil penalties for the State Board of Osteopathic Medicine to implement Act 48 civil penalties for failure to report complaints filed against an osteopathic physician in the medical professional liability action. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Pharmacy —Compounding Practices— 49 Pa. Code Chapter 27 (16A-5419)	Summer 2012, as Proposed	This proposed rulemaking would establish standards for the compounding of drugs by pharmacists. Statutory Authority: Section 6(k)(9) of the Pharmacy Act, 63 P. S. § 390-6(k)(9) grants the authority to promulgate rules and regulations to effectuate the purposes of the act. Section 2 of the Pharmacy Act, 63 P. S. § 390-2(11) defines the practice of pharmacy to include the compounding of drugs.	Melanie Zimmerman (717) 783-7156
—Cancer Drug Repository Program— 49 Pa. Code Chapter 27 (16A-5423)	Fall 2012, as Final	The regulation would establish the eligibility criteria, standards and procedures for the administration of a cancer drug repository program. Statutory authority: Section 7 of the Act of May 13, 2008 (P. L. 139, No. 14), known as the Cancer Drug Repository Program Act, requires the Board to promulgate regulations to carry out the purposes of the act.	
—Pharmacy Internship— 49 Pa. Code Chapter 27 (16A-5424)	Spring 2012, as Proposed.	This proposed rulemaking would update the Board's regulations relating to the pharmacy internship required under section 3 of the Pharmacy Act. Statutory Authority: Section 3 of the Pharmacy Act, 63 P. S. § 390-3(c) requires the Board to establish by regulation the internship requirements which must be satisfactorily completed prior to issuance of a pharmacist license.	
—Collaborative Management of Drug Therapy— 49 Pa. Code Chapter 27 (16A-5425)	Spring 2012, as Proposed	This proposed rulemaking would implement Act 29 of 2010, which provides for collaborative drug therapy management between a pharmacist and a licensed physician. Statutory Authority: Section 5 of the act of June 1, 2010 (P. L. 201, No. 29) requires the Board to promulgate regulations to implement Act 29 within 18 months of its effective date.	
—Emergency Preparedness— 49 Pa. Code Chapter 27 (16A-5426)	Fall 2012, as Proposed	The proposed rulemaking would establish procedures and standards for the operation of remote emergency pharmacies in the event of an emergency caused by a natural or manmade disaster or any other exceptional situation that causes an extraordinary demand for pharmacy services. Statutory Authority: Section 6(k)(9) of the Pharmacy Act, 63 P. S. § 390-6(k)(9).	
—General Revisions to Standards of Practice— 49 Pa. Code § 27.18 (16A-5427)	Fall 2012, as Proposed	This proposed rulemaking would update the Board's regulations relating to standards of practice for pharmacists. Statutory Authority: Section 6(k)(9) of the Pharmacy Act, 63 P. S. § 390-6(k)(9).	
—Correctional Facility Drug Redistribution— 49 Pa. Code Chapter 27 (number not yet assigned)	Spring 2012, as Proposed.	This proposed rulemaking is required to conform the Board's regulations to the act of July 9, 2010 (P. L. 457, No. 59), which permits a vendor pharmacy to redistribute drugs returned by a correctional facility to other correctional facilities. Statutory Authority: Section 6(k)(9) of the Pharmacy Act, 63 P. S. § 390-6(k)(9).	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Pharmacy (cont'd)</p> <p>—Electronic Prescribing of Controlled Substances— 49 Pa. Code Chapter 27 (number not yet assigned)</p> <p>—Schedule of Civil Penalties— 49 Pa. Code § 43b.7 (number not yet assigned)</p>	<p>Spring 2012, as Final (proposed omitted)</p> <p>Spring 2012, as Proposed.</p>	<p>This regulation is intended to establish standards for pharmacies and pharmacists to receive dispense and archive electronic prescriptions for controlled substances to comport with recent regulations promulgated by the Federal Drug Enforcement Agency. Statutory Authority: Section 6(k)(9) of the Pharmacy Act, 63 P. S. § 390-6(k)(9).</p> <p>This proposed rulemaking would amend the schedule of civil penalties for the State Board of Pharmacy to implement Act 48 civil penalties for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p>	
