

# PENNSYLVANIA BULLETIN

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(Master Transmittal Sheets):**

**No. 451, June 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](http://www.pacode.com).

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

A chronological table of the history of *Pennsylvania Code* sections may be found at [www.legis.state.pa.us](http://www.legis.state.pa.us).

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

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

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

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# THE GOVERNOR

## Title 4—ADMINISTRATION

### PART I. GOVERNOR'S OFFICE

[ 4 PA. CODE CHS. 5 AND 6 ]

[ EXECUTIVE ORDER NO. 2012-06 ]

### Pennsylvania Commission for Women

April 30, 2012

*Whereas*, women in Pennsylvania make unique, diverse and valuable contributions to the culture, society and economy of Pennsylvania, which have a beneficial impact on the commonwealth; and

*Whereas*, the commonwealth is committed to providing equality and opportunity for all its citizens and increasing access for women to civic, economic and educational opportunities; and

*Whereas*, it will benefit the commonwealth to define and address the unique contributions, needs and concerns of women, in order to improve the lives of all Pennsylvanians.

*Now, Therefore*, I, Tom Corbett, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby reestablish the Pennsylvania Commission for Women as the commonwealth's advocate agency for women.



Governor

**Fiscal Note:** 2012-06. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 4. ADMINISTRATION

#### PART I. GOVERNOR'S OFFICE

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#### § 6.491. Functions.

The Pennsylvania Commission for Women shall:

(1) Advise the Governor on policies, procedures, legislation and regulations that impact women.

(2) Develop and support economic and civic opportunities for women.

(3) Develop and support mentoring programs for girls and young women.

(4) Serve as a resource for community groups and provide forums for developing strategies and programs that will expand and enhance the civic, social, educational, cultural and economic status of women.

(5) Identify programs, scholarships, mentoring opportunities, sources of funding or other resources for the benefit and advancement of women.

**§ 6.492. Composition.**

(a) The Pennsylvania Commission for Women (Commission) shall consist of no more than 30 members appointed by the Governor who are representatives of the female population in this Commonwealth or others who have an interest in the success of women in this Commonwealth and who provide value to the work of the Commission. The Governor shall request that the majority and minority leaders of both chambers of the General Assembly, on behalf of their respective caucuses, each provide a list to the Governor of three candidates. The Governor will appoint one of the three candidates to the Commission from each list. The recommendations from the leaders of the General Assembly shall be sent to the Governor within 30 days of the Governor's request. The Commission members shall, to the extent practicable, have expertise in diverse fields such as agriculture, the arts, business, child care, civic service, community service, corrections, education, healthcare, insurance, finance, labor, law, religious or spiritual service, or both, professional speaking, public welfare or senior citizen rights, or both.

(b) The Governor will designate one Commission member or the Executive Director of the Commission to serve as chairperson. The Governor may designate one Commission member or the Executive Director of the Commission to serve as vice-chairperson of the Commission. The chairperson and vice-chairperson serve at the pleasure of the Governor.

(c) The Governor will appoint an Executive Director of the Commission who serves at the pleasure of the Governor and who may be a member of the Commission.

**§ 6.493. Terms of membership.**

(a) Members will be appointed for terms of 2 years and serve until successors are appointed. A member may be reappointed for one or more additional terms. Members serve at the pleasure of the Governor.

(b) If a vacancy occurs on the Pennsylvania Commission for Women (Commission), the Governor will appoint a successor. The successor will be appointed for a full 2-year term. A successor may be reappointed for one or more additional terms.

(c) A member who is absent from two consecutive meetings of the Commission, without excuse, shall forfeit membership on the Commission.

**§ 6.494. Compensation.**

Members of the Pennsylvania Commission for Women will not receive compensation for their service except that members may be reimbursed for travel in accordance with Commonwealth policy. See Chapter 40 (relating to travel and subsistence).

**§ 6.495. Relationship with other agencies.**

Agencies under the Governor's jurisdiction shall cooperate with and provide assistance and support as needed by the Pennsylvania Commission for Women to carry out its functions effectively.

**§ 6.496. Reports.**

The Pennsylvania Commission for Women shall submit reports to the Governor or the Governor's designee, as it deems necessary, on issues affecting women in this Commonwealth.

**§ 6.497. Procedures.**

(a) The Pennsylvania Commission for Women (Commission) is authorized to establish subcommittees, rules and procedures for the effective implementation of its functions, consistent with this subchapter. Subcommittees may include advisory nonmembers if approved by the Commission's chairperson.

(b) A majority of the members serving at any time constitutes a quorum.

**§ 6.498. Effective date.**

This subchapter takes effect immediately and remains in effect unless revised or modified by the Governor.

**§ 6.499. Rescission.**

Executive Order 2003-6 is rescinded.

[Pa.B. Doc. No. 12-1144. Filed for public inspection June 22, 2012, 9:00 a.m.]

**PART I. GOVERNOR'S OFFICE**

[ 4 PA. CODE CHS. 5 AND 6 ]

[ EXECUTIVE ORDER NO. 2012-08 ]

**Governor's Advisory Commission on African American Affairs**

April 30, 2012

*Whereas*, African Americans in Pennsylvania make unique, diverse and valuable contributions to the culture, society and economy of Pennsylvania, which have a beneficial impact on life in the commonwealth; and

*Whereas*, the commonwealth is committed to providing equality and opportunity for all its citizens and increasing access for African Americans to civic, economic, and educational opportunities in Pennsylvania; and

*Whereas*, it will benefit the commonwealth to define and address the unique contributions, needs and concerns of the African American community, in order to improve the lives of all Pennsylvanians.

*Now, Therefore*, I, Tom Corbett, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby reestablish, in the Office of the Governor, the Governor's Advisory Commission on African American Affairs as the commonwealth's advocate agency for its African American citizens.



Governor

**Fiscal Note:** 2012-08. No fiscal impact; (8) recommends adoption.

**Annex A****TITLE 4. ADMINISTRATION****PART I. GOVERNOR'S OFFICE****CHAPTER 5. COUNCILS AND COMMITTEES****Subchapter YY. (Reserved)**

Sec.  
5.701—5.708. (Reserved).

**CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES**  
**Subchapter PP. GOVERNOR'S ADVISORY COMMISSION ON**  
**AFRICAN AMERICAN AFFAIRS**

|        |                                   |
|--------|-----------------------------------|
| Sec.   |                                   |
| 6.511. | Functions.                        |
| 6.512. | Composition.                      |
| 6.513. | Terms of membership.              |
| 6.514. | Compensation.                     |
| 6.515. | Relationship with other agencies. |
| 6.516. | Reports.                          |
| 6.517. | Procedures.                       |
| 6.518. | Effective date.                   |
| 6.519. | Rescission.                       |

**§ 6.511. Functions.**

The Governor's Advisory Commission on African American Affairs shall:

(1) Advise the Governor on policies, procedures, legislation and regulations that impact the African American community.

(2) Develop, review and recommend to the Governor policies in the areas of health and human services, housing, education, employment, business formation and other relevant areas which impact the African American community.

(3) Provide appropriate assistance and advice to the Pennsylvania Minority Business Development Authority and work with the Bureau of Equal Employment Opportunity within the Office of Human Resources Management in the Governor's Office of Administration to strengthen the enforcement of the Commonwealth's antidiscriminatory hiring, retention and promotion policies.

(4) Serve as a liaison to Federal, State and local agencies to ensure that programs impacting African Americans are effectively utilized.

(5) Serve as a resource for community groups and provide forums for developing strategies and programs that will expand and enhance the civic, social, educational, cultural and economic status of the African American community.

(6) Identify programs, scholarships, mentoring programs, sources of funding or other resources and compliance requirements for the benefit and advancement of African Americans.

(7) Promote the cultural arts of the African American community throughout this Commonwealth.

**§ 6.512. Composition.**

(a) The Governor's Advisory Commission on African American Affairs (Commission) shall consist of no more than 20 members appointed by the Governor who are representatives of the African American community in this Commonwealth or others who have an interest in the success of the African American community and provide value to the Commission.

(b) The Governor will designate one Commission member or the Executive Director of the Commission to serve as chairperson of the Commission. The Governor may designate one Commission member or the Executive Director of the Commission to serve as the vice-chairperson. The chairperson and vice-chairperson serve at the pleasure of the Governor.

(c) The Governor will appoint an Executive Director of the Commission who serves at the pleasure of the Governor and who may be a member of the Commission.

**§ 6.513. Terms of membership.**

(a) Members will be appointed for terms of 2 years and continue to serve until successors are appointed. A member may be reappointed for one or more additional terms. Members serve at the pleasure of the Governor.

(b) If a vacancy occurs on the Governor's Advisory Commission on African American Affairs (Commission), the Governor will appoint a successor. The

successor will be appointed for a full 2-year term. A successor may be reappointed for one or more additional terms.

(c) A member who is absent from two consecutive meetings, without excuse, shall forfeit membership on the Commission.

**§ 6.514. Compensation.**

Members of the Governor's Advisory Commission on African American Affairs will not receive compensation for their service except that members may be reimbursed for travel in accordance with Commonwealth policy. See Chapter 40 (relating to travel and subsistence).

**§ 6.515. Relationship with other agencies.**

Agencies under the Governor's jurisdiction shall cooperate with and provide assistance and support as needed by the Governor's Advisory Commission on African American Affairs to carry out its functions effectively.

**§ 6.516. Reports.**

The Governor's Advisory Commission on African American Affairs shall submit reports to the Governor or the Governor's designee, as it deems necessary, on issues affecting African Americans in this Commonwealth.

**§ 6.517. Procedures.**

(a) The Governor's Advisory Commission on African American Affairs (Commission) is authorized to establish subcommittees, rules and procedures for the effective implementation of its functions, consistent with this subchapter. Subcommittees may include advisory nonmembers if approved by the Commission chairperson.

(b) A majority of the Commissioners serving at any time constitutes a quorum.

**§ 6.518. Effective date.**

This subchapter takes effect immediately and remains in effect unless revised or rescinded by the Governor.

**§ 6.519. Rescission.**

Executive Order 2003-7 is rescinded.

[Pa.B. Doc. No. 12-1145. Filed for public inspection June 22, 2012, 9:00 a.m.]

**PART I. GOVERNOR'S OFFICE**

**[ 4 PA. CODE CH. 6 ]**

**[ EXECUTIVE ORDER NO. 2012-07 ]**

**Governor's Advisory Commission on Asian American Affairs**

April 30, 2012

*Whereas*, the number of Asian Americans and Asian American businesses in the Commonwealth of Pennsylvania continues to grow rapidly and the Asian American community remains a vital and valued part of the culture, society and economy of the commonwealth; and

*Whereas*, Asian American businesses and communities have expressed great interest in doing business and pursuing educational opportunities in the Commonwealth of Pennsylvania and participating in the revitalization of Pennsylvania's economy; and

*Whereas*, the commonwealth is committed to providing equality and opportunity for all its citizens and increasing access for Asian Americans to civic, economic, and educational opportunities in Pennsylvania; and

Whereas, it will benefit the commonwealth to define and address the unique contributions, needs and concerns of the Asian American community, in order to improve the lives of all Pennsylvanians.

Now, Therefore, I, Tom Corbett, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby reestablish, in the Office of the Governor, the Governor's Advisory Commission on Asian American Affairs as the commonwealth's advocate agency for its Asian American citizens.



Governor

**Fiscal Note:** 2012-07. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 4. ADMINISTRATION

#### PART I. GOVERNOR'S OFFICE

#### CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

#### Subchapter K. (Reserved)

Sec.  
6.171—6.178. (Reserved).

#### Subchapter OO. GOVERNOR'S ADVISORY COMMISSION ON ASIAN AMERICAN AFFAIRS

Sec.  
6.501. Functions.  
6.502. Composition.  
6.503. Terms of membership.  
6.504. Compensation.  
6.505. Relationship with other agencies.  
6.506. Reports.  
6.507. Procedures.  
6.508. Effective date.  
6.509. Rescission.

#### § 6.501. Functions.

The Governor's Advisory Commission on Asian American Affairs shall:

(1) Advise the Governor on policies, procedures, legislation and regulations that impact the Asian American community.

(2) Develop, review and recommend to the Governor policies in the areas of health and human services, housing, education, employment, business formation and other relevant areas which impact the Asian American community.

(3) Provide appropriate assistance and advice to the Pennsylvania Minority Business Development Authority and work with the Bureau of Equal Employment Opportunity within the Office of Human Resources Management in the Governor's Office of Administration to strengthen the enforcement of the Commonwealth's antidiscriminatory hiring, retention and promotion policies.

(4) Serve as a liaison to Federal, State and local agencies to ensure that programs affecting Asian Americans are effectively utilized and promoted.

(5) Serve as a resource for community groups and provide forums for developing strategies and programs that expand and enhance the civic, social, educational, cultural and economic status of the Asian American community.

(6) Identify programs, scholarships, mentoring programs, sources of funding or other resources for the benefit and advancement of Asian Americans.

(7) Promote the cultural arts of the Asian American community throughout this Commonwealth.

**§ 6.502. Composition.**

(a) The Governor's Advisory Commission on Asian American Affairs (Commission) shall consist of no more than 20 members appointed by the Governor who are representatives of the Asian American community in this Commonwealth or others who have an interest in the success of the Asian American community and provide value to the work of the Commission.

(b) The Governor will designate one Commission member or the Executive Director of the Commission to serve as chairperson. The Governor may designate one Commission member or the Executive Director of the Commission to serve as vice-chairperson of the Commission. The chairperson and vice-chairperson serve at the pleasure of the Governor.

(c) The Governor will appoint an Executive Director of the Commission who serves at the pleasure of the Governor and who may be a member of the Commission.

**§ 6.503. Terms of membership.**

(a) Members will be appointed for terms of 2 years and serve until successors are appointed. A member may be reappointed for one or more additional terms. Members serve at the pleasure of the Governor.

(b) If a vacancy occurs on the Governor's Advisory Commission on Asian American Affairs (Commission), the Governor will appoint a successor. The successor will be appointed for a full 2-year term. A successor may be reappointed for one or more additional terms.

(c) A member who is absent from two consecutive meetings of the Commission, without excuse, shall forfeit membership on the Commission.

**§ 6.504. Compensation.**

Members of the Governor's Advisory Commission on Asian American Affairs will not receive compensation for their service except that members may be reimbursed for travel expenses in accordance with Commonwealth policy. See Chapter 40 (relating to travel and subsistence).

**§ 6.505. Relationship with other agencies.**

Agencies under the Governor's jurisdiction shall cooperate with and provide assistance and support as needed by the Governor's Advisory Commission on Asian American Affairs to carry out its functions effectively.

**§ 6.506. Reports.**

The Governor's Advisory Commission on Asian American Affairs shall submit reports to the Governor or the Governor's designee, as it deems necessary, on issues affecting Asian Americans in this Commonwealth.

**§ 6.507. Procedures.**

(a) The Governor's Advisory Commission on Asian American Affairs (Commission) is authorized to establish subcommittees, rules and procedures for the effective implementation of its functions, consistent with this subchapter. Subcommittees may include advisory nonmembers if approved by the Commission chairperson.

(b) A majority of the members serving at any time constitutes a quorum.

**§ 6.508. Effective date.**

This subchapter takes effect immediately and remains in effect unless revised or modified by the Governor.

**§ 6.509. Rescission.**

Executive Order 2003-8 is rescinded.

[Pa.B. Doc. No. 12-1146. Filed for public inspection June 22, 2012, 9:00 a.m.]

## THE GOVERNOR

**PART I. GOVERNOR'S OFFICE**  
**[ 4 PA. CODE CH. 7a ]**  
**[ EXECUTIVE ORDER NO. 2012-09 ]**  
**Sunset Task Force**

May 11, 2012

*Whereas*, current economic conditions and budgetary constraints require the consolidation and reduction of the size of commonwealth government; and

*Whereas*, there are numerous existing boards and commissions in Pennsylvania established by Executive Order, statute or other legal authorization, which operate under the supervision and control of the Governor; and

*Whereas*, this administration believes that responsible government requires the termination of such boards and commissions, if they are inefficient, unduly costly or have minimal value for the taxpayers of the commonwealth; and

*Whereas*, this administration believes that it is prudent to create a governmental task force to review the value, productivity and efficiency of such boards and commissions and to provide recommendations regarding which ones should be terminated ("sunset") within one year.

*Now, Therefore*, I, Tom Corbett, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby establish the Sunset Task Force.



*Governor*

**Fiscal Note:** 2012-09. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 4. ADMINISTRATION**

**PART I. GOVERNOR'S OFFICE**

**CHAPTER 7a. ADDITIONAL MISCELLANEOUS PROVISIONS**

**Subchapter G. SUNSET TASK FORCE**

|        |                                |
|--------|--------------------------------|
| Sec.   |                                |
| 7a.81. | Purpose.                       |
| 7a.82. | Definitions.                   |
| 7a.83. | Powers and duties.             |
| 7a.84. | Composition.                   |
| 7a.85. | Compensation.                  |
| 7a.86. | Staffing.                      |
| 7a.87. | Cooperation by State agencies. |
| 7a.88. | Effective date.                |
| 7a.89. | Termination date.              |

**§ 7a.81. Purpose.**

The purpose of the Sunset Task Force (Task Force) is to establish a governance structure for assessing the viability and benefit of the Commonwealth's existing boards and commissions and to provide recommendations as to their continued existence.

(1) The Task Force shall only review executive boards and commissions.

(2) The Task Force does not have the authority to review independent boards and commissions including the independent boards and commissions for which the Governor makes nominations or appointments. Independent boards and commissions include the Board of Claims, the State Civil Service Commission, the Environmental Hearing Board, the State Ethics Commis-



sion, the Fish and Boat Commission, the Game Commission, the Pennsylvania Gaming Control Board, the Pennsylvania Historical and Museum Commission, the Pennsylvania Human Relations Commission, the Liquor Control Board, the Milk Marketing Board, the Board of Probation and Parole, the Pennsylvania Public Utility Commission, the Turnpike Commission, the Board of Pardons and the Pennsylvania Labor Relations Board.

**§ 7a.82. Definitions.**

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

*Executive boards and commissions—*

(i) Boards and commissions operating under the supervision and control of the Governor.

(ii) Boards and commissions of agencies under the supervision and control of the Governor.

*Independent boards and commissions—*

(i) Boards and commissions that do not fall under the supervision and control of the Governor.

(ii) Boards and commissions of agencies that are not under the supervision and control of the Governor.

**§ 7a.83. Powers and duties.**

(a) The Sunset Task Force (Task Force) shall:

(1) Identify the Commonwealth's executive boards and commissions.

(2) Conduct a review the executive boards and commissions created by Executive Order, statute or other legal authorization.

(3) Recommend procedures for limiting or terminating the existence of current and future boards and commissions.

(4) Report to the Governor.

(b) The purpose of a review is to determine the value, productivity and efficiency of executive boards and commissions.

(c) At the direction of the Task Force, a comprehensive database system shall be developed to identify the Executive Order, statute or other legal authorization establishing each executive board or commission. The comprehensive database system must also track information related to member qualifications and terms, the purpose of the executive board or commission and other information that will increase the efficiency of the process for appointments or functioning of the executive board or commission.

(d) Executive boards and commissions that do not meet the criteria of value, productivity or efficiency, as determined by the Task Force, will be recommended to be terminated to one of the following:

(1) The Governor if created by an Executive Order.

(2) The General Assembly if created by statute.

(e) The Task Force may recommend consolidation or streamlining of existing executive boards and commissions, as appropriate.

(f) The Task Force shall provide recommendations as to procedures to limit new executive boards and commissions to a finite life-span not to exceed 5 years from the date of creation.

(g) The Task Force shall complete its review and submit written recommendations to the Governor by May 13, 2013.

**§ 7a.84. Composition.**

(a) The Sunset Task Force shall consist of no more than 25 members who will be appointed by and serve at the pleasure of the Governor.

(b) The Governor will designate one member to serve as chairperson and may designate one member to serve as vice-chairperson. The chairperson and vice-chairperson serve at the pleasure of the Governor.

**§ 7a.85. Compensation.**

Members of the Sunset Task Force will not receive compensation for their service except that members may be reimbursed for travel expenses in accordance with Commonwealth policy. See Chapter 40 (relating to travel and subsistence).

**§ 7a.86. Staffing.**

The Office of Administration and the Office of the Budget shall provide administrative and staff resources to support the Sunset Task Force.

**§ 7a.87. Cooperation by State agencies.**

Agencies under the Governor's jurisdiction shall cooperate with and provide assistance and support as needed by the Sunset Task Force to carry out its functions effectively.

**§ 7a.88. Effective date.**

This subchapter takes effect immediately.

**§ 7a.89. Termination date.**

This subchapter remains in effect until May 13, 2013.

[Pa.B. Doc. No. 12-1147. Filed for public inspection June 22, 2012, 9:00 a.m.]

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# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

[ 210 PA. CODE CH. 37 ]

#### Adoption of Pa.R.A.P. 3771—3784 Governing Insurance Rehabilitations and Liquidations and All Other Matters under Article V of The Insurance Department Act of 1921; No. 126 Misc. Doc. No. 3

*And Now*, this 8th day of June, 2012, pursuant to Pa.R.A.P. 104, as an amendment to Chapter 37 of the Rules of Appellate Procedure, concerning Business of the Commonwealth Court, the Court hereby *Adopts* Rules 3771 through 3784 in the following form, to govern insurance rehabilitations and liquidations and all other matters under Article V of The Insurance Department Act of 1921 before the Commonwealth Court.

Except as otherwise provided herein, these rules shall become effective July 30, 2012, and shall govern all matters pending on the effective date unless the Court determines that their application to a pending matter would not be feasible or would work an injustice. The provisions in Rule 3781(e)(7), (8) and (f)(4) (requiring referees to maintain a numbered list of the contents of the record created before the referee and to file that record with the Court) shall apply only prospectively to cases assigned to a referee after the effective date. To the extent that any provision of a case management order previously entered in any rehabilitation or liquidation matter does not conform to these Rules, those provisions are hereby superseded.

DAN PELLEGRINI,  
*President Judge*

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE III. MISCELLANEOUS PROVISIONS

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

#### SUMMARY AND FORMAL PROCEEDINGS AGAINST INSURERS

##### Rule 3771. Scope of Rules.

Rules 3771—3784 apply to all actions in the Commonwealth Court arising under Article V of The Insurance Department Act of 1921, Act of May 17, 1921, P. L. 789, added by the Act of December 14, 1977, P. L. 280, as amended, 40 P. S. §§ 221.1—221.63 (concerning summary and formal proceedings against insurers) (Article V). The rules are intended to govern practice and procedures in Article V proceedings. In the event of any inconsistency, the provisions of Article V control.

##### Rule 3772. Definitions.

(a) Unless otherwise stated, words and phrases used in these rules shall have the meanings given to them under Article V.

(b) *Administrative case docket*—A docket created upon the initiation of a formal proceeding by the filing of a petition to rehabilitate or liquidate an insurance company.

(c) *Adversarial proceeding*—Any action (1) initiated by the rehabilitator or liquidator against persons other than the insurer, (2) asserting a right or interest afforded by Article V and for which neither Article V nor prior orders of the Court provide an avenue for redress, and (3) that the Court determines shall be governed by Rule 3783 (adversarial proceedings) as an adversarial proceeding.

(d) *Ancillary case docket*—A docket created when an adversarial proceeding is initiated or when a creditor files an objection to the liquidator's claim determination under Rule 3781(c) (claim procedure).

(e) *Court*—The Commonwealth Court of Pennsylvania.

(f) *Formal proceeding*—An action to rehabilitate or liquidate an insurer pursuant to Sections 515 or 520 of Article V, 40 P. S. §§ 221.15, 221.20.

(g) *Master service list*—The list maintained by the Commissioner or receiver, as the case may be, as directed in Rule 3778 (master service list).

**Official Note: Administrative Case Docket**—The following illustrates the types of filings that may appear on an administrative case docket: any response to the petition to rehabilitate or liquidate; applications to intervene; a receiver's applications for approval of reports, partial distributions, administrative expenses, etc. and any responses thereto; applications seeking to compel the issuance of a notice of determination on a proof of claim or any other filings by the receiver related to the administration of the liquidation or rehabilitation. Other than the filing that initiated an ancillary case docket, the administrative case docket will not usually include filings related to matters assigned to an ancillary case docket.

*Adversarial proceeding*—This type of proceeding does not include objections filed by a claimant to the liquidator's notice of determination. Objections to a notice of determination on a claim are specially governed by Rule 3781 (claim procedure).

##### Rule 3773. Filings; Number of Copies.

(a) *General rule*. Each paper filing shall consist of the original document, two (2) copies, and a labeled CD-ROM or USB flash drive containing a copy of the filing in portable document format (PDF).

(b) *Exception*. A copy on a labeled CD-ROM or USB flash drive is not required for a proof of service or report of the performance of a ministerial task.

(c) *No courtesy copies*. Courtesy copies of filings shall not be provided to the judge's chambers.

**Official Note: Electronic Filing**—The Court adopted these Rules before electronic filing became available. When electronic filing becomes available this Rule will be reviewed.

##### Rule 3774. Manner of Initiating Article V Proceedings.

(a) *Judicial review of summary orders (Section 510 of Article V, 40 P. S. § 221.10)*. A request for judicial review of a summary order issued by the Commissioner shall be presented by petition for review and shall conform to the

provisions of Chapter 15 of the Pennsylvania Rules of Appellate Procedure applicable to matters in the Court's original jurisdiction.

(b) *Court's seizure order (Section 512 of Article V, 40 P.S. § 221.12)*. A petition by the Commissioner for a seizure order shall state the material facts that constitute the grounds for relief. The petition for seizure may be decided with or without an answer or a hearing. An insurer may petition the Court for hearing and review of an *ex parte* seizure order at any time and shall set forth the factual and legal basis in support of a contention that the Court should vacate or modify the seizure order. The Court may set a time for the Commissioner to file an answer, but in any event the Court shall decide the petition for hearing and review in accordance with Sections 512(d) and 513(a), (b), 40 P.S. §§ 221.12(d) and 221.13(a), (b).

(c) Formal proceedings to commence rehabilitation or liquidation (Sections 515 and 520 of Article V, 40 P.S. §§ 221.15 and 221.20).

(1) A petition by the Commissioner for rehabilitation or liquidation shall state the material facts that constitute the grounds for relief.

(2) Unless the Court otherwise orders, within thirty (30) days of the filing of a petition for rehabilitation or a petition for liquidation, the insurer shall file either an answer to the petition or consent to the entry of an order granting the relief the Commissioner seeks in the petition. An answer shall state the material facts that constitute a defense to the petition. No other response by the insurer is permitted.

(3) Following the entry of an order to rehabilitate or liquidate the business of an insurer, the Court may enter a case management order to supplement these Rules.

**Official Note:** *Special forms of petition*—A petition by the Commissioner for a seizure order or a petition by the Commissioner for an order of rehabilitation or liquidation is not a petition for review governed by Chapter 15 of the Appellate Rules because neither of these petitions present a challenge to government action. The term “petition” is used because it is used in Article V.

For determining a petition for a seizure order, Section 512 establishes a process that does not conform to the provisions of Chapter 15. Such a petition should be decided in accordance with the statutory process in conjunction with an order.

Rules 3771—3784 establish procedures for addressing petitions for rehabilitation or liquidation and matters associated with rehabilitation or liquidation of an insurer.

A petition by an insurer for hearing and review of a seizure order presents a matter properly addressed to the Court's original jurisdiction. See 42 Pa.C.S. § 761 (establishing the Court's original jurisdiction over all matters arising under Article V of the Insurance Department Act). However, the provisions of Chapter 15 applicable to original jurisdiction matters have little or no practical applicability to a petition for a hearing and review of an *ex parte* seizure order for which Section 512 confers upon the petitioner a right to a hearing within ten days. Consequently, a petition for hearing and review of a seizure order should be decided in accordance with the statutory process in Section 512 or Court order.

The special forms of petition named in Rule 3774 (initiating Article V proceedings) are not subject to the Rules of Civil Procedure.

#### **Rule 3775. Intervention in Formal Proceedings.**

(a) *Intervention*. A person not named as a respondent in a formal proceeding who has a direct and substantial interest in the administration of the insurer's business or estate may request leave of court to intervene.

(b) *Application to intervene*. A request for leave to intervene, generally or for a limited purpose, shall be by application and answer, if any, in accordance with Rule 123 (application for relief). The application shall contain a concise statement of the interest of the applicant and the purposes for which the applicant seeks to intervene. A copy of the document to be filed if the Court allows intervention shall be attached to the application.

(c) *Action on application*. Intervention in a formal proceeding shall be allowed if the proven or admitted allegations of the application establish a sufficient interest in the proceedings, unless the interest of the applicant is already adequately represented or intervention will unduly delay or prejudice the adjudication of the rights of the parties.

(1) *General intervention*. When the applicant demonstrates an ongoing interest in the administration of the insurer's business or estate, the Court may grant the applicant general intervention. The general intervenor shall remain on the master service list until the formal proceeding is completed.

(2) *Limited intervention*. When the applicant's interest involves a discrete controversy relating to the administration of the insurer's business or estate, the Court may grant the applicant limited intervention to participate as a party in the discrete controversy. The limited intervenor shall not be placed upon the master service list unless the Court orders otherwise.

(d) Upon grant of an application to intervene, the document attached to the application to intervene, that is, the application for relief under Rule 3776 or complaint under Rule 3783, shall be deemed filed, and the Court shall direct the time for filing a response.

**Official Note:** *General or limited intervention*—Intervention, whether general or limited in scope, may be granted for purposes such as, but not limited to:

- (1) Oppose a petition by the Commissioner for an order of liquidation or rehabilitation;
- (2) Oppose an application by the receiver for an order relating to the administration of the insurer's business or of estate;
- (3) Object to a report by the receiver;
- (4) Seek relief from any order;
- (5) Assert any rights or interest afforded to the person by Article V and for which neither Article V nor prior orders of the Court provide an avenue for redress; or
- (6) Compel the liquidator to issue a notice of determination if the liquidator has failed to do so in conformity with Rule 3781 (claim procedure).

*Relief from stay*—Intervention is a prerequisite to filing an application for relief from the stay of actions against the insurer that is imposed under Section 526, 40 P.S. § 221.26.

**Rule 3776. Applications for Relief or Court Approval.**

Relief or approval from the Court shall be requested by application. An application for relief or an application by the receiver for the Court's approval shall comply with Rule 123 (application for relief), except that a response, if any, shall be filed within thirty (30) days of service of an application for relief or an application for Court approval. Upon application, the Court may alter the time for response. The application and any response may be supported by a memorandum of law.

**Official Note:** *Alteration of the time for response*—Requests based on an agreement of the parties are more likely to receive favorable consideration.

*Court approval*—From time to time, the receiver must obtain the Court's approval of an action proposed to be taken in the course of administering the estate, such as, but not limited to, making an interim distribution of assets.

**Rule 3777. Docketing.**

(a) *Administrative case docket.* Upon the filing of a petition to rehabilitate or liquidate an insurance company under Article V, the chief clerk shall create an administrative case docket and assign the petition a number thereon. All filings directly related to the Court's consideration of the petition for rehabilitation or liquidation shall be filed at that number, and this docket will contain all filings concerning the administration of the insurer's business or estate should the petition be granted.