<p>State Board of Physical Therapy</p> <p>—Act 38 Revisions— 49 Pa. Code Chapter 40 (16A-6514)</p> <p>—Schedule of Civil Penalties— 49 Pa. Code Chapter 43b. (number not yet assigned)</p>	<p>Spring 2012, as Final.</p> <p>Spring 2012, as Proposed.</p>	<p>The regulation implements the amendments to the Physical Therapy Practice Act made by the Act of July 4, 2008 (P. L. 293, No. 38). Statutory authority: Section 16 of the Act of July 4, 2008 (P. L. 293, No. 38) requires the Board to promulgate regulations to implement the amendments and additions of that act within 18 months of the effective date. The act is effective on October 2, 2008.</p> <p>This proposed rulemaking would establish a schedule of civil penalties for the State Board of Physical Therapy to implement Act 48 civil penalties for practicing on a lapsed license. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p>	<p>Michelle Roberts (717) 783-7134</p>
<p>State Board of Podiatry</p> <p>—Certificate of Authority to Perform Acupuncture— 49 Pa. Code Chapter 29 (16A-449)</p> <p>—Schedule of Civil Penalties— Podiatrists 49 Pa. Code Chapter 43b (Number not yet assigned)</p> <p>—Volunteer License— 49 Pa. Code § 29.55 (16A-4411)</p>	<p>Spring 2012, as Proposed.</p> <p>Spring 2012, as Proposed.</p> <p>Spring 2012, as Final (Proposed-omitted).</p>	<p>This proposed rulemaking would establish the fees and regulate the practice of acupuncture by podiatrists under the Acupuncture Registration Act. Statutory Authority: Section 3 of the Acupuncture Registration Act, 63 P. S. § 1803.</p> <p>This proposed regulation would adopt a schedule of civil penalties for continuing education violations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner to set forth schedules of civil penalties.</p> <p>This regulation would amend the Board's volunteer license regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002. Statutory Authority: Section 15 of the Podiatry Practice Act, 63 P. S. § 42.15.</p>	<p>Tammy Dougherty (717) 783-4858</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Psychology			
—Continuing Education— 49 Pa. Code § 41.59 (16A-6317)	Spring 2012, as Proposed.	This proposed rulemaking would amend the Board's continuing education requirements regarding home study, instruction and carry over. Statutory Authority: Section 15 of the Professional Psychologists Practice Act, 63 P. S. § 1215.	Chris Stuckey (717) 783-7155
—Code of Ethics— 49 Pa. Code § 41.61 (16A-6318)	Spring 2012, as Proposed.	This proposed rulemaking would update the Board's Code of Conduct so that it would be in line with changes to the American Psychological Association and the Association of State and Provincial Psychology Boards. Statutory Authority: Section 3.2(2) of the Professional Psychologists Practice Act, 63 P. S. § 1203.2(2).	
—Education— 49 Pa. Code § 41.31 (16A-6320)	Spring 2012, as Proposed.	This proposed rulemaking would clarify the education and examination requirements. Statutory Authority: Section 3.2(2) of the Professional Psychologists Practice Act, 63 P. S. § 1203.2(2).	
—Part-time Experience— 49 Pa. Code § 41.31 (16A-6321)	Spring 2012, as Proposed	The proposed rulemaking would clarify the requirements for part-time experience. Statutory Authority: Section 3.2(2) of the Professional Psychologists Practice Act, 63 P. S. § 1203.2(2).	
—Child Abuse Reporting Requirements— 49 Pa. Code Chapter 41 (16A-6322)	Spring 2012, as Final (proposed omitted)	This regulation would amend the Board's regulations to conform to changes made to the Child Protective Services Act. Statutory Authority: Section 6383(b)(2) of the Child Protective Services Law, 23 Pa.C.S. § 6383(b)(2) and section 3.2(2) of the Professional Psychologists Practice Act, 63 P. S. § 1203.2(2).	
State Board of Certified Real Estate Appraisers			
Continuing Education Enforcement— 49 Pa. Code §§ 36.41 and 36.241. (16A-7016)	Spring 2012, as Proposed.	The proposed rulemaking establishes procedures for the enforcement of noncompliance with continuing education requirements. Statutory Authority: Section 5(2) of the Real Estate Appraisers Certification Act, 63 P. S. § 457.5(2).	Heidy Weirich (717) 783-4866
Schedule of Civil Penalties— Real Estate Appraisers— 49 Pa. Code § 43b.15a (number not yet assigned)	Spring 2012, as Proposed.	The proposed rulemaking will codify and amend the Board's current schedule of civil penalties statement of policy. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner to set forth schedules of civil penalties, with the approval of the Board.	
Certified Pennsylvania Evaluators— 49 Pa. Code § 36.265 (16A-7018)	Fall 2012, as Proposed	This proposed rulemaking would revise requirements for the use of certificate number and title for Certified Pennsylvania Evaluators to make the regulation consistent with standards of USPAP, the International Association of Assessment Officers and existing practice in county assessment offices. Statutory Authority: Section 3 of the Assessors Certification Act, 63 P. S. § 458.3.	