(b) *Case caption—administrative case docket.* The caption of the proceeding assigned to an administrative case docket shall be substantially in the following form:

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

IN RE: XYZ Insurance Company :  
In Liquidation [Rehabilitation] : No. 1 XYZ 20xx  
:  
[Title of Document]

(c) *Ancillary case docket.* When a complaint is filed by or against the receiver to commence an adversarial proceeding under Rule 3783 (adversarial proceeding), when the Court *sua sponte* directs that a dispute initiated by an application for relief under Rule 3776 (applications) be treated as an adversarial proceeding under Rule 3783 or when an objection is filed to a notice of determination under Rule 3781 (claim procedure), the chief clerk will note such filing on the administrative case docket, establish an ancillary case docket and assign a number for each such matter. The party initiating an ancillary case shall file a completed cover sheet that may be obtained from the chief clerk or at [www.pacourts.us/T/Commonwealth/](http://www.pacourts.us/T/Commonwealth/).

(d) *Case caption—ancillary dockets.* Matters that receive ancillary case docket numbers shall be captioned substantially in accordance with the following examples:

(1) An adversarial proceeding under Rule 3783 (adversarial proceedings) shall be captioned:

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

\_\_\_\_\_, :  
Plaintiff/Applicant :  
 :  
v. :  
 : No. \_\_\_\_\_  
\_\_\_\_\_, :  
Defendant/Respondent :  
 :  
(Ancillary to IN RE: :  
XYZ Insurance Company :  
In Liquidation :  
No. 1 XYZ 20xx) :  
[Title of Document]

(2) An objection to the liquidator's determination on a proof of claim under Rule 3781 (claim procedure) shall be captioned:

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

John Doe Company, :  
Objector : Objection to Notice of  
 : Determination  
 :  
 : Re: Proof of Claim  
 : No. \_\_\_\_\_  
 :  
v. :  
 :  
 :  
XYZ Insurance Co., in :  
Liquidation :  
 : No. \_\_\_\_\_  
(Ancillary to IN RE: :  
XYZ Insurance Company :  
In Liquidation :  
No. 1 XYZ 20xx) :  
Objection to Liquidator's Notice(s) of Determination

**Official Note:** *Listing proof of claim number(s)*—All claim numbers should be listed in the caption to the right of the dotted line and on the cover sheet. If the objection relates to proof of claim numbers too numerous to conveniently be listed in the caption, the first claim number followed by "et al" must be shown in the caption and additional proof of claim numbers shall be listed in a footnote on page one.

**Rule 3778. Master Service List.**

(a) *General rule.* As soon as practicable after filing a petition to rehabilitate or liquidate an insurer, the Commissioner shall create and maintain a master service list. If the Court grants the petition to liquidate or rehabilitate, the receiver will assume the duty to maintain the master service list. The master service list shall include the name, address, telephone number, facsimile (fax) number and electronic mail (e-mail) address of counsel for each party and for each pro se party in the proceeding at the administrative case docket number.

The receiver is not required to include on the master service list any limited intervenor or his/her counsel.

Changes in contact information, including transfer of responsibilities to another attorney in the firm and requests to be removed from the master service list may

be accomplished by notifying the Commissioner or receiver, as the case may be, by e-mail, fax or mail in accordance with the Commissioner's or receiver's instructions.

(b) *Request of non-party for inclusion on master service list.* Any interested person may be added to the master service list by sending a written request to the Commissioner or receiver, as the case may be, including name, address, telephone number, facsimile number and electronic mail address. A person included on the master service list pursuant to this subsection shall be designated thereon as a non-party.

(c) *Availability of master service list.* The Commissioner or receiver, as the case may be, shall post and maintain the master service list on any website established under Rule 3779 (website). If no website has been established, the master service list shall be available by e-mail upon request. A paper copy of the master service list shall be available for a standard fee.

**Official Note: Court Maintains Its Own Service List—** The master service list maintained by the Commissioner or receiver is not the Court's service list. The two lists are separately managed. Amendment or deletion of information on one list does not affect the other list. Notice of any change must be given to both the Commissioner or receiver and the Court.

**Rule 3779. Website.**

Unless otherwise ordered by the Court, when the Commissioner files a petition to rehabilitate or liquidate an insurer, the Commissioner shall establish and maintain a website for the purpose of listing filings with and orders of the Court in accordance with these rules, and when required, posting access to the listed documents. If the Court grants the petition to liquidate or rehabilitate, the receiver will maintain the website.

On the website, the receiver shall post: all documents filed at the administrative case docket number; a proof of claim form; a statement describing the procedure for filing claims pursuant to Rule 3781 (claim procedure); and a statement regarding the requirements in Rule 3781(c)(4) (corporate representation) and (5) (*pro hac vice*), for corporate representation and admission *pro hac vice* for attorneys.

The receiver shall note any ancillary docket number on the website and state the nature of the dispute. The receiver may but is not required to post filings at an ancillary case docket number.

**Rule 3780. Service and Notice.**

(a) *Service of parties.* All documents filed by any party shall be served on all other parties at the appropriate docket number assigned to the matter in accordance with Rule 121 (filing and service). Proof of service shall comply with Rule 122 (proof of service).

(b) *Notice to non-parties listed on the master service list.* The receiver shall promptly notify all non-parties named on the master service list of any filing at the administrative case docket number. The notice shall include:

- (1) A description and the date of the filing;
- (2) A statement that the filing is available for viewing, downloading, or printing at the website;
- (3) Directions on how interested persons may view, download, or print a copy of the filing from the website;

(4) A name, address, telephone number, fax number, and e-mail address as a contact for those unable to view, download, or print the filing from the website.

(c) *Filings not posted on website.* Any non-party on the master service list desiring a copy of a filing listed, but not posted, on the website may obtain a copy from the receiver.

(d) *Alternative service.* A non-party listed on the master service list who is unable to receive electronic notice of filings, shall notify the receiver in writing of this inability. The receiver shall then provide notice of a filing by United States Postal Service.

**Rule 3781. Claim Procedure in Liquidation Proceedings.**

(a) *Filing a proof of claim.*

(1) A creditor asserting a monetary claim against the insurer's estate shall file a proof of claim with the liquidator in accordance with Article V.

(2) In the notice to potential creditors of the insurer's estate, the liquidator shall provide a proof of claim form that complies with Article V.

(3) The completed proof of claim form and supporting documentation shall be filed with the liquidator. A proof of claim form is filed when received by the liquidator except as described below. The liquidator is deemed to have received the proof of claim form on the date of mailing as established by a United Postal Service Form 3817 Certificate of Mailing or by any similar form from which the date of deposit in the mail can be verified or the date of transmission by facsimile (fax) or electronic mail (e-mail), as documented by the sender's fax or computer. If filing is accomplished by fax, the claimant shall also comply with the requirements of Pa.R.C.P. No. 440(d)(2), relating to a fax cover sheet.

(b) *Notice of determination.*

(1) Unless otherwise ordered, the liquidator shall issue a written notice of determination within one hundred and eighty (180) days of the filing of the proof of claim, unless the liquidator seeks additional information on a claim pursuant to Section 538(b), 40 P. S. § 221.38(b). If additional information is requested, the liquidator shall issue a notice of determination within ninety (90) days of the date on which the additional information is received.

(2) The notice of determination shall include:

- (i) the allowed amount of the claim;
- (ii) the priority class assigned to the claim;
- (iii) if the claim is disallowed in whole or in part, a brief statement of the reason(s) for the liquidator's determination;
- (iv) a statement advising the claimant of the requirements set forth in Rule 3781(c)(1) (time for filing); and

(v) notice that if a claimant fails to file an objection with the Court within sixty (60) days from the mailing date on the notice of determination, the claimant cannot later object to the liquidator's determination.

(3) If the liquidator determines that the claim has been submitted to a state guaranty association, the liquidator may defer further review of the proof of claim until the guaranty association has made its final determination and has returned the closed claim file to the liquidator. In such a case, the liquidator shall notify the claimant of the decision to defer review.

(c) *Objections.*

(1) *Time for filing.* If a claimant disputes the allowed amount or priority class assigned to the claim, the claimant shall file an objection with the Court within sixty (60) days from the mailing date on the notice of determination. The objection must present the factual and legal basis for the objection and include a copy of the notice of determination. The objection may include relevant supporting documentation and be accompanied by a memorandum of law.

(2) *Service.* The claimant shall serve a copy of the objection on the liquidator in accordance with Rule 121 (service).

(3) *Response.* The liquidator shall promptly acknowledge receipt of an objection, contact the claimant, and attempt to resolve the objection. If the objection is not resolved within sixty (60) days, the liquidator shall file with the Court and serve on the claimant a written response to the objection. The response may be accompanied by a memorandum of law. The claimant and the liquidator may agree in writing to extend these deadlines. Any such agreement must be filed with the Court.

(4) *Corporate representation.* If the claimant is an entity other than a natural person, an attorney admitted to practice in Pennsylvania must enter an appearance for the claimant within sixty (60) days of the filing of the objection, or the Court may dismiss the objection.

(5) *Pro hac vice admission.* If a claimant wishes to be represented by an attorney not admitted to practice in Pennsylvania, that attorney must be admitted to practice *pro hac vice*, in accordance with Pa.R.C.P. No. 1012.1, Pa.B.A.R. 301, and 204 Pa. Code § 81.505, within sixty (60) days of the filing of the objection, or the Court may dismiss the objection.

(d) *Resolution of objections.*

(1) *Scheduling hearing.* Upon receipt of the liquidator's response to the objection, the Court shall establish a time for a hearing.

(2) *Assignment of judge.* Objections may be assigned to a single judge for disposition.

(3) *Assignment of referee.* Upon the parties' request or on its own initiative, the Court may appoint a referee to hear the objection and submit to the Court a recommended decision, which shall include findings of fact, conclusions of law, and a proposed order.

(e) *Referees.*

(1) *Compensation.* Referees serve at the pleasure of the Court and shall be compensated from the insurer's estate at an hourly rate to be set by the Court at the beginning of each calendar year and posted on the website created under Rule 3779 and on the Court's website. The hourly rate shall be clearly set forth in the appointment order, subject to any annual adjustment.

(2) *Litigation costs.* Each party shall bear its own costs associated with the hearing before the referee. Unless the Court orders otherwise, the parties shall share equally the costs for transcribing a hearing and any costs that may be incurred by a referee in complying with Rule 3781(e)(7) (maintaining a record) and (f)(4) (filing recommended decision).

(3) *Conflict of interest.* No referee may appear as counsel in any matter connected to the liquidation proceeding.

(4) *Authority of the referee.* The referee shall have authority to:

(i) receive and consider evidence that is in addition to the information provided with the proof of claim;

(ii) establish discovery schedules where discovery is necessary;

(iii) establish procedures to expedite the presentation of evidence; and

(iv) establish hearing dates and briefing schedules.

(5) *Rules of evidence.* The Pennsylvania Rules of Evidence shall apply to all evidentiary hearings conducted by a referee.

(6) *Efficient and cost effective.* The referee shall resolve the objection in a cost-effective and efficient manner, using stipulations and depositions and conducting hearings by teleconference or videoconference where appropriate. The referee may bifurcate a proceeding to address issues *seriatim*.

(7) *Maintain a record.* The referee shall maintain a record consisting of everything submitted for consideration. The referee shall also keep a chronological list of the contents of the record. In the case of materials submitted as evidence, the referee shall mark each exhibit offered into evidence as admitted or excluded. While an objection is pending before a referee, nothing directly related to the merits of that objection shall be filed with the Court.

(8) *Filing recommended decision.* The referee shall file and serve a recommended decision, a proposed order, and a list of all documents submitted by the parties and compiled in accordance with Rule 3781(e)(7) (maintaining a record).

(9) *Failure to cooperate with referee.* If a claimant or the liquidator fails to cooperate with the referee or to participate in good faith in proceedings before the referee, the referee may include findings regarding party conduct in the recommended decision and recommend appropriate sanctions. Appropriate sanctions may include a recommendation that the objection be sustained or dismissed.

(f) *Exceptions to the referee's recommended decision.*

(1) *Time for filing.* Any party may file with the Court exceptions to the referee's recommended decision no later than thirty (30) days after the filing date of the recommended decision. The exceptions shall be served on any other party and the referee.

(2) *Content and form of exceptions.* In separately numbered paragraphs, the exceptions shall specify the errors in the referee's recommended decision. There shall be attached as exhibits to the exceptions: the liquidator's notice of determination; the objection; the liquidator's response; and the referee's recommended decision. Exceptions shall be accompanied by a memorandum of law.

(3) *Response.* Any response to the exceptions shall be filed and served on the other party and the referee within fourteen (14) days of the filing date of the exceptions. A response shall be accompanied by a memorandum of law. The time for response may be extended by agreement of the parties with the approval of the Court.

(4) *Filing referee's record.* Within twenty-eight (28) days of the filing of the recommended decision, the referee shall file with the Court the record of the proceedings.

(5) *Court action.* When exceptions are filed, the Court may, on its own motion or upon application, direct an

evidentiary hearing or oral argument. The Court may adopt the referee's recommended decision in whole or in part, adopt specific findings of fact, modify findings of fact or recommit the matter to the referee with instructions.

(6) *Final order.* Upon completion of its review of exceptions, the Court will enter a final order sustaining or overruling exceptions in whole or in part. An order of Court sustaining or dismissing an objection as a sanction pursuant to Rule 3781(e)(9) is the final disposition of a claim.

(7) *When no exceptions filed.* Any party may apply to the Court for, or the Court on its own initiative may issue, an order either adopting the recommended decision or stating that in the absence of exceptions, the referee's proposed order is entered as the order of the Court.

(8) *Issue preclusion.* Findings of fact or conclusions of law in a referee's recommended decision are not controlling in any subsequent proceeding, unless the Court expressly adopted the findings of fact or conclusions of law.

(9) *Waiver.* Unless otherwise ordered by the Court, failure to file timely exceptions to a referee's recommended decision shall be deemed a waiver of further appeal if the Court approves the recommended decision without modification.

**Rule 3782. Claim Procedure in Rehabilitation Proceedings.**

When an approved plan of rehabilitation includes the filing of claims by creditors, the rehabilitation plan shall follow the claim procedures set forth in Rule 3781, unless modified by the Court.

**Rule 3783. Adversarial Proceedings.**

(a) *Initiating adversarial proceedings.* Adversarial proceedings shall be initiated by the filing of a complaint.

(b) *Rules governing adversarial proceedings.* The Pennsylvania Rules of Civil Procedure shall apply to adversarial proceedings.

(c) *Appointment of referee.* The Court may appoint a referee to hear the complaint and make recommended findings of fact and conclusions of law and propose an order for review by the Court in the same manner and pursuant to the same procedure prescribed for the disposition of objections to a notice of determination. The Court shall determine who shall pay the referee's fee and costs.

**Official Note:** Adversarial proceedings may not be commenced by filing a writ of summons.

**Rule 3784. Reporting.**

(a) *Claims report.* At least annually, the liquidator shall file a report of the claims against the insurer's estate that have been resolved, with his recommendations ("Claims Report"). The Claims Report shall include the following: each claimant's name, address, priority class, allowed amount, and whether the claim determination was finalized because no objection was filed, no exceptions were taken to a referee's recommended decision, a recommended decision was sustained by the court or the parties agreed to a settlement. The liquidator shall serve a copy of the Claims Report on those listed on the master service list in accordance with these rules. No claim shall be paid, in part or in whole, until the report is approved by the Court.

(b) *Status report.* The receiver shall file a comprehensive report on the status of the insurer's business or the administration of the insurer's estate as frequently as ordered by the Court. The liquidator shall serve a copy of the Status Report on those listed on the master service list in accordance with these rules.

[Pa.B. Doc. No. 12-1148. Filed for public inspection June 22, 2012, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [ 231 PA. CODE CH. 4000 ]

#### Amendment of Rules 4009.1, 4009.11, 4009.12, 4009.21, 4009.23 and 4011 of the Rules of Civil Procedure; No. 564 Civil Procedural Rules Doc.

#### Order

*Per Curiam*

*And Now*, this 6th day of June, 2012, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published at 41 Pa.B. 334 (January 15, 2011) and in the *Atlantic Reporter* (Third Series Advance Sheets, Vol. 9 No. 2):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 4009.1, 4009.11, 4009.12, 4009.21, 4009.23, and 4011 are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective August 1, 2012.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 4000. DEPOSITIONS AND DISCOVERY PRODUCTION OF DOCUMENTS AND THINGS AND ENTRY FOR INSPECTION AND OTHER ACTIVITIES

#### PRODUCTION OF DOCUMENTS AND THINGS

#### GENERAL PROVISIONS

#### Rule 4009.1. Production of Documents and Things. General Provisions.

(a) Any party may serve a request upon a party pursuant to Rules 4009.11 and 4009.12 or a subpoena upon a person not a party pursuant to Rules 4009.21 through 4009.27 to produce and permit the requesting party, or someone acting on the party's behalf, to inspect and copy any designated documents (including writings, drawings, graphs, charts, photographs, [ **electronically created data, and other compilations of data from which information can be obtained, translated, if necessary, by the respondent party or person upon whom the request or subpoena is served through detection or recovery devices into reasonably usable form** ] and **electronically stored information**), or to inspect, copy, test or sample any tangible things or **electronically stored information**, which constitute or



contain matters within the scope of Rules 4003.1 through 4003.6 inclusive and which are in the possession, custody or control of the party or person upon whom the request or subpoena is served[ ; ], and may do so one or more times.

(b) A party requesting electronically stored information may specify the format in which it is to be produced and a responding party or person not a party may object. If no format is specified by the requesting party, electronically stored information may be produced in the form in which it is ordinarily maintained or in a reasonably usable form.

\* \* \* \* \*

REQUEST UPON A PARTY

Rule 4009.11. Request Upon a Party for Production of Documents and Things.

\* \* \* \* \*

(b) The request shall set forth in numbered paragraphs the items to be produced either by individual item or by category, and describe each item or category with reasonable particularity. Each paragraph shall seek only a single item or a single category of items. The request shall be prepared in such fashion that sufficient space is provided immediately after each paragraph for insertion of the answer.

Official Note: A request seeking electronically stored information should be as specific as possible. Limitations as to time and scope are favored, as are agreements between the parties on production formats and other issues.

See also Rule 4009.1 generally regarding electronically stored information.

Rule 4009.12. Answer to Request Upon a Party for Production of Documents and Things

\* \* \* \* \*

(d) If a request is reasonably susceptible to one construction under which documents sought to be produced are within the scope of the request and another construction under which the documents are outside the scope of the request, the answering party shall either produce the documents or identify with reasonable particularity the documents not produced together with the basis for non-production.

Official Note: See Rule 4009.1 regarding electronically stored information.

SUBPOENA UPON A PERSON NOT A PARTY

Rule 4009.21. Subpoena Upon a Person Not a Party for Production of Documents and Things. Prior Notice. Objections.

\* \* \* \* \*

(d)(1) If objections are received by the party intending to serve the subpoena prior to its service, the subpoena shall not be served. The court upon motion shall rule upon the objections and enter an appropriate order.

Official Note: Subdivision (a) of this rule provides a twenty-day notice period during which a subpoena may not be served.

(2) If objections are not received as provided in paragraph (1), the subpoena may be served subject to the right of any party or interested person to seek a protective order.

Official Note: Rule 4009.22(a) requires the filing of a certificate as a prerequisite to service.

See Rule 4009.1 regarding electronically stored information.

Rule 4009.23. Certificate of Compliance by a Person Not a Party. Notice of Documents or Things Received.

\* \* \* \* \*

(b) The party receiving documents and things pursuant to the subpoena shall give notice of receipt to every other party to the action and upon the payment of reasonable cost shall

(1) furnish a legible copy of each document to any other party who requests a copy and

(2) allow reasonable access to the things to any other party who requests access.

Official Note: See Rule 4009.1 regarding electronically stored information.

ENTRY UPON PROPERTY FOR INSPECTION AND OTHER ACTIVITIES

Rule 4011. Limitation of Scope of Discovery [ and Deposition ].

No discovery [ or deposition ], including discovery of electronically stored information, shall be permitted which

\* \* \* \* \*

(e) would require the making of an unreasonable investigation by the deponent or any party or witness.

Official Note: As with all other discovery rules, this rule governs electronically stored information. See the explanatory comment preceding Rule 4009.1.

\* \* \* \* \*

Explanatory Comment—Electronically Stored Information

A. No Importation of Federal Law

Though the term “electronically stored information” is used in these rules, there is no intent to incorporate the federal jurisprudence surrounding the discovery of electronically stored information. The treatment of such issues is to be determined by traditional principles of proportionality under Pennsylvania law as discussed in further detail below.

B. Proportionality Standard

As with all other discovery, electronically stored information is governed by a proportionality standard in order that discovery obligations are consistent with the just, speedy and inexpensive determination and resolution of litigation disputes. The proportionality standard requires the court, within the framework of the purpose of discovery of giving each party the opportunity to prepare its case, to consider: (i) the nature and scope of the litigation, including the importance and complexity of the issues and the amounts at stake; (ii) the relevance of electronically stored information and its importance to the court’s adjudication in the given case; (iii) the cost, burden, and delay that may be imposed on the parties to deal with electronically stored information; (iv) the ease of producing electronically stored information and whether sub-

stantially similar information is available with less burden; and (v) any other factors relevant under the circumstances.

*C. Tools for Addressing Electronically Stored Information*

Parties and courts may consider tools such as electronic searching, sampling, cost sharing, and non-waiver agreements to fairly allocate discovery burdens and costs. When utilizing non-waiver agreements, parties may wish to incorporate those agreements into court orders to maximize protection vis-à-vis third parties. *See, e.g.*, Fed. R. Evid. 502(c).

*D. Eliminating References to “Depositions”*

The elimination of specific references to “depositions” in Rule 4011 is not intended to exclude depositions from the scope of this rule. The reference was eliminated because there was no reason to call out this one form of traditional discovery among many.

*By the Civil Procedural Rules Committee*

DIANE W. PERER,  
*Chair*

[Pa.B. Doc. No. 12-1149. Filed for public inspection June 22, 2012, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### CLEARFIELD COUNTY

#### Local Rules of Criminal Procedure; CP-17-AD-6-2012

#### **Rule 507. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.**

The District Attorney of Clearfield County having filed a Certification pursuant to Pa.R.Crim.P. Rule 507 criminal complaints by police officers, as defined in the Rules of Criminal Procedure, charging any of the below listed offenses shall not hereafter be accepted by any judicial officer unless the complaint and arrest warrant affidavit has the approval of an attorney for the Commonwealth prior to filing. Approval may be granted through the use of advanced communication technology or other electronic method, including but not limited to e-mail and fax transmission, and the use of electronic or digital signatures. Nothing in this rule is intended to require an original signature of the attorney for the Commonwealth to indicate approval.

#### CRIMES CODE TITLE 18

#### CHAPTER 9

- |  |                       |
|--|-----------------------|
| a. Criminal Attempt to Commit any Offense in this Certification      | 18 Pa.C.S.A. § 901(a) |
| b. Criminal Solicitation to Commit any Offense in this Certification | 18 Pa.C.S.A. § 902(a) |
| c. Criminal Conspiracy to Commit any Offense in this Certification   | 18 Pa.C.S.A. § 903(a) |

#### CHAPTER 25

- |   |                                 |
|---|---------------------------------|
| a. Criminal Homicide                            | 18 Pa.C.S.A. § 2501             |
| b. Murder                                       | 18 Pa.C.S.A. § 2502(a)(b)(c)    |
| c. Voluntary Manslaughter                       | 18 Pa.C.S.A. § 2503(a)(b)       |
| d. Involuntary Manslaughter                     | 18 Pa.C.S.A. § 2504(a)          |
| e. Causing or Aiding Suicide                    | 18 Pa.C.S.A. § 2505(a)(b)       |
| f. Drug Delivery Resulting in Death             | 18 Pa.C.S.A. § 2506(a)          |
| g. Criminal Homicide of Law Enforcement Officer | 18 Pa.C.S.A. § 2507(a)(b)(c)(d) |

#### CHAPTER 26

- |   |                              |
|---|------------------------------|
| a. Criminal Homicide of Unborn Child      | 18 Pa.C.S.A. § 2603(a)       |
| b. Murder of Unborn Child                 | 18 Pa.C.S.A. § 2604(a)(b)(c) |
| c. Voluntary Manslaughter of Unborn Child | 18 Pa.C.S.A. § 2605(a)(b)    |
| d. Aggravated Assault of Unborn Child     | 18 Pa.C.S.A. § 2606(a)       |

#### CHAPTER 27

- |  |                           |
|--|---------------------------|
| a. Aggravated Assault                                | 18 Pa.C.S.A. § 2702(a)    |
| b. Assault by Prisoner                               | 18 Pa.C.S.A. § 2703(a)    |
| c. Aggravated Harassment by Prisoner                 | 18 Pa.C.S.A. § 2703.1     |
| d. Assault by Life Prisoner                          | 18 Pa.C.S.A. § 2704       |
| e. Discharge of a Firearm into an Occupied Structure | 18 Pa.C.S.A. § 2707.1(a)  |
| f. Ethnic Intimidation                               | 18 Pa.C.S.A. § 2710(a)    |
| g. Neglect of Care-Dependent Person                  | 18 Pa.C.S.A. § 2713(a)    |
| h. Unauthorized Administration of Intoxicant         | 18 Pa.C.S.A. § 2714       |
| i. Threat to Use Weapons of Mass Destruction         | 18 Pa.C.S.A. § 2715(a)    |
| j. Weapons of Mass Destruction                       | 18 Pa.C.S.A. § 2716(a)(b) |
| k. Terrorism   | 18 Pa.C.S.A. § 2717(a)    |

#### CHAPTER 29

- |  |                              |
|--|------------------------------|
| a. Kidnaping                             | 18 Pa.C.S.A. § 2901(a)(a.1)  |
| b. Unlawful Restraint                    | 18 Pa.C.S.A. § 2902(a)(b)(c) |
| c. False Imprisonment                    | 18 Pa.C.S.A. § 2903(a)(b)(c) |
| d. Interference with Custody of Children | 18 Pa.C.S.A. § 2904(a)       |

- e. Interference with Custody of Committed Persons 18 Pa.C.S.A. § 2905(a)
  - f. Criminal Coercion 18 Pa.C.S.A. § 2906(a)
  - g. Disposition of Ransom 18 Pa.C.S.A. § 2907
  - h. Concealment of Whereabouts of a Child 18 Pa.C.S.A. § 2909(a)
  - i. Luring a Child Into a Motor Vehicle or Structure 18 Pa.C.S.A. § 2910(a)
- CHAPTER 30**
- a. Trafficking of Persons 18 Pa.C.S.A. § 3002(a)
- CHAPTER 31**
- a. Rape 18 Pa.C.S.A. § 3121(a)(c)(d)
  - b. Statutory Sexual Assault 18 Pa.C.S.A. § 3122.1(a)(b)
  - c. Involuntary Deviate Sexual Intercourse 18 Pa.C.S.A. § 3123(a)(b)(c)
  - d. Sexual Assault 18 Pa.C.S.A. § 3124.1
  - e. Institutional Sexual Assault 18 Pa.C.S.A. § 3124.2(a)—(a.3)
  - f. Aggravated Indecent Assault 18 Pa.C.S.A. § 3125(a)(b)
  - g. Indecent Assault 18 Pa.C.S.A. § 3126(a)
  - h. Conduct Relating to Sex Offenders 18 Pa.C.S.A. § 3130(a)
- CHAPTER 32**
- a. Abortion of Unborn Child of 24 or More Weeks Gestational Age 18 Pa.C.S.A. § 3211(a)
  - b. Infanticide 18 Pa.C.S.A. § 3212(b)
  - c. Prohibited Acts 18 Pa.C.S.A. § 3213(a)—(f)
  - d. Reporting 18 Pa.C.S.A. § 3214(a)—(h)
  - e. Publicly Owned Facilities; Public Officials and Public Funds 18 Pa.C.S.A. § 3215(a)—(j)
  - f. Fetal Experimentation 18 Pa.C.S.A. § 3216(a)(b)
- CHAPTER 33**
- a. Arson 18 Pa.C.S.A. § 3301(a)—(f)
  - b. Causing or Risking Catastrophe 18 Pa.C.S.A. § 3302(a)(b)
  - c. Illegal Dumping of Methamphetamine Waste 18 Pa.C.S.A. § 3313(a)
- CHAPTER 35**
- a. Burglary 18 Pa.C.S.A. § 3502(a)
  - b. Criminal Trespass 18 Pa.C.S.A. § 3503(a)
- CHAPTER 37**
- a. Robbery 18 Pa.C.S.A. § 3701(a)
  - b. Robbery of Motor Vehicle 18 Pa.C.S.A. § 3702(a)
- CHAPTER 39**
- a. Theft by Extortion 18 Pa.C.S.A. § 3923(a)
  - b. Organized Retail Theft 18 Pa.C.S.A. § 3929.3(a)
  - c. Theft of Trade Secrets 18 Pa.C.S.A. § 3930(a)(b)
  - d. Theft of Unpublished Dramas and Musical Compositions 18 Pa.C.S.A. § 3931
- CHAPTER 41**
- a. Forgery 18 Pa.C.S.A. § 4101(a)
  - b. Fraudulent Destruction, Removal or Concealment of Recordable Instruments 18 Pa.C.S.A. § 4103
  - c. Commercial Bribery and Breach of Duty to Act Disinterestedly 18 Pa.C.S.A. § 4108(a)(b)(c)
- CHAPTER 43**
- a. Incest 18 Pa.C.S.A. § 4302(a)(b)
- CHAPTER 47**
- a. Bribery in Official and Political Matters 18 Pa.C.S.A. § 4701(a)
  - b. Threats and Other Improper Influence in Official and Political Matters 18 Pa.C.S.A. § 4702(a)
- CHAPTER 49**
- a. Perjury 18 Pa.C.S.A. § 4902(a)
  - b. False Swearing 18 Pa.C.S.A. § 4903(a)
  - c. Failure to Comply With Registration of Sexual Offenders Requirements 18 Pa.C.S.A. § 4915(a)(a.1)
  - d. Failure to Comply With Registration Requirements 18 Pa.C.S.A. § 4915.1(a)—(a.2)
  - e. Intimidation of Witnesses or Victims 18 Pa.C.S.A. § 4952(a)
  - f. Retaliation Against Witness, Victim or Party 18 Pa.C.S.A. § 4953(a)
  - g. Retaliation Against Prosecutor or Judicial Official 18 Pa.C.S.A. § 4953.1(a)
- CHAPTER 51**
- a. Disarming Law Enforcement Officer 18 Pa.C.S.A. § 5104.1(a)
  - b. Dealing in Proceeds of Unlawful Activities 18 Pa.C.S.A. § 5111(a)

- c. Escape 18 Pa.C.S.A. § 5121(a)(b)
- d. Weapons or Implements for Escape 18 Pa.C.S.A. § 5122(a)
- e. Contraband 18 Pa.C.S.A. § 5123(a)—(c.2)

**CHAPTER 53**

- a. Official Oppression 18 Pa.C.S.A. § 5301
- b. Speculating or Wagering on Official Action or Information 18 Pa.C.S.A. § 5302

**CHAPTER 55**

- a. Riot 18 Pa.C.S.A. § 5501

**CHAPTER 57**

- a. Interception, Disclosure or Use of Wire, Electronic or Oral Communications 18 Pa.C.S.A. § 5703
- b. Possession, Sale, Distribution, Manufacture, or Advertisement of Electronic, Mechanical or Other Devices 18 Pa.C.S.A. § 5705

**CHAPTER 59**

- a. Prostitution and Related Offenses 18 Pa.C.S.A. § 5902(a)—(b.1)
- b. Obscene and Other Sexual Materials and Performances 18 Pa.C.S.A. § 5903(a)—(m)

**CHAPTER 61**

- a. Persons Not to Possess, Use, Manufacture, Control, Sell or Transfer Firearms 18 Pa.C.S.A. § 6105(a)

**CHAPTER 63**

- a. Corruption of Minors 18 Pa.C.S.A. § 6301(a)
- b. Sexual Abuse of Children 18 Pa.C.S.A. § 6312(b)(c)(d)
- c. Unlawful Contact With Minor 18 Pa.C.S.A. § 6318(a)
- d. Solicitation of Minors to Traffic Drugs 18 Pa.C.S.A. § 6319(a)(b)
- e. Sexual Exploitation of Children 18 Pa.C.S.A. § 6320(a)

**CHAPTER 75**

- a. Invasion of Privacy 18 Pa.C.S.A. § 7507.1(a)

**THE GAME AND WILDLIFE CODE****TITLE 34**

- a. Any offense graded as a Misdemeanor or Felony.

**THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT****TITLE 35**

- a. Acquisition of Controlled Substance by Fraud 35 Pa.C.S.A. § 780-113(a)(12)
- b. Administration by Practitioner 35 Pa.C.S.A. § 780-113(a)(14)
- c. Manufacture, Delivery or Possession with Intent to Manufacture or Deliver a Controlled Substance 35 Pa.C.S.A. § 780-113(a)(30)
- d. Manufacture, Distribution, Possession of Designer Drug 35 Pa.C.S.A. § 780-113(a)(36)

**THE VEHICLE CODE****TITLE 75****CHAPTER 37**

- a. Homicide by Vehicle 75 Pa.C.S.A. § 3732(a)
- b. Aggravated Assault by Vehicle 75 Pa.C.S.A. § 3732.1(a)
- c. Homicide by Vehicle While Driving Under Influence 75 Pa.C.S.A. § 3735(a)
- d. Aggravated Assault by Vehicle While Driving Under the Influence 75 Pa.C.S.A. § 3735.1(a)

**MISCELLANEOUS OFFENSES**

- a. Any offense arising out of or involving either directly or indirectly the State Correctional Institute Houtzdale, the Quehanna Boot Camp, the Clearfield County Jail, or the Moshannon Valley Correctional Center.

Adopted March 22, 2004. Effective 30 days after publication in the *Pennsylvania Bulletin*. Amended May 30, 2012. Effective 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

FREDRIC J. AMMERMAN,  
*President Judge*

**CUMBERLAND COUNTY  
Custody Orders; Relocation**

**Administrative Order**

*And Now*, this 31st day of May, 2012, the Cumberland County Court of Common Pleas having recognized that Section 5323 of the Domestic Relations Code Requires that all custody orders include a provision notifying a party's obligations regarding relocation set forth in Section 5337, it is hereby directed as follows:

a) In all custody actions involving a stipulated custody agreement submitted to the court for approval, the proposed custody order shall include a Notice Regarding Relocation provision. Said notification provision shall be (1) in the format set forth in Form 1, attached to the parties' proposed order and incorporated therein, or (2) set forth as a separate paragraph in the proposed order, in a form substantially similar to the following:

RELOCATION. No party shall be permitted to relocate the residence of the child which significantly impairs the ability to exercise custody unless every individual who has custodial rights to the child consents to the proposed relocation or the court approves the proposed relocation. A person proposing to relocate MUST comply with 23 Pa.C.S. § 5337.

This order shall take effect July 1, 2012, or thirty (30) days from the date of publication in the *Pennsylvania Bulletin*.

*By the Court*

KEVIN A. HESS,  
*President Judge*

**Form 1 Relocation.**

Relocation is defined as a change in residence of the child which significantly impairs the ability of a non-relocating party to exercise custodial rights. No relocation shall occur unless every individual who has custody rights to the child consents to the proposed relocation or the court approves the proposed relocation. If a party seeks to relocate, that party shall notify every other individual who has custody rights to the child. Both parties must follow the statutory requirements contained in 23 Pa.C.S. § 5337. Specifically, the relocating party must notify every other individual who has custody rights to the child by certified mail, return receipt requested. The notice must then comply with the following requirements:

a. Notice must be sent no later than:

(1) the 60th day before the date of the proposed relocation.

(2) the 10th day after the date that the individual knows of the relocation if the individual did not know and could not reasonably know of the relocation in sufficient time to comply with the 60 day notice requirement and it is not reasonably possible to delay the date of relocation so as to comply with the 60 day notice requirement.

b. Unless otherwise excused by law, the following information must be included in the notice:

(1) the address of the intended new residence.

(2) the mailing address, if not the same as the address of the intended new residence.

(3) names and ages of the individuals in the new residence, including individuals who intend to live in the new residence.

(4) the home telephone number of the intended new residence, if applicable.

(5) the name of the new school district and school.

(6) the date of the proposed relocation.

(7) the reason(s) for the proposed relocation.

(8) a proposal for a revised custody schedule.

(9) any other information which the party proposing the relocation deems appropriate.

(10) a counter-affidavit as provided under subsection (d)(1) which can be used to object to the proposed relocation and modification of a custody Order.

(11) a warning to the non-relocating party that, if the non-relocating party does not file with the court an objection to the proposed relocation within 30 days after receipt of notice, non-relocating party shall be foreclosed from objecting to the relocation.

c. If any of the aforementioned information is not known when the notice is sent but is later made known to the party seeking the relocation, then that party shall promptly inform every individual who received notice.

d. If the non-relocating parent objects to the proposed move, he/she must do so by filing the counter-affidavit with the court and the other party within 30 days. The notice of objection to the opposing party must be sent by certified mail, return receipt requested. If no objection is made in the manner set forth above then it shall be presumed that the non-relocating parent has consented to the proposed relocation and the court will not accept testimony challenging the relocation in any further review of the custodial arrangements.

e. The court shall hold an expedited full hearing on the proposed relocation after a timely objection has been filed and before relocation occurs. The court may permit relocation before a full hearing if the court finds that exigent circumstances exist.

[Pa.B. Doc. No. 12-1151. Filed for public inspection June 22, 2012, 9:00 a.m.]

**MONTGOMERY COUNTY**

**Rescission of Local Rules of Criminal Procedure  
528(C)\*, 528(D)(3)\* and 531(A)\*(6)—(11); No.  
AD-243-2012**

**Order**

*And Now*, this 7th day of June, 2012, the Court hereby rescinds Montgomery County Local Rules of Criminal Procedure 528(C)\*, 528(D)(3)\* and 531(A)\*(6)—(11). These Local Rules are rescinded effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In conformity with Pa.R.Crim.P. 105, one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts, two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and one (1) certified copy shall be filed with the Criminal Procedural Rules Committee. One (1)

copy shall be filed with the Law Library of Montgomery County, and one (1) copy with each Judge of this Court.

*By the Court*

WILLIAM J. FURBER, Jr.,  
*President Judge*

**Rule 528(C)\*. Procedure for Bail Bond.**

[ Rescinded ]

**Rule 528(D)(3)\*. Realty as Surety for Monetary Condition of Release on Bail.**

[ Rescinded ]

**Rule 531(A)\*(6)—(11). Qualification of Surety.**

[ Rescinded ]

[Pa.B. Doc. No. 12-1152. Filed for public inspection June 22, 2012, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 58—RECREATION

### GAME COMMISSION

#### [ 58 PA. CODE CH. 135 ]

#### Lands and Buildings; All-Terrain Vehicles

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 24, 2012, meeting amended § 135.50 (relating to definitions) to delete references to 75 Pa.C.S. § 7702(3) (relating to definitions), which no longer exists, and replace them with a generic exclusory reference.

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 42 Pa.B. 1238 (March 10, 2012).

#### 1. Purpose and Authority

Section 135.50 defines the term “ATV—all-terrain vehicle” for the purpose of restricting the type and design of off-road vehicles that may be operated on State Game Lands under applicable allowances. Section 135.50 contains a specific reference to 75 Pa.C.S. § 7702 to aid in defining this term. The act of June 25, 2001 (P. L. 701, No. 68) (Act 68) amended the meaning given to the terms “all-terrain vehicle” and “ATV” under 75 Pa.C.S. § 7702. The Act 68 amendments were not incorporated in § 135.50. The Commission amended § 135.50 to eliminate references to 75 Pa.C.S. § 7702(3), which no longer exists, and replace them with a generic exclusory reference. This amendment is nonsubstantive and is not intended to further expand or further limit the types of off-road vehicles that may be operated on State Game Lands under applicable allowances.

Section 721(a) of the code (relating to control of property) provides “The administration of all lands and waters owned, leased or otherwise controlled by the commission shall be under the sole control of the director, and the commission shall promulgate regulations . . . for its use and protection as necessary to properly manage these lands or waters.” The amendments to § 135.50 are adopted under this authority.

#### 2. Regulatory Requirements

The final-form rulemaking amends § 135.50 by deleting references to 75 Pa.C.S. § 7702(3), which no longer exists, and replacing them with a generic exclusory reference.

#### 3. Persons Affected

Persons wishing to exercise limited authorized operation of all-terrain vehicles on State Game Lands within this Commonwealth will be affected by the final-form rulemaking.

#### 4. Comment and Response Summary

There were no official comments received regarding the final-form rulemaking.

#### 5. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

#### 6. Effective Date

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

#### 7. Contact Person

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

#### Findings

The Commission finds that:

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

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

#### Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 135, are amended by amending § 135.50 to read as set forth at 42 Pa.B. 1238.

(b) The Executive Director of the Commission shall certify this order and 42 Pa.B. 1238 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
Executive Director

**Fiscal Note:** Fiscal Note 48-337 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 12-1153. Filed for public inspection June 22, 2012, 9:00 a.m.]

### GAME COMMISSION

#### [ 58 PA. CODE CH. 139 ]

#### Seasons and Bag Limits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 24, 2012, meeting amended § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2012-2013 hunting license year.

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 42 Pa.B. 1238 (March 10, 2012). A correction to the proposed rulemaking was published at 42 Pa.B. 1864 (April 7, 2012).

### 1. *Purpose and Authority*

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Although the 2012-2013 seasons and daily season and possession limits are similar to those set in 2011-2012, the 2012-2013 seasons and bag limits have been amended to reflect current available scientific data, population and harvest records, field surveys and professional staff observations, as well as recommendations received from staff, organized sporting groups, members of the agricultural community and others interested in the wildlife resources of this Commonwealth.

Three changes were adopted for small game seasons. First, wildlife management unit (WMU) 2B is open to the hunting of pheasant cocks and hens. The Pike Run Wild Pheasant Recovery Area study in southwestern Pennsylvania has concluded. Habitat patch analysis shows that Pike Run meets only one of five targets in the pheasant habitat model. Pheasant densities are at one hen per square mile, far short of the ten hens per square mile objective. In light of the area's habitat characteristics and low pheasant densities and in keeping with the pheasant management plan, this area of this Commonwealth is to be opened to either sex pheasant hunting and stocking of game farm pheasants is to be reinstated beginning with the 2012-2013 season. The second proposed change concerns reducing the porcupine daily bag limit to three and establishing a season limit of ten per hunter. This amendment is based on a growing concern for commercial exploitation of this species. Finally, the third proposed change was the closing of the snowshoe hare season throughout this Commonwealth, except in WMUs 2F, 2G and 3A.

In WMUs 1A, 1B and 2A, the Commission removed the sporting arm limitations for the fall turkey season, which formerly required the use of shotguns, and bows and arrows only.

An expansion of bear harvest opportunity is also adopted. The taking of black bear by properly licensed hunters during all deer seasons from September through mid-December in WMUs 2B, 5B, 5C and 5D will be allowed. The black bear population in this Commonwealth is larger and more widely distributed than ever and bear-human incidents are becoming commonplace, especially in more developed areas. Continued expansion of residential development into areas occupied by black bears has resulted in more frequent sightings and encounters between people and bears. In these four WMUs with relatively high human population densities there currently are low bear densities, the Commission wants to continue to have a minimum number of bears and the Commission wants hunters to have an opportunity to play an important role in bear population management in these areas. On May 1, 2012, the Commission completed a notational vote to create a special firearms bear season in WMUs 2B, 5B, 5C and 5D to coincide with the Statewide special firearms bear season. The creation of this season was mistakenly omitted from the regulatory package voted upon on April 24, 2012.

Changes to beaver trapping regulations follow the recently implemented beaver management plan. Changes are adopted for WMUs 3A, 3D and 5D. Based on annual beaver harvest and nuisance complaint densities, WMUs fall into three categories of harvest and damage frequency characteristics. WMUs with high harvest rates (less than 50 beavers per 100 square miles) and high nuisance complaint rates (less than 1 1/2 complaints per 100 square miles) should have a combined bag limit of 40

beavers per season. WMUs with low harvest rates (less than ten beavers per 100 square miles) and low nuisance complaint rates (less than 6/10 complaint per 100 square miles) should have a combined bag limit of five beavers per season. WMUs that fall between the low and high harvest/complaint categories should have a combined bag limit of 20 beavers per season. WMUs 3A and 3D fall between the low and high harvest/complaint categories; therefore, it is amended to reduce the season bag limit to 20 beavers in these WMUs. However, the nuisance complaint density in WMU 5D is currently the fourth highest in this Commonwealth. To help alleviate beaver damage complaints in WMU 5D, the beaver bag limit is increased to 20. These bag limit changes will be monitored as to how they influence population numbers and nuisance complaint levels.

The addition of WMU 4C in the 2012-2013 bobcat hunting and trapping seasons has been adopted. This is based on expanding population numbers and a trend of increased incidental captures of bobcats in WMU 4C. The addition of WMUs 2G and 4D for fisher harvesting has been adopted. This is based on expanding fisher populations and increased numbers of incidental captures in these WMUs. As the next license year is fast approaching, the Commission amended § 139.4 to provide updated seasons and bag limits for the 2012-2013 license year.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to "fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife." Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to "promulgate regulations relating to seasons and bag limits for hunting or furtaking . . ." The amendments to § 139.4 are adopted under this authority.

### 2. *Regulatory Requirements*

The final-form rulemaking amends § 139.4 by establishing when and where it is lawful to hunt and trap various game species and also place limits on the numbers that can be legally taken during the 2012-2013 license year.

### 3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife in this Commonwealth during the 2012-2013 license year may be affected by the final-form rulemaking.