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Real Estate Commission</p> <p>—Education— 49 Pa. Code §§ 35.384 and 35.385. (16A-5613)</p> <p>—Advertising and Solicitation— 49 Pa. Code § 35.305 (16A-5620)</p> <p>—Escrow Requirements— 49 Pa. Code Chapter 35 (16A-5622)</p> <p>—Schedule of Civil Penalties— 49 Pa. Code § 43b.8 (16A-5623)</p>	<p>Spring 2012, as Final.</p> <p>Spring 2012, as Proposed.</p> <p>Spring 2012, as Proposed</p> <p>Spring 2012, as Proposed.</p>	<p>This regulation would require new licensees to complete a mandatory 14-hour post-licensure course in lieu of their continuing education. Statutory Authority: Sections 404 and 404.1 of the Real Estate Licensing and Registration Act, 63 P. S. §§ 455.404 and 455.404a.</p> <p>The proposed rulemaking would require licensees to advertise or otherwise hold themselves out to the public only under the name listed on their licenses. Statutory Authority: Section 404 of the Real Estate Licensing and Registration Act, 63 P. S. § 455.404.</p> <p>This proposed rulemaking would establish additional escrow requirements consistent with the changes made by Act 14 of 2009. Statutory Authority: Section 404 of the Real Estate Licensing and Registration Act, 63 P. S. § 455.404</p> <p>This proposed rulemaking would amend the schedule of civil penalties for the State Real Estate Commission to implement Act 48 civil penalties for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p>	<p>Patricia Ridley (717) 783-3658</p>
<p>State Board of Social Workers, Marriage and Family Therapists and Professional Counselors</p> <p>—Schedule of Civil Penalties— 49 Pa. Code Chapter 43b. (16A-6917)</p> <p>—Continuing Education Audit and Enforcement— 49 Pa. Code Chapters 47—49 (16A-6918)</p> <p>—General Revisions— 49 Pa. Code Chapters 47—49 (number not yet assigned)</p>	<p>Spring 2012, as Proposed</p> <p>Spring 2012, as Proposed</p> <p>Fall 2012, as Proposed.</p>	<p>This proposed rulemaking would establish a schedule of civil penalties for the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors to implement Act 48 civil penalties for practicing without a licenses or practicing on a lapsed license. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).</p> <p>This proposed rulemaking would establish provisions for the enforcement of the continuing education requirements for licenses social workers, licenses clinical social workers, licenses marriage and family therapists and licenses professional counselors. Statutory Authority: Section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1906(2).</p> <p>This proposed rulemaking will eliminate outdated regulations, and update existing regulations to comport with current standards of the profession and current practices of the Board. Statutory Authority: Section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1906(2).</p>	<p>Sandra Matter (717) 783-1389</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>State Board of Examiners in Speech-Language and Hearing</p> <p>—General Revisions— 49 Pa. Code Chapter 45. (16A-6803)</p> <p>—Continuing Education and Waivers— 49 Pa. Code Chapter 45 (Number not yet assigned)</p>	<p>Spring 2012, as Proposed.</p> <p>Spring 2012, as Proposed</p>	<p>This proposed rulemaking would update of the regulations of the Board to delete or amend outdated regulations. Statutory Authority: Section 5(2) of the Speech-Language and Hearing Licensure Act, 63 P. S. § 1705(2).</p> <p>This proposed rulemaking is intended to delete an outdated grandfathering provision and clarify the continuing education regulations for licensees who hold more than one license issues by the Board. Statutory Authority: Section 5(2) of the Speech-Language and Hearing Licensure Act, 63 P. S. § 1705(2).</p>	<p>Sandra Matter (717) 783-1389</p>
<p>State Board of Vehicle Manufacturers, Dealers and Salespersons</p> <p>—Salesperson License— 49 Pa. Code Chapter 19 (16A-609)</p>	<p>Spring 2012, as Proposed.</p>	<p>This proposed rulemaking would clarify and update the requirements for salespersons in order to permit salespersons to sell at other locations of the same dealer. Statutory Authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9).</p>	<p>Janice Cline (717) 783-1697</p>
<p>State Board of Veterinary Medicine</p> <p>—Dental Procedures— 49 Pa. Code Chapter 31 (16A-5718)</p> <p>—Facilities— 49 Pa. Code Chapter 31 (16A-5720)</p> <p>—Professional Conduct; Notice of Animal Supervision— 49 Pa. Code § 31.21 (16A-5725)</p>	<p>Spring 2012, as Final.</p> <p>Fall 2012, as Proposed.</p> <p>Spring 2012, as Final.</p>	<p>This regulation would address issues relating to veterinary dentistry. Statutory Authority: Section 5 of the Veterinary Medicine Practice Act, 63 P. S. § 485.5.</p> <p>This proposed rulemaking would establish standards for and require registration of veterinary facilities. Statutory Authority: Sections 5 and 27 of the Veterinary Medicine Practice Act, 63 P. S. §§ 485.5 and 485.27.</p> <p>The regulation would amend the Rules of Professional Conduct for veterinarians to require notice regarding the hours and level of supervision whenever an animal is under the care and custody of the veterinarian's facility. Statutory Authority: Section 5(1) and (2) of the Veterinary Medicine Practice Act (Act) (63 P. S. § 485.5(1) and (2))</p>	<p>Michelle Roberts (717) 783-7134</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
STATE EMPLOYEES' RETIREMENT SYSTEM			
4 Pa. Code § 249.53. Exemption from execution; assignment of rights. (This would delete State Employees' Credit Union payment language.)	While this has been proceeding consistent with the CDL and requirements of 4 Pa. Code § 247.11, further action is deferred pending deletion of the corresponding statutory section.	This is obsolete. No credit union currently meets the statutory requirements and it is unlikely that any new ones will. A corresponding statutory amendment is also being considered.	Brian McDonough, Esq. (717) 787-7317 Robert Gentzel (717) 787-9657 David Durbin (717) 783-7210
STATE POLICE			
No regulations being developed or considered at this date.			
STATE SYSTEM OF HIGHER EDUCATION			
No regulations being developed or considered at this date.			
TRANSPORTATION			
43—Temporary Registration Cards and Plates 67 Pa. Code Chapter 43	March 2012, as proposed	Act 152 of 2002 enacted legislation (requiring contracts for all messenger and agent services) that supersedes several facets of this regulation. Based on the legislation, any reference to bond, hearings, written warnings, suspensions, revocations or fines will be removed from the regulation, as these items are now addressed in the required contracts.	Andy Cleaver (717) 787-2171
21—Odometer Read Disclosure Statements 67 Pa. Code Chapter 21	Completed, October 2011	Changes needed to bring the regulation current with the Vehicle Code to specify the age at which a vehicle becomes exempt from odometer disclosure.	Andy Cleaver (717) 787-2171
175—Vehicle Equipment and Inspection 67 Pa. Code Chapter 175	December 2012, As proposed	Many changes are needed to bring the regulations in line with changes in the Vehicle Code. Other changes are being proposed to add convenience for customers, to update forms and processes, to accommodate changes in vehicle technology and to implement an initiative to update recertification requirements for safety inspectors and electronic recordkeeping of vehicle safety inspection findings.	Kristen Singer (717) 787-2171
23—Delivery of Certificates of Title 67 Pa. Code Chapter 23	March 2012, Published for public comment	The method of title delivery has changed due to the electronic lien and title program (75 Pa.C.S. § 1151). This Chapter needs to be updated to reflect the ability to transmit titles with liens electronically, rather than by mail.	Andy Cleaver (717) 787-2171
17—Authorization to Verify ID Numbers 67 Pa. Code Chapter 17	December 2012, as proposed	Changes are needed to document the Vehicle Identification Number (VIN) verification process. The VIN verification process is not currently documented in either the Vehicle Code or in regulations.	Andy Cleaver (717) 787-2171
84—Dual Control Learner's Permit 67 Pa. Code Chapter 84	December 2012, As proposed	The regulation is being updated to clarify the requirements for issuing a dual control learner's permit.	Rich Kirkpatrick (717) 783-5958
255—Messenger Services 67 Pa. Code Chapter 255	March 2012, as proposed	Act 152 of 2002 enacted legislation (requiring contracts for all messenger and agent services) that supersedes several facets of this regulation. Based on the legislation, any reference to bond, hearings, written warnings, suspensions, revocations, or fines will be removed from the regulation as these items are now addressed in the required contracts.	Andy Cleaver (717) 787-2171