### 4. *Comment and Response Summary*

The Commission received a total of 772 official comments concerning this final-form rulemaking. The comments received concerned the following subtopics:

*Deer seasons.* Out of a total of 118 comments received concerning this subtopic, 1 requested that the 2-week firearms deer season start on Saturday; 1 requested the creation of a handgun specific deer season; 1 requested that all deer seasons close on a Monday; 2 requested that seniors be allowed to harvest either a valid buck or doe during the senior season; 40 requested to go back to a 2-week buck/3-day doe format; 16 requested a reduction in the number of antlerless deer being killed; 25 requested that antlerless deer allocations be reduced; 1 requested that antlerless deer allocations in WMU 2G be reduced; 2 requested an increase in antlerless deer allocations; 2 requested a reduction in antlerless deer seasons; 4 requested longer antlerless deer seasons; 3 requested that antlerless deer season be closed for 1 or 2 years; 1 requested the closure of antlerless deer seasons in Forest and Elk Counties; 2 requested the closure of October



antlerless deer seasons; 1 requested an annual bag limit of one for antlerless deer; 5 supported the concurrent season structure; 2 requested a 2-week concurrent season for junior hunters; 1 requested that the split season be applied Statewide to prevent overcrowding; 1 requested a concurrent season structure in WMU 4D; 2 requested a split season in WMU 3A; 2 requested a split season in WMU 5A; 1 requested a split season in Bedford County; 1 requested an extension of archery deer season to include Monday, November 12, Veteran's Day; and 1 requested that archery deer season be shortened.

*Bear seasons.* Out of a total of 638 comments received concerning this subtopic, 522 requested the closure of bear hunting; 105 opposed expanded bear hunting in WMU 1A; 1 requested that extended bear hunting in WMU 1A be limited to archery and muzzleloaders only; 6 opposed extended bear seasons in WMUs 1A, 2B, 5B, 5C and 5D; 1 supported combining Statewide archery deer and bear seasons; 1 requested the creation of a spring bear season; 1 requested that fall bear seasons start sooner; and 1 requested that WMU 2F be included in September/October bear seasons.

*Turkey seasons.* Out of a total of six comments received concerning this subtopic, three opposed expanding the use of rifle for turkeys; one supported extended turkey seasons; one requested that spring gobbler season open sooner; and one requested that red tag deer season be closed during its overlap with spring gobbler season.

*Small game seasons.* Out of a total of eight comments received concerning this subtopic, one requested that porcupine season be closed; one requested that small game season open at 9 a.m.; one supported small game seasons; one requested that pheasant season be extended in Greene County; one opposed opening WMU 2A to either sex pheasant hunting; one opposed opening WMU 2B to either sex pheasant hunting; one requested that small game hunting seasons not be closed over Christmas; and one requested that snowshoe hare seasons be closed until the population recovers.

*Furbearer hunting/trapping seasons.* Out of a total of two comments received concerning this subtopic, one opposed the split bobcat season and one supported the split bobcat season.

*5. Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

*6. Effective Date*

The effective dates of the final-form rulemaking are July 1, 2012, to June 30, 2013.

*7. Contact Person*

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

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

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

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 139, are amended by amending § 139.4 to read as set forth in Annex A.

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

(c) This order will be effective from July 1, 2012, to June 30, 2013.

CARL G. ROE,  
Executive Director

**Fiscal Note:** Fiscal Note 48-332 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 139. SEASONS AND BAG LIMITS**

**§ 139.4. Seasons and bag limits for the license year.**

**(SEASONS AND BAG LIMITS TABLE)  
2012-2013 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT, FIELD  
POSSESSION LIMIT AND SEASON LIMIT  
OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

| <i>Species</i>              | <i>First Day</i> | <i>Last Day</i> | <i>Daily Limit</i> | <i>Field Possession Limit After First Day</i> |
|-----------------------------|------------------|-----------------|--------------------|---|
| Squirrel—(Combined species) | Oct. 6           | Oct. 12         | 6                  | 12  |

| <i>Species</i>   | <i>First Day</i>   | <i>Last Day</i>      | <i>Daily Limit</i> | <i>Field Possession Limit After First Day</i> |
|--|--|----------------------|--------------------|---|
| Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law   |  |                      |                    |   |
| Squirrel—(Combined species)  | Oct. 13  | Nov. 24              | 6                  | 12  |
|  | Dec. 10  | and<br>Dec. 24       |                    |   |
|  | Dec. 26  | and<br>Feb. 23, 2013 |                    |   |
| Ruffed Grouse  | Oct. 13  | Nov. 24              | 2                  | 4   |
|  | Dec. 10  | and<br>Dec. 24       |                    |   |
|  | Dec. 26  | and<br>Jan. 26, 2013 |                    |   |
| Rabbit, Cottontail—<br>Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law  | Oct. 6   | Oct. 13              | 4                  | 8   |
| Rabbit, Cottontail   | Oct. 20  | Nov. 24              | 4                  | 8   |
|  | Dec. 10  | and<br>Dec. 24       |                    |   |
|  | Dec. 26  | and<br>Feb. 23, 2013 |                    |   |
| Ring-necked Pheasant—There is no open season for the taking of pheasants in any area designated as a wild pheasant recovery area within any wildlife management unit   |  |                      |                    |   |
| Ring-necked Pheasant—Male only in WMUs 2A, 2C, 4C, 4E, 5A and 5B<br>Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law   | Oct. 6   | Oct. 13              | 2                  | 4   |
| Ring-necked Pheasant—Male or female combined in WMUs 1A, 1B, 2B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C and 5D<br>Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law | Oct. 6   | Oct. 13              | 2                  | 4   |
| Ring-necked Pheasant—Male only in WMUs 2A, 2C, 4C, 4E, 5A and 5B   | Oct. 20  | Nov. 24              | 2                  | 4   |
| Ring-necked Pheasant—Male or female combined in WMUs 1A, 1B, 2B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C and 5D   | Oct. 20  | Nov. 24              | 2                  | 4   |
|  | Dec. 10  | and<br>Dec. 24       |                    |   |
|  | Dec. 26  | and<br>Feb. 2, 2013  |                    |   |
| Bobwhite Quail—The hunting and taking of bobwhite quail is permitted in all WMUs except in WMUs 4A, 4B, 5A, 5B, 5C and 5D where the season is closed   | Oct. 20  | Nov. 24              | 4                  | 8   |
| Hare (Snowshoe Rabbit) or Varying Hare—in WMUs 2F, 2G and 3A   | Dec. 26  | Jan. 1, 2013         | 1                  | 2   |
| Woodchuck (Groundhog)  | No closed season except during the regular firearms deer seasons.        |                      | Unlimited          |   |
| <i>Species</i>   | <i>First Day</i>   | <i>Last Day</i>      | <i>Daily Limit</i> | <i>Season Limit</i>                           |
| Porcupine  | Sep. 1   | Mar. 31, 2013        | 3                  | 10  |
|  | Season closed during the overlap with the regular firearms deer seasons. |                      |                    |   |

| <i>Species</i>  | <i>First Day</i>              | <i>Last Day</i> | <i>Daily Limit</i>   | <i>Season Limit</i> |
|---|-------------------------------|-----------------|--|---------------------|
| <b>WILD TURKEY</b>  |                               |                 |  |                     |
| Turkey—Male or Female   |                               |                 | 1  | 1                   |
| WMU 2B<br>(Shotgun, Bow and Arrow only)   | Oct. 27                       | Nov. 16         |  |                     |
|   | and                           |                 |  |                     |
|   | Nov. 22                       | Nov. 24         |  |                     |
| WMUs<br>1A, 1B, 2A, 2C, 2D, 2E, 4A,<br>4B and 4D  | Oct. 27                       | Nov. 10         |  |                     |
|   | and                           |                 |  |                     |
|   | Nov. 22                       | Nov. 24         |  |                     |
| WMUs<br>2F, 2G, 3A, 3B, 3C, 3D, 4C and 4E   | Oct. 27                       | Nov. 16         |  |                     |
|   | and                           |                 |  |                     |
|   | Nov. 22                       | Nov. 24         |  |                     |
| WMU 5A  | Oct. 30                       | Nov. 1          |  |                     |
| WMUs 5B, 5C and 5D  | Closed to fall turkey hunting |                 |  |                     |
| Turkey (Spring Gobbler) Statewide <sup>1</sup><br>Bearded Bird only   |                               |                 | 1  | 2                   |
|   | Apr. 27, 2013                 | May 11, 2013    | May be hunted 1/2 hour before sunrise to 12 noon               |                     |
|   | and                           |                 |  |                     |
|   | May 13, 2013                  | May 31, 2013    | May be hunted 1/2 hour before sunrise to 1/2 hour after sunset |                     |
| Turkey (Spring Gobbler)<br>Statewide Youth Hunt <sup>1</sup><br>Bearded Bird only<br>Eligible junior hunters only with the<br>required license and when properly<br>accompanied | April 20, 2013                | April 20, 2013  | 1  | 1                   |

**MIGRATORY GAME BIRD**

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—712) as published in the *Federal Register* on or about August 27 and September 28 of each year.

Exceptions:

- (a) Hunting hours in § 141.4 (relating to hunting hours).
- (b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.

| <i>Species</i>   | <i>First Day</i>  | <i>Last Day</i> | <i>Daily Limit</i> | <i>Field Possession Limit After First Day</i> |
|--|---|-----------------|--------------------|---|
| Crow<br>(Hunting permitted on Friday, Saturday<br>and Sunday only) | July 1  | April 7, 2013   | Unlimited          |   |
| Starling and English Sparrow                                       | No closed season except during the<br>regular firearms deer season. |                 | Unlimited          |   |

**FALCONRY**

| <i>Species</i>              | <i>First Day</i> | <i>Last Day</i> | <i>Daily Limit</i> | <i>Field Possession Limit After First Day</i> |
|-----------------------------|------------------|-----------------|--------------------|---|
| Squirrel—(Combined species) | Sept. 1          | Mar. 31, 2013   | 6                  | 12  |
| Quail                       | Sept. 1          | Mar. 31, 2013   | 4                  | 8   |
| Ruffed Grouse               | Sept. 1          | Mar. 31, 2013   | 2                  | 4   |
| Cottontail Rabbit           | Sept. 1          | Mar. 31, 2013   | 4                  | 8   |
| Snowshoe or Varying Hare    | Sept. 1          | Mar. 31, 2013   | 1                  | 2   |

| <i>Species</i>                                  | <i>First Day</i> | <i>Last Day</i> | <i>Daily Limit</i> | <i>Field Possession Limit After First Day</i> |
|---|------------------|-----------------|--------------------|---|
| Ring-necked Pheasant—Male and Female—(Combined) | Sept. 1          | Mar. 31, 2013   | 2                  | 4   |

Migratory Game Bird—Seasons and bag limits shall be in accordance with Federal regulations.

#### WHITE-TAILED DEER

| <i>Species</i>   | <i>First Day</i>  | <i>Last Day</i>                 | <i>Season Limit</i>   |
|--|---|---------------------------------|---|
| Deer, Archery (Antlered and Antlerless) <sup>2</sup> (Statewide)   | Sep. 29<br>and<br>Dec. 26   | Nov. 12<br>and<br>Jan. 12, 2013 | One antlered and an antlerless deer with each required antlerless license.                                |
| Deer, Archery (Antlerless only) WMUs 2B, 5C and 5D   | Sep. 15<br>and<br>Nov. 12   | Sep. 28<br>and<br>Nov. 24       | An antlerless deer with each required antlerless license.   |
| Deer, Archery (Antlered and Antlerless) <sup>2</sup> WMUs 2B, 5C and 5D  | Jan. 14, 2013   | Jan. 26, 2013                   | One antlered, and an antlerless deer with each required antlerless license.                               |
| Deer, Regular firearms (Antlered and Antlerless) <sup>2</sup> WMUs 1A, 1B, 2B, 3A, 3D, 4A, 4C, 5A, 5B, 5C and 5D   | Nov. 26   | Dec. 8                          | One antlered, and an antlerless deer with each required antlerless license.                               |
| Deer, Regular firearms (Antlered only) <sup>2</sup> WMUs 2A, 2C, 2D, 2E, 2F, 2G, 3B, 3C, 4B, 4D and 4E   | Nov. 26   | Nov. 30                         | One antlered deer.  |
| Deer, Regular firearms (Antlered and Antlerless) <sup>2</sup> WMUs 2A, 2C, 2D, 2E, 2F, 2G, 3B, 3C, 4B, 4D and 4E   | Dec. 1  | Dec. 8                          | One antlered, and an antlerless deer with each required antlerless license.                               |
| Deer, Special firearms (Antlerless only) (Statewide) Only Junior and Senior License Holders, <sup>3</sup> Commission Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the United States Armed Forces, or in the United States Coast Guard, with required antlerless license | Oct. 18   | Oct. 20                         | An antlerless deer with each required antlerless license.   |
| Deer, Muzzleloading (Antlerless only) (Statewide)  | Oct. 13   | Oct. 20                         | An antlerless deer with each required antlerless license.   |
| Deer, Flintlock (Antlered or Antlerless) <sup>2</sup> (Statewide)  | Dec. 26   | Jan. 12, 2013                   | One antlered, or one antlerless-plus an additional antlerless deer with each required antlerless license. |
| Deer, Flintlock (Antlered or Antlerless) <sup>2</sup> WMUs 2B, 5C and 5D   | Dec. 26   | Jan. 26, 2013                   | An antlerless deer with each required antlerless license.   |
| Deer, Extended Regular firearms (Antlerless) WMUs 2B, 5C and 5D  | Dec. 26   | Jan. 26, 2013                   | An antlerless deer with each required antlerless license.   |
| Deer, Antlerless (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County)  | Hunting is permitted on days established by the United States Department of the Army. |                                 | An antlerless deer with each required antlerless license.   |

**BLACK BEAR**

| <i>Species</i>  | <i>First Day</i> | <i>Last Day</i> | <i>Daily Limit</i> | <i>Season Limit</i> |
|---|------------------|-----------------|--------------------|---------------------|
| Bear, Archery <sup>4</sup><br>WMUs 2B, 5C and 5D  | Sep. 15          | Sep. 28         | 1                  | 1                   |
| Bear, Archery <sup>4</sup><br>WMUs 2B, 5B, 5C and 5D  | Sep. 29          | Nov. 10         | 1                  | 1                   |
| Bear, Archery <sup>4</sup><br>Statewide   | Nov. 12          | Nov. 16         | 1                  | 1                   |
| Bear, Muzzleloading <sup>4</sup><br>WMUs 2B, 5B, 5C and 5D  | Oct. 13          | Oct. 20         | 1                  | 1                   |
| Bear, Special firearms <sup>4</sup><br>WMUs 2B, 5B, 5C and 5D   | Oct. 13          | Oct. 20         | 1                  | 1                   |
| Bear, Regular firearms <sup>4</sup><br>Statewide  | Nov. 17          | Nov. 21         | 1                  | 1                   |
| Bear, Extended firearms <sup>4</sup><br>WMUs 3A, 3C, and portions of WMU 3B, East of Rt. 14 from Troy to Canton, East of Rt. 154 from Canton to Rt. 220 at Laporte and East of Rt. 42 from Laporte to Rt. 118 and that portion of 4E, East of Rt. 42.   | Nov. 26          | Dec. 1          | 1                  | 1                   |
| Portions of WMUs 2G in Lycoming and Clinton counties and 3B in Lycoming County that lie North of the West Branch of the Susquehanna River from the Rt. 405 Bridge, West to Rt. 15 at Williamsport, Rt. 15 to Rt. 220, and North of Rt. 220 to the Mill Hall exit, North of SR 2015 to Rt. 150; East of Rt. 150 to Lusk Run Rd. and South of Lusk Run Rd. to Rt. 120, Rt. 120 to Veterans Street Bridge to SR 1001; East of SR 1001 to Croak Hollow Rd., South of Croak Hollow Rd. to Rt. 664 (at Swissdale), South of Rt. 664 to Little Plum Rd. (the intersection of SR 1003), South of SR 1003 to SR 1006, South of SR 1006 to Sulphur Run Rd., South of Sulphur Run Rd. to Rt. 44, East of Rt. 44 to Rt. 973, South of Rt. 973 to Rt. 87, West of Rt. 87 to Rt. 864, South of Rt. 864 to Rt. 220 and West of Rt. 220 to Rt. 405 and West of Rt. 405 to the West Branch of the Susquehanna River. |                  |                 |                    |                     |
| Bear, Extended firearms <sup>4</sup><br>WMUs 2B, 5B, 5C and 5D  | Nov. 26          | Dec. 8          | 1                  | 1                   |
| Bear, Extended firearms <sup>4</sup><br>WMUs 3D, 4C, 4D and 4E  | Nov. 28          | Dec. 1          | 1                  | 1                   |