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Chapter 427— Public Transportation (Act 44 of 2008)	March 2012, Published for public comment	Act 44 of 2008, Chapter 15, Sustainable Mobility Options, authorizes almost all public transportation funding programs for the Commonwealth. The legislation requires the Department to develop regulations for several sections of the legislation. The temporary regulations were published in the <i>Pennsylvania Bulletin</i> on July 18, 2011. Permanent regulations were published on November 12, 2011. As of December 13, 2011, no comments were received. IRRC has 30 additional days for comments and questions.	LaVerne Collins (717) 787-1214
Chapter 101, Authorizing Appropriately Attired Persons to Direct, Control, or Regulate Traffic	November 2012, as proposed	The proposed regulation change is needed to be consistent with a Federal Highway Administration rule making (23 CFR Part 634: “Worker Visibility Rule”—issued November 24, 2008).	Matt Briggs (717) 783-6268

[Pa.B. Doc. No. 12-262. Filed for public inspection February 10, 2012, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meeting Scheduled

The Health Care Cost Containment Council (Council) has scheduled a meeting of the Payment Data Advisory Group on Tuesday, February 14, 2012, from 1 to 3 p.m.

The meeting will be held at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons in need of accommodation due to a disability who wish to attend the meeting should contact Reneé Greenawalt, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

JOE MARTIN,
Executive Director

[Pa.B. Doc. No. 12-263. Filed for public inspection February 10, 2012, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, January 26, 2012, and announced the following:

Action Taken—Regulations Approved:

Pennsylvania Gaming Control Board #125-137: Table Game Equipment (deletes temporary 58 Pa. Code Chapter 523 and adds permanent Chapter 603a)

Approval Order

Public Meeting held
January 26, 2012

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; Arthur Coccodrilli; John F. Mizner, Esq., abstained; Lawrence J. Tabas, Esq.

*Pennsylvania Gaming Control Board—
Table Game Equipment;
Regulation No. 125-137 (#2884)*

On December 21, 2010, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Gaming Control Board (Board). This rulemaking deletes temporary 58 Pa. Code Chapter 523 and adds permanent Chapter 603a, pertaining to table game equipment. The proposed regulation was published in the January 8, 2011 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on December 13, 2011.

This rulemaking rescinds a chapter of the Board’s temporary table game regulations pertaining to table game equipment and replaces it with a permanent chapter.

We have determined this regulation is consistent with the statutory authority of the Board (4 Pa.C.S. § 1202(b)(30)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 12-264. Filed for public inspection February 10, 2012, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from the Commission's web site, www.irrc.state.pa.us.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
57-273	Pennsylvania Public Utility Commission Default Service Regulations	1/27/12	3/15/12

Final-Omit

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
6-325	State Board of Education Safe Schools	1/26/12	3/15/12

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 12-265. Filed for public inspection February 10, 2012, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Acquire Control of PennCommonwealth Casualty of America Corporation

BrickStreet Mutual Insurance Company has filed an application for approval to acquire control of PennCommonwealth Casualty of America Corporation, a domestic stock casualty insurance company. The filing was made under Article XIV of The Insurance Holding 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 14 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 Steven L. Yerger, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or syerger@pa.gov.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-266. Filed for public inspection February 10, 2012, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Eligible Telecommunications Carriers; Universal Low Income Support

The Pennsylvania Public Utility Commission (Commission) invites comment on the following pending wireless carrier's petition for designation as eligible telecommunications carriers (ETC) for purposes of Federal universal service low income support:

US Connect, LLC, d/b/a US Connect Wireless, LLC petition for limited designation as eligible telecommunications carrier—Doc. No. P-2011-2276795

The Commission, at its July 29, 2010, public meeting adopted a final policy statement on ETC designation and ETC annual recertification and reporting requirements for all telecommunications carriers. This notice informs telecommunications providers and interested parties that the Commission intends to act on the previously-referenced ETC petition pending before the Commission.

Interested parties are invited to file comments at the relevant docket numbers within 20 days of publication of this notice. Reply comments of the carrier are due within 10 days thereafter. Interested parties may review the pending petitions at the Commission web site <http://puc.state.pa.us/> or hard copies are available for a fee by means of written request to the Secretary of the Commission, Pennsylvania Public Utility Commission, Rosemary Chiavetta, Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265.

The contact for questions regarding this notice is Rhonda L. Daviston, Assistant Counsel, Law Bureau, (717) 787-6166.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-267. Filed for public inspection February 10, 2012, 9:00 a.m.]

General Rule Transaction

A-2012-2285883 and A-2012-2285884. XO Communications Services, Inc. and Nextlink Wireless. Application for approval of a general rule transaction under 52 Pa. Code § 63.325 (relating to Commission approval of a pro forma transaction subject to 66 Pa.C.S. §§ 1102(a)(3) and 1103) for pro forma change in ownership involving XO Communications Services, Inc. and Nextlink Wireless.

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 February 27, 2012. 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, and at the applicant's business address.

Applicant: XO Communications Services, Inc. and Nextlink Wireless, Inc.

Through and By Counsel: Brad E. Mutschelknaus, Esquire, Randall W. Sifers, Esquire, Winafred Brantl, Esquire, Kelley, Drye & Warren, LLP, 3050 K Street, NW Suite 400, Washington, DC 20007

Renardo L. Hicks, Esquire, R.L. Hicks & Associates, 17 North Second Street, 16th Floor, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-268. Filed for public inspection February 10, 2012, 9:00 a.m.]

Internal Reorganization

A-2012-2286067. Voiccom Telecommunications, LLC and ACG Telecom, LLC. Joint application of Voiccom Telecommunications, LLC and ACG Telecom, LLC for approval of an internal reorganization.

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 February 27, 2012. 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, and at the applicant's business address.

Applicant: Voiccom Telecommunications, LLC

Through and By Counsel: Charles A. Hudak, Esquire, Jon C. Martin, Esquire, Friend, Hudak & Harris, LLP, Three Ravinia Drive, Suite 1450, Atlanta, GA 30346

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-269. Filed for public inspection February 10, 2012, 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 February 27, 2012. Documents filed in support of the applications are available for inspection and copying at the Office of the

Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2011-2264786. David Hayrapetyan, t/a Chip N Dale Limousine (10075 Sandmeyer Lane, Suite D, Philadelphia, Philadelphia County, PA 19116)—for the right to begin to transport, as a common carrier, persons in limousine service, between points in Pennsylvania, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2011-2266299. Janet Esh (5292 Denlinger Road, Gap, Lancaster County, PA 17527)—for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the Counties of Berks, Dauphin, Lancaster, Lebanon, Perry and York, and return.

A-2011-2278262. Penn Trans Shuttle, LLC (2200 Washington Lane, Huntingdon Valley, Philadelphia County, PA 19006)—persons in paratransit service, from points in the Counties of Bucks, Delaware and Montgomery, and from the City and County of Philadelphia, to points in Pennsylvania, and return. *Attorney:* David P. Temple, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

A-2011-2278276. Gulfstream Ambulance, LLC (11301 Norcom Road, Philadelphia, PA 19154)—persons in paratransit service, from points in the Counties of Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton and in the City and County of Philadelphia, to points in Pennsylvania, and return.

Subject to the following conditions:

That transportation is only provided to persons requiring transportation in wheelchair and stretcher vans, persons whose personal convictions prevent them from owning or operating motor vehicles, or to persons requiring transportation to any Federal, State or county correctional facility in Pennsylvania.

A-2011-2279231. Stat Medical Transport, LLC (740 Burmont Road, Drexel Hill, Delaware County, PA 19026)—persons in paratransit service, from points in the County of Delaware, and in the City and County of Philadelphia, to points in Pennsylvania, and return. *Attorney:* David P. Temple, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

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 persons by transfer of rights as described under the application.

A-2011-2262977. Good Samaritan Limousine Service II, Inc. (5004 Mountain Ridge Lane, Harrisburg, Dauphin County, PA 17112)—for right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in the Counties of York, Adams and Lancaster, and from points in said Counties, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority, which is to be a transfer of all the rights from A-00121679 issued to Good Samaritan Limousine Service, Inc.

Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.

A-2011-2278094. Ace Transit Management, LLC (1532-A Marcey Place, Philadelphia, PA 19115)—persons in limousine service, from points in Bucks, Chester, Delaware, Lancaster, Lehigh and Montgomery Counties, to points in Pennsylvania, and return, excluding areas under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* David P. Temple, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

A-2011-2278094. Transportation Management Services, Inc., t/a Lenzner Coach Lines (110 Lenzner Court, Sewickley, PA 15143)—persons in airport transfer service from the Philadelphia International Airport, located in the City and County of Philadelphia and the Township of Tinicum in Delaware County, to the Pittsburgh International Airport located in the Township of Moon in Allegheny County, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* David H. Coburn, Steptoe & Johnson, LLP, 1330 Connecticut Avenue NW, Washington, DC 20036.