**ELK**

| <i>Species</i>  | <i>First Day</i> | <i>Last Day</i> | <i>Daily Limit</i> | <i>Season Limit</i>           |
|---|------------------|-----------------|--------------------|-------------------------------|
| Elk, Regular firearms <sup>5</sup><br>(Antlered and Antlerless)     | Nov. 5           | Nov. 10         | 1                  | One elk with required license |
| Elk, Special Conservation <sup>5</sup><br>(Antlered and Antlerless) | Sep. 1           | Nov. 10         | 1                  | One elk with required license |
| Elk, Extended firearms <sup>5</sup><br>(Antlered and Antlerless)    | Nov. 12          | Nov. 17         | 1                  | One elk with required license |

**FUR TAKING—TRAPPING**

| <i>Species</i>  | <i>First Day</i> | <i>Last Day</i> | <i>Daily Limit</i> | <i>Season Limit</i> |
|---|------------------|-----------------|--------------------|---------------------|
| Mink and Muskrat<br>(Statewide)                                     | Nov. 17          | Jan. 6, 2013    | Unlimited          |                     |
| Beaver<br>(Statewide)   | Dec. 26          | Mar. 31, 2013   |                    |                     |
| WMUs<br>1A, 1B and 3C (Combined)                                    |                  |                 | 20                 | 40                  |
| WMUs<br>2A, 2B, 2D, 2E, 2F, 3A, 3B, 3D and 5D<br>(Combined)         |                  |                 | 20                 | 20                  |
| WMUs<br>2C, 2G, 4A, 4B, 4C, 4D, 4E, 5A, 5B, and 5C<br>(Combined)    |                  |                 | 5                  | 5                   |
| Coyote, Fox, Opossum, Raccoon,<br>Skunk, Weasel—(Statewide)         | Oct. 21          | Feb. 17, 2013   | Unlimited          |                     |
| Coyote and Fox—(Statewide)<br>(Cable restraint devices may be used) | Dec. 26          | Feb. 17, 2013   | Unlimited          |                     |

| <i>Species</i>  | <i>First Day</i> | <i>Last Day</i> | <i>Daily Limit</i> | <i>Season Limit</i> |
|---|------------------|-----------------|--------------------|---------------------|
| Bobcat (with appropriate permit)<br>WMUs 2A, 2C, 2E, 2F, 2G, 3A,<br>3B, 3C, 3D, 4A, 4C, 4D and 4E | Dec. 15          | Jan. 6, 2013    | 1                  | 1                   |
| Fisher (with appropriate permit)<br>WMUs 2C, 2D, 2E, 2F, 2G and 4D                                | Dec. 15          | Dec. 20         | 1                  | 1                   |

**FURTKING—HUNTING**

| <i>Species</i>  | <i>First Day</i> | <i>Last Day</i> | <i>Daily Limit</i> | <i>Season Limit</i> |
|---|------------------|-----------------|--------------------|---------------------|
| Coyote—(Statewide)  |                  |                 | Unlimited          |                     |
| Coyote—(During any big game season)   |                  |                 |                    |                     |
| Opossum, Skunk, Weasel<br>(Statewide)   |                  |                 |                    |                     |
| Raccoon and Fox—(Statewide)   | Oct. 20          | Feb. 16, 2013   | Unlimited          |                     |
| Bobcat (with appropriate permit)<br>WMUs 2A, 2C, 2E, 2F, 2G,<br>3A, 3B, 3C, 3D, 4A, 4C, 4D and 4E | Jan. 15, 2013    | Feb. 5, 2013    | 1                  | 1                   |

No open seasons on other wild birds or wild mammals.

<sup>1</sup> Only persons who possess a special wild turkey license as provided for in section 2709 of the act (relating to license costs and fees) may take a second spring gobbler during the hunting license year; all other persons, including mentored youth hunters, may take only one spring gobbler. A maximum of two gobblers per license year may be taken by any combination of licenses or exceptions for mentored youth.

<sup>2</sup> Only one antlered deer (buck) may be taken during the hunting license year.

<sup>3</sup> Includes persons who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

<sup>4</sup> Only one bear may be taken during the hunting license year.

<sup>5</sup> Only one elk may be taken during the hunting license year.

[Pa.B. Doc. No. 12-1154. Filed for public inspection June 22, 2012, 9:00 a.m.]

**GAME COMMISSION**  
**[ 58 PA. CODE CH. 141 ]**

**Hunting and Trapping; Special Regulations Areas**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 24, 2012, meeting amended § 141.1 (relating to special regulations areas) to permit hunters to legally harvest deer during any deer season through the use of bait on properties authorized under a valid deer control permit (red tag farms) in southeastern Pennsylvania special regulations areas.

The final rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 42 Pa.B. 1235 (March 10, 2012).

1. *Purpose and Authority*

On March 31, 2010, the Commission's 3-year evaluation of the effectiveness of a broad scale and widely accessible authorization permitting the baiting of white-tailed deer across the southeast special regulations areas expired.

The Commission's final review of the baiting authorization generally concluded that broad scale and widely accessible baiting did not establish viable increases in harvest rates to justify an extension of the experimental program. Agricultural deer damage continues to be a challenge in the more developed areas of this Commonwealth. Special hunting regulations exist for these areas but hunting and permitted control provisions at times create conflicting regulations. On February 1, 2011, the Commission amended §§ 147.552 and 147.556 (relating to application; and lawful devices and methods) to create a focused limited authorization permitting the baiting of white-tailed deer in the southeast special regulations areas on approved properties enrolled in the Red Tag Program. In furtherance of the Commission's continuing efforts to find effective tools to manage the population on agriculture lands in this area of this Commonwealth, the Commission amends § 141.1 to permit hunters to legally harvest deer during any deer season through the use of bait on properties authorized under a valid deer control permit (red tag farms) in the southeast special regulations areas.

Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this

Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to § 141.1 are adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends § 141.1 by permitting hunters to legally harvest deer during any deer season through the use of bait on properties authorized under a valid deer control permit (red tag farms) in the southeast special regulations areas.

3. *Persons Affected*

Persons wishing to hunt deer through the use of bait in the southeast special regulations areas will be affected by the final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding the final-form rulemaking.

5. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

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

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.1 to read as set forth in Annex A.

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

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-333 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter A. GENERAL**

**§ 141.1. Special regulations areas.**

(a) *Name.* The areas shall be known and referred to as special regulations areas.

(b) *Descriptions.*

(1) *Southwest area.* Includes the County of Allegheny.

(2) *Southeast area.* Includes the Counties of Bucks, Montgomery, Chester, Delaware and Philadelphia and also includes Tyler and Ridley Creek State Parks and other publicly-owned lands therein.

(c) *Prohibitions.*

(1) Except as provided in subsection (d), it is unlawful to take, kill or attempt to take or kill wildlife through the use of a firearm of any description which discharges single-projectile ammunition, or, while hunting for wild birds or wild animals, to possess single-projectile ammunition, except for employees of political subdivisions and other persons who have a valid deer control permit issued under the authority of Chapter 29 of the act (relating to special licenses and permits).

(2) It is unlawful to use buckshot in Allegheny or Philadelphia Counties without specific authorization of the Director.

(d) *Permitted acts.* It is lawful to:

(1) Except in Philadelphia County, Ridley Creek State Park, Delaware County and Tyler State Park, Bucks County, hunt and kill deer and bear through the use of a muzzleloading long gun or a shotgun, at least .410 gauge (rifled barrels permitted), including semiautomatics which, upon discharge, propel a single projectile.

(2) Take deer with a shotgun 20 gauge or larger—including semiautomatic—using buckshot in the Southeast area only.

(3) Take small game, furbearing animals, crows or wildlife with a manually operated rimfire rifle or handgun .22 caliber or less.

(4) Kill an animal legally caught in a trap with a manually operated rimfire rifle or handgun .22 caliber or less while trapping.

(5) Harvest more than one deer at a time when multiple harvests of deer per day are authorized without first lawfully tagging previous harvests, provided all deer harvested are lawfully tagged immediately thereafter.

(6) Hunt or take deer during any deer season through the use of or by taking advantage of bait on private property currently operating under a valid deer control permit where approval for limited baiting activities has previously been obtained under § 147.552 (relating to application). This limited authorization is valid only to

the extent that persons comply with the standards and conditions in § 147.556 (relating to lawful devices and methods).

[Pa.B. Doc. No. 12-1155. Filed for public inspection June 22, 2012, 9:00 a.m.]

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**GAME COMMISSION**  
**[ 58 PA. CODE CH. 141 ]**

**Hunting and Trapping; Wild Pheasant Recovery Areas**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 24, 2012, meeting amended § 141.28 (relating to wild pheasant recovery areas) to eliminate the Pike Run wildlife pheasant recovery area (WPRA) and include crows to the list of species that can be hunted within WPRAs from the first Sunday in February through July 31.

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 42 Pa.B. 1236 (March 10, 2012).

*1. Purpose and Authority*

The Pike Run WPRA study in southwestern Pennsylvania has concluded unsuccessfully. Habitat patch analysis shows that Pike Run meets only one of five habitat targets in the pheasant model. Pheasant densities are at one hen per square mile, far short of the ten hens per square mile objective. In light of the area's habitat characteristics and low pheasant densities, and in keeping with the pheasant management plan, it was proposed that this area be opened to either sex pheasant hunting and stocking of game farm pheasants be reinstated beginning with the 2012-2013 season. To complement this season change, the Commission amended § 141.28 to eliminate the Pike Run WPRA. The Commission additionally amended § 141.28(b)(2) to include crows along with waterfowl and woodchucks to the list of species that can be hunted within WPRAs from the first Sunday in February through July 31. This addition will not have a detrimental effect on pheasant recovery.

Section 322(c)(4) of the code (relating to powers and duties of commission) specifically authorizes the Commission to "define geographic limitations or restrictions." Section 2102(c) of the code (relating to regulations) directs that "The commission shall promulgate regulations concerning the transportation, introduction into the wild, importation, exportation, sale, offering for sale or purchase of game or wildlife or the disturbing of game or wildlife in their natural habitat." Section 2102(a) of the code provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game

or wildlife in this Commonwealth." The amendments to § 141.28 are adopted under this authority.

*2. Regulatory Requirements*

The final-form rulemaking amends § 141.28 by eliminating the Pike Run WPRA and including crows to the list of species that can be hunted within WPRAs from the first Sunday in February through July 31.

*3. Persons Affected*

Persons wishing to hunt wild pheasants, release propagated pheasants, train dogs or hunt small game within the area designated as the Pike Run WPRA will be affected by the final-form rulemaking. Persons wishing to hunt crows within an area designated as a WPRA from the first Sunday in February through July 31 will also be affected by the final-form rulemaking.

*4. Comment and Response Summary*

There were no official comments received regarding the final-form rulemaking.

*5. Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

*6. Effective Date*

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

*7. Contact Person*

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

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

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.28 to read as set forth at 42 Pa.B. 1236.

(b) The Executive Director of the Commission shall certify this order and 42 Pa.B. 1236 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-334 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 12-1156. Filed for public inspection June 22, 2012, 9:00 a.m.]



**GAME COMMISSION**  
**[ 58 PA. CODE CH. 141 ]**  
**Hunting and Trapping; Big Game**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 24, 2012, meeting amended §§ 141.43 and 141.44 (relating to deer; and bear) to delete the sunset language to effectively make permanent the authorized general use of crossbows during the archery deer and bear seasons. The Commission also amended § 141.44 to create and define the devices that will be permitted to harvest bears during the muzzleloader bear season.

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 42 Pa.B. 1232 (March 10, 2012).

*1. Purpose and Authority*

On January 27, 2009, the Commission adopted amendments to §§ 141.43 and 141.44 that authorized the general use of crossbows during archery deer and bear seasons. See 39 Pa.B. 1110 (February 28, 2009). The crossbow amendments are subject to a sunset provision that expires on June 30, 2012. The Commission amended §§ 141.43 and 141.44 to delete the sunset language to effectively make permanent the authorized general use of crossbows during archery deer and bear seasons. The Commission also amended § 141.44 to create and define lawful devices for the muzzleloader bear season.

Section 2102(a) of the code (relating to regulations) provides that “The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to §§ 141.43 and 141.44 are adopted under this authority.

*2. Regulatory Requirements*

The final-form rulemaking amends §§ 141.43 and 141.44 by deleting the sunset language to effectively make permanent the authorized general use of crossbows during archery deer and bear seasons. The final-form rulemaking also amends § 141.44 to create and define the lawful devices for the muzzleloader bear season.

*3. Persons Affected*

Persons wishing to hunt deer or bear with a crossbow during archery season and hunt bear during the muzzleloader bear season within this Commonwealth will be affected by the final-form rulemaking.

*4. Comment and Response Summary*

The Commission received a total of eight official comments regarding the final-form rulemaking. The comments were in support of the proposed rulemaking.

*5. Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

*6. Effective Date*

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

*7. Contact Person*

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

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

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

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending §§ 141.43 and 141.44 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-339 remains valid for the final adoption of the subject regulations.

**Annex A**  
**TITLE 58. RECREATION**  
**PART III. GAME COMMISSION**  
**CHAPTER 141. HUNTING AND TRAPPING**  
**Subchapter C. BIG GAME**

**§ 141.43. Deer.**

(a) *Archery deer season.*

(1) *Permitted devices.* It is lawful to hunt deer during the archery deer season with any of the following devices:

(i) *A bow and arrow.* A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch with at least two cutting edges located on the same plane throughout the length of the cutting surface, and may not exceed 3 inches in length.

(ii) *A crossbow and bolt.* A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch with at least two cutting edges located on the same plane throughout the length of the cutting surface, and may not exceed 3 inches in length.

\* \* \* \* \*

§ 141.44. **Bear.**

(a) *Archery bear season.*

(1) *Permitted devices.* It is lawful to hunt bear during the archery bear season with any of the following devices:

(i) *A bow and arrow.* A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch with at least two cutting edges located on the same plane throughout the length of the cutting surface, and may not exceed 3 inches in length.

(ii) *A crossbow and bolt.* A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch with at least two cutting edges located on the same plane throughout the length of the cutting surface, and may not exceed 3 inches in length.

(2) *Prohibitions.* While hunting bear during the archery bear season, it is unlawful to:

(i) Use or possess a firearm or while in possession of a firearm, except as otherwise authorized by section 2525 of the act (relating to possession of firearm for protection of self or others).

(ii) Use a device not provided for in the act or in this subsection.

(iii) Disturb, wound or kill a bear in a den.

(iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.

(b) *Muzzleloading bear season.*

(1) *Permitted devices.* It is lawful to hunt bear during the muzzleloading bear season with a muzzleloading firearm. The firearm's ignition mechanism must consist of a percussion cap, primer or flintlock fired design. The firearm must be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single-projectile ammunition.

(2) *Prohibitions.* While hunting bear during the muzzleloading bear season, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act (relating to prohibited devices and methods).

(ii) Use a device not provided for in the act or in this subsection.

(iii) Disturb, wound or kill a bear in a den.

(iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.

(c) *Regular and extended firearms bear seasons.*

(1) *Permitted devices.* It is lawful to hunt bear during the regular and extended firearms bear seasons with any of the following devices:

(i) A manually operated, centerfire firearm.

(ii) A bow and arrow as permitted under subsection (a)(1)(i).

(iii) A crossbow and bolt as permitted under subsection (a)(1)(ii).