A-2011-2279146. Baldwin Limousines, Inc. (308 Michele Lane, Bartonsville, Monroe County, PA 18321)—persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in Monroe County, to points in Pennsylvania, and return, excluding areas under the jurisdiction of the Philadelphia Parking Authority.

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-2011-2277027. Great Valley Moving and Storage, Inc. (437 Ford Street, West Conshohocken, Montgomery County, PA 19428)—household goods in use, which is to be a transfer of all rights authorized under the certificate issued at A-8910353 to McCollister's Transportation System of New Jersey, Inc., subject to the same limitations and conditions. *Attorney:* Craig A. Doll, Esquire, P. O. Box 403, Hummelstown, PA 17036.

Applications of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.

A-2011-2266512. David W. Hayes (329 Packard Lane, Roaring Spring, Blair County, PA 16673)—for the discontinuance of service and cancellation of the certificate as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Blair and Bedford, to points in Pennsylvania, and return.

A-2012-2282624. Quincy Logistics, Inc. (6409 North 12th Street, Philadelphia, Philadelphia County, PA 19126), for the discontinuance of service and cancellation of its Certificate of Public Convenience at No. A-00122516, F.2, as a common carrier, by motor vehicle,

of household goods in use, from points in the Counties of Philadelphia and Montgomery, to points in Pennsylvania, and vice versa.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-270. Filed for public inspection February 10, 2012, 9:00 a.m.]

Telecommunications

A-2012-2285454. Verizon North, Inc. and Bandwidth.com CLEC, LLC. Joint petition of Verizon North, Inc. and Bandwidth.com CLEC, LLC for approval of amendment No. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Bandwidth.com CLEC, LLC by its counsel, filed on January 26, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of amendment No. 1 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 Verizon North, Inc. and Bandwidth.com CLEC, 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. 12-271. Filed for public inspection February 10, 2012, 9:00 a.m.]

Telecommunications

A-2012-2285471. Verizon Pennsylvania, Inc. and Bandwidth.com CLEC, LLC. Joint petition of Verizon Pennsylvania, Inc. and Bandwidth.com CLEC, LLC for approval of amendment No. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Bandwidth.com CLEC, LLC by its counsel, filed on January 26, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of amendment No. 1 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 Verizon Pennsylvania, Inc. and Bandwidth.com CLEC, 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. 12-272. Filed for public inspection February 10, 2012, 9:00 a.m.]

Water Service

A-2012-2286041. City of Bethlehem. Application of the City of Bethlehem for approval of: 1) the transfer, by sale, of the water works property and rights of the East Allen Township Municipal Authority to the City of Bethlehem; and 2) the commencement by the City of Bethlehem of water service to the public in East Allen Township, and a portion of Allen Township, located in Northampton County.

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 February 27, 2012. 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, and at the applicant's business address.

Applicant: City of Bethlehem (water)

Through and By Counsel: John J. Gallagher, Esquire, 711 Forrest Road, Harrisburg, PA 17112

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-273. Filed for public inspection February 10, 2012, 9:00 a.m.]

Water Service

A-2012-2285320. Pennsylvania American Water Company. Application of Pennsylvania American Water Company for approval of: 1) transfer by sale of the water works property and rights of the Paint Township Municipal Water Authority to Pennsylvania American Water; and 2) the commencement by Pennsylvania American Water of water serviced to the public in a portion of Paint Township, Clarion County, presently being served by the Paint Township Municipal Water Authority.

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 February 27, 2012. 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, and at the applicant's business address.

Applicant: Pennsylvania American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-274. Filed for public inspection February 10, 2012, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 12-003.1, Pier 78 Annex Concrete Floor Repairs, until 2 p.m. on Thursday, March 8, 2012. Information concerning this project can be obtained from the PRPA web site www.philaport.com under Procurement, or call the Engineering Department at (215) 426-2600.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 12-275. Filed for public inspection February 10, 2012, 9:00 a.m.]

PORT OF PITTSBURGH COMMISSION

Independent Auditors' Report

Board of Directors
Port of Pittsburgh Commission

We have audited the statement of net assets of Port of Pittsburgh Commission (Commission), a component unit of the Commonwealth of Pennsylvania, as of June 30, 2011, and the related statement of activities for the year then ended (not presented herein). These financial statements are the responsibility of the Commission's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

The condensed statement of net assets as of June 30, 2011, and the related condensed statement of activities for the year then ended, presented as follows, are presented as a summary and, therefore, do not include all of the information required by accounting principles generally accepted in the United States of America.

In our opinion, because of the significance of the omission of the information referred to in the preceding paragraph, the condensed financial statements previously referred to do not present fairly, in conformity with accounting principles generally accepted in the United States of America, the financial position of the Commission as of June 30, 2011, or the changes in its financial position for the year then ended.

ParenteBeard LLC

Pittsburgh, Pennsylvania
January 13, 2012

**Port of Pittsburgh Commission
Condensed Statement of Net Assets
June 30, 2011**

Assets

Cash and investments	\$ 5,964,869
Capital assets, net of accumulated depreciation/amortization	1,153,791
Other assets	463,710
Total assets	<u>\$ 7,582,370</u>

Liabilities and Net Assets

Liabilities	3,427,393
Net assets:	
Restricted for economic development	5,022,792
Invested in capital assets, net of related debt	<u>(867,815)</u>
Total liabilities and net assets	<u>\$ 7,582,370</u>

**Port of Pittsburgh Commission
Condensed Statement of Activities
For The Year Ended June 30, 2011**

Program Revenues

Functions:	Expenses	Charges for Services	Operating Grants and Contributions	Net Revenue/ (Expense) and Change in Net Assets, Governmental Activities
Governmental Activities				
Port development	<u>\$ 1,695,667</u>	<u>\$ 6.056</u>	<u>\$ 1,529,898</u>	<u>\$ (159,713)</u>
General revenues				402,547
Change in net assets				(242,834)
Net assets, beginning of year				3,912,143
Net assets, end of year				<u>\$ 4,154,977</u>

JAMES R. McCARVILLE,
Executive Director

[Pa.B. Doc. No. 12-276. Filed for public inspection February 10, 2012, 9:00 a.m.]

STATE BOARD OF BARBER EXAMINERS

**Bureau of Professional and Occupational Affairs v.
George L. Dunbar; Doc. No. 1979-42-11**

On November 7, 2011, George L. Dunbar, license no. BM010742L, of Philadelphia, Philadelphia County, had his license suspended for nonpayment of a previously imposed civil penalty.

Individuals may obtain a copy of the adjudication by writing to Juan A. Ruiz, Board Counsel, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and final order represents the State Board of Barber Examiners' (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.

MARY LOU ENOCHES,
Chairperson

[Pa.B. Doc. No. 12-277. Filed for public inspection February 10, 2012, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.
Jhony Rafael Lopez; Doc. No. 2226-42-2011; File
No. 11-42-11757**

On December 20, 2011, Jhony Rafael Lopez, license nos. BM093366l and BL050381R of Lancaster, Lancaster County, was suspended under the Order of the Court of Common Pleas of Lancaster County dated June 29, 2010, which the court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Cynthia K. Montgomery, Senior Counsel in Charge, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

L. ANTHONY SPOSSEY,
Chairperson

[Pa.B. Doc. No. 12-278. Filed for public inspection February 10, 2012, 9:00 a.m.]

STATE BOARD OF COSMETOLOGY

**Bureau of Professional and Occupational Affairs v.
Lashonda Torry Monique Myers; Doc. No. 2228-
45-2011; File 11-45-11760**

On December 20, 2011, Lashonda Torry Monique Myers, license no. CO266786 of Muncy, Lycoming County, was suspended under the Order of the Court of Common Pleas of Lancaster County dated June 29, 2010, which the court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Cynthia K. Montgomery, Senior Counsel in Charge, State

Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

MARY LOU ENOCHES,
Chairperson

[Pa.B. Doc. No. 12-279. Filed for public inspection February 10, 2012, 9:00 a.m.]

STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.
Nancy Rae Britanik, RN; Doc. No. 0217-51-2011**

On December 20, 2011, Nancy Rae Britanik, license no. RN501591L, of Fort Walton Beach, FL, was suspended for no less than 3 years retroactive to February 18, 2011, based on her failure to comply with a previously issued State Board of Nursing order.

Individuals may obtain a copy of the order by writing to Beth Sender Michlovitz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

JOSEPH J. NAPOLITANO, PhD, MPH, CRNP,
Chairperson

[Pa.B. Doc. No. 12-280. Filed for public inspection February 10, 2012, 9:00 a.m.]