(iv) A muzzleloading firearm as permitted under subsection (b)(1).

(2) *Prohibitions.* While hunting for bear during the regular and extended firearms bear seasons, it is unlawful to:

(i) Use or possess multiple projectile ammunition or ammunition other than required under section 2322(a)(4) of the act.

(ii) Use a device not provided for in the act or in this subsection.

(iii) Disturb, wound or kill a bear in a den.

(iv) Assist, conspire or use a device to locate a bear to which a transmitter has been attached.

[Pa.B. Doc. No. 12-1157. Filed for public inspection June 22, 2012, 9:00 a.m.]

**GAME COMMISSION**

**[ 58 PA. CODE CH. 141 ]**

**Hunting and Trapping; Beaver Trapping**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 24, 2012, meeting amended § 141.62 (relating to beaver trapping) to extend the 15-foot trap placement restriction near beaver dams and lodges Statewide and extend the body-gripping trap limit of 10 to wildlife management units (WMU) where beaver bag limits are 40 or more per season.

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 42 Pa.B. 1231 (March 10, 2012).

1. *Purpose and Authority*

In an effort to comply with its beaver management plan, the Commission proposed two amendments to § 141.62. First, the 15-foot trap placement restriction near beaver dams and lodges should be enforced Statewide which will simplify regulations and help protect juvenile beavers in the colony. This can be accomplished by deleting references to WMUs 3B, 3C and 3D in § 141.62(b)(2). Secondly, the body-gripping trap limit of 10 should only apply to WMUs with high relative harvest/complaint density and with a bag limit of 40 beavers per season. The purpose of this amendment is to lift the two body-gripping trap limit only in WMUs with high relative beaver harvest and complaint densities. Because of the high efficiency of body-gripping traps, these devices should be limited to two in WMUs with medium to low beaver harvest and nuisance complaint densities. Limiting body-gripping traps also creates beaver trapping opportunities for the maximum number of trappers.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to "promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used." Section 2102(a) of the code provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, man-

ner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to § 141.62 are adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends § 141.62 by extending the 15-foot trap placement restriction near beaver dams and lodges Statewide and extending the body-gripping trap limit of 10 to WMUs where beaver bag limits are 40 or more per season.

3. *Persons Affected*

Persons wishing to hunt or trap beavers within this Commonwealth will be affected by the final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding the final-form rulemaking.

5. *Cost and Paperwork Requirements*

The final rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

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

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.62 to read as set forth at 42 Pa.B. 1231.

(b) The Executive Director of the Commission shall certify this order and 42 Pa.B. 1231 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-335 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 12-1158. Filed for public inspection June 22, 2012, 9:00 a.m.]

GAME COMMISSION

[ 58 PA. CODE CH. 141 ]

Hunting and Trapping; Hunting Hours

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 24, 2012, meeting amended Chapter 141, Appendix G (relating to hunting hours) by updating the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2012-2013 hunting license year.

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 42 Pa.B. 1233 (March 10, 2012).

1. *Purpose and Authority*

Each year there is a shift in calendar days for each month. As a result of this occurrence, the tables of hunting hours in Appendix G are amended and updated each year to reflect the current year’s hunting dates and corresponding legal hunting hours. The Commission amended Appendix G to update the tables of hunting hours for the 2012-2013 hunting year to reflect the annual change in days and subsequent hunting times.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to “fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife.” Section 2102(a) of the code (relating to regulations) provides that “The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to Appendix G are adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends Appendix G to update the tables of hunting hours for the 2012-2013 hunting year to reflect the annual change in days and subsequent hunting times.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2012-2013 hunting year will be affected by the final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding the final-form rulemaking.

### 5. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

### 6. *Effective Date*

The effective dates of the final-form rulemaking are July 1, 2012, to June 30, 2013.

### 7. *Contact Person*

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

### *Findings*

The Commission finds that:

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

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

### *Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending Appendix G to read as set forth at 42 Pa.B. 1233.

(b) The Executive Director of the Commission shall certify this order and 42 Pa.B. 1233 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order will be effective from July 1, 2012, to June 30, 2013.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-338 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 12-1159. Filed for public inspection June 22, 2012, 9:00 a.m.]

## GAME COMMISSION

### [ 58 PA. CODE CH. 147 ]

#### Special Permits; Mentored Youth Hunting Program Permit

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 24, 2012, meeting amended § 147.804 (relating to general) to allow a mentor to transfer a valid fall turkey license issued to him to an eligible mentored youth upon the harvest of a fall turkey.

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 42 Pa.B. 1244 (March 10, 2012).

### 1. *Purpose and Authority*

The National Wild Turkey Federation and others have continued to express an interest in having the Commission expand mentored youth turkey hunting opportunities to include fall turkeys. Commission staff has expressed conditional support as long as fall turkey harvest would not increase. With the advent of mentored youth license exemption language in the code, the Board has the ability to amend its regulations to allow for the transfer of a mentor fall turkey tag by amending § 147.804(c) and adding § 147.804(h). This action will not significantly increase the fall harvest or negatively impact the ongoing fall hen harvest rate and survival study and is consistent with the goal of providing additional mentored youth hunting opportunity as identified in the Wild Turkey Management Plan for this Commonwealth. The Commission amended § 147.804 to allow a mentor to transfer a valid fall turkey license issued to him to an eligible mentored youth upon the harvest of a fall turkey.

Section 2711(a.1) of the code (relating to unlawful acts concerning licenses) states that "For the sole purpose of implementing and enhancing a mentored youth hunting program within this Commonwealth, the commission may establish regulations exempting certain limited youth hunting activities from the prohibitions specified in subsection (a)(1), (3), (5) and (8)." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 147.804 are adopted under this authority.

### 2. *Regulatory Requirements*

The final-form rulemaking amends § 147.804 by allowing a mentor to transfer a valid fall turkey license issued to him to an eligible mentored youth upon the harvest of a fall turkey.

### 3. *Persons Affected*

Persons wishing to hunt wild turkey within this Commonwealth under the Mentored Youth Hunting Program will be affected by the final-form rulemaking.

### 4. *Comment and Response Summary*

The Commission received a total of two official comments regarding the final-form rulemaking. One comment supported the final-form rulemaking while the other opposed it.

### 5. *Cost and Paperwork Requirements*

The final-form rulemaking may result in some additional cost and paperwork associated with the affects transferring tags will have on the Pennsylvania Automated License System. However, the Commission has determined that if there is additional expense associated with this effort, it will not be substantial and would be absorbed by the current budget.

### 6. *Effective Date*

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding the final-form rule-making, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

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

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending § 147.804 to read as set forth at 42 Pa.B. 1244.

(b) The Executive Director of the Commission shall certify this order and 42 Pa.B. 1244 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-366 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 12-1160. Filed for public inspection June 22, 2012, 9:00 a.m.]

**OFFICE OF ATTORNEY  
GENERAL**

**Pennsylvania Gaming Control Board; Table Game  
Devices; Rescission of Approval**

June 8, 2012

R. Douglas Sherman  
Office of Chief Counsel  
PA Gaming Control Board  
303 Walnut St., 5th Floor Verizon Tower  
Harrisburg, PA 17101

Dear Chief Counsel Sherman:

Please be advised that the Office of Attorney General did not receive for form and legality review the final version of Pennsylvania Gaming Control Board regulation #125-138 (Table Games) approved by the Independent Regulatory Review Commission and the legislative committees. Having received an incorrect version for review, we were unable to conduct the proper form and legality review required by the Commonwealth Attorneys Act. Therefore, we do hereby rescind, as erroneously granted, our February 3, 2012, approval of regulation #125-138.

The Office of Attorney General requests the Gaming Control Board to expeditiously submit for review the correct version of regulation #125-138. Once the regulation is received, review will be conducted as set forth in the Commonwealth Attorneys Act, 71 P. S. § 732-204(b).

Sincerely yours,  
ROBERT A. MULLE,  
*Chief Deputy Attorney General*  
*Office of Civil Law*

*(Editor's Note: The incorrect version of the Pennsylvania Gaming Control Board final-form rulemaking #125-138 was submitted to the Legislative Reference Bureau and published at 42 Pa.B. 2675 (May 12, 2012).)*

[Pa.B. Doc. No. 12-1161. Filed for public inspection June 22, 2012, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

[ 25 PA. CODE CHS. 121, 123 AND 139 ]

### Commercial Fuel Oil Sulfur Limits for Combustion Units; Advance Notice of Final Rulemaking

The Department of Environmental Protection (Department) is soliciting comments on changes it recommends be made to the commercial fuel oil sulfur limits for combustion units proposed rulemaking published at 40 Pa.B. 5456 (September 25, 2010).

The draft final rulemaking establishes in Chapter 123 (relating to standards for contaminants) lower maximum allowable sulfur limits in commercial fuel oils used in oil-burning combustion units in this Commonwealth by replacing existing area-specific sulfur content limits with a Statewide sulfur content limit. The draft final rulemaking adds two terms and revises definitions of eight terms in Chapter 121 (relating to general provisions). The new terms are "ASTM" and "ultimate consumer" and the revised terms are "carrier," "commercial fuel oil," "distributor," "noncommercial fuel," "retail outlet," "terminal," "transferee" and "transferor." The draft final rulemaking also updates methods for testing sulfur in petroleum products in Chapter 139 (relating to sampling and testing). The American Society for Testing and Materials documents referenced in this chapter are available for public review at the Department's headquarters at the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Combustion of sulfur-containing commercial fuel oils releases sulfur dioxide (SO<sub>2</sub>) emissions, which contribute to the formation of regional haze and fine particulate matter (PM<sub>2.5</sub>), both of which are serious human health and public welfare threats. The control measure in the draft final rulemaking is an important part of the Commonwealth's efforts to meet the 2018 reasonable progress goals for reducing regional haze established by the Commonwealth in consultation with the member states of the Mid-Atlantic/Northeast Visibility Union (MANE-VU). The control measure in the draft final rulemaking is also reasonably necessary to attain and maintain the National Ambient Air Quality Standards in this Commonwealth. If published in the *Pennsylvania Bulletin* as a final-form rulemaking, the regulations will be submitted to the United States Environmental Protection Agency (EPA) as a revision to the State Implementation Plan (SIP).

#### A. Summary of the Advance Notice of Final Rulemaking Changes

In response to comments received during the official public comment period on the proposed rulemaking for commercial fuel oil limits for combustion units and following the Department's review of other related information, the Department has prepared a draft final rulemaking for public comment. The draft final rulemaking contains significant changes in several areas. These changes include the following:

- The proposed rulemaking contained a sulfur limit of 15 parts per million (ppm) for No. 2 and lighter commercial fuel oil. The draft final rulemaking changes this limit to 500 ppm. The Department received a number of comments indicating that the 15 ppm limit was not necessary to reduce SO<sub>2</sub> and PM<sub>2.5</sub> emissions from heating oil and was not necessary for use in high efficiency boilers. Representatives of refineries commenting on the proposed rulemaking also pointed out that the cost of lowering the maximum sulfur content to 15 ppm was significantly greater than the cost of lowering the maximum content to 500 ppm and that the cost effectiveness (cost per ton) was too high for a reduction to 15 ppm. Several commentators indicated support for a 500 ppm sulfur limit in conjunction with a revised compliance date. Sulfur limits for fuel oils heavier than No. 2 are not changed in the draft final rulemaking. The draft final rulemaking expresses the new maximum allowable sulfur content limits in both ppm and percentages to improve clarity. The Department seeks updated information from commentators on the cost of the limits contained in the proposed final rulemaking.

- The proposed rulemaking contained a compliance date of May 1, 2012, for revised sulfur limits. The draft final rulemaking changes the compliance date for revised sulfur content limits to July 1, 2016. The Department received a number of comments indicating that the proposed compliance date and the timespan for compliance would present significant challenges to fuel producers to provide an adequate supply of compliant fuel at the 15 ppm content limit. In addition to providing an additional 2 years to achieve compliance, the Department changed the month in the draft final rulemaking to be consistent with the timing of requirements in New York and New Jersey. The Department seeks comment on the ability of the industry to meet the new compliance date taking into account the change in maximum allowable sulfur content limit.

- The proposed rulemaking included a provision for temporary suspension of the fuel limit and the ability of the Department to increase the applicable limit in certain conditions. The Department is making two changes to this provision. First, the Department removed the requirement that the Department would implement the provision only "with the written concurrence of the Administrator of the EPA." While consultation with the EPA will be necessary if and when the EPA approves the final-form rulemaking as a SIP revision, the Department does not believe that this consultation needs to be formalized in the regulation itself. Second, the Department removed the requirement that establishes a maximum allowable sulfur content of 500 ppm for a temporary increase. This change resolves the inconsistency in setting a temporary content limit that is the same as a permanent content limit. More importantly, the Department intends this provision to be rarely used and only after consideration of supply factors in an air basin; a specific content maximum above 500 ppm would not adequately allow the Department to consider use of fuel from all available sources.

- The proposed rulemaking would have required terminal owners or operators to develop and implement written procedures for sampling and testing to be made available to the Department upon request. These requirements

would have been in addition to the testing required of refineries that produce fuel oil intended for use in this Commonwealth. It was the intention of the Department to ensure that parties, including the ultimate consumer, could be assured that records of sulfur content required to be provided by transferor to transferee were supported by sampling and testing. The Department received comments that these requirements were duplicative. The Department agrees. Therefore, the draft final rulemaking requires sampling, testing and calculating of the sulfur content by a transferor only if records of sulfur content are not otherwise provided with the shipment of commercial fuel oil.

- In the draft final rulemaking, recordkeeping and reporting requirements specify that the sulfur content may be recorded in either ppm by weight or weight percent and clarify that the actual sulfur content (not the regulated maximum allowable sulfur content) must be in the record.

In performing the analysis for MANE-VU in February 2008, the Northeast States for Coordinated Air Use Management (NESCAUM) estimated that the annual SO<sub>2</sub> emission reduction benefits in this Commonwealth from the proposed rulemaking sulfur content limits (that is, 15 ppm sulfur content by 2018 and proposed limits for heavier oils) would be approximately 29,000 tons per year and that reducing sulfur content in No. 2 oil from existing levels to 500 ppm would account for approximately 21,000 tons per year of that reduction. An additional 4,000 tons per year reduction was for the decrease from 500 ppm to 15 ppm and 4,000 tons per year reduction for the decrease from existing levels to 500 ppm for Nos. 4 and 6 commercial fuel oils. Removing the requirement of 15 ppm sulfur content in commercial fuel oil in the draft final rulemaking from consideration at this time reduces the estimated maximum annual SO<sub>2</sub> emission reduction from 29,000 tons per year to 25,000 tons per year. However, because the use of commercial fuel oils has been declining overall in this Commonwealth since the time frame of the analysis performed by NESCAUM for MANE-VU, the actual annual reduction in SO<sub>2</sub> is expected to be less than the estimated maximum.

While there is not a legal requirement to provide an opportunity to comment upon the Department's recommendations for final-form rulemaking, the Department believes comments on the draft final rulemaking would serve the public interest in this instance. The Department particularly seeks comments on the issues of cost and fuel availability.

#### B. Contact Persons

For further information or to request a copy of the draft final rulemaking, contact Arleen Shulman, Division of Air Resource Management, Bureau of Air Quality, Rachel Carson State Office Building, 12th Floor, P. O. Box 8468, Harrisburg, PA 17101-8468, (717) 772-3436, ashulman@pa.gov; or Kristen Furlan, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060, kfurlan@pa.gov. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). The draft final rulemaking is available on the Department's website at <http://www.dep.state.pa.us>.

#### C. Public Comments

Written or electronic comments should be sent to Arleen Shulman at the previous address. Comments must be received by July 23, 2012. A subject heading of the rulemaking and a return name and address must be included in each letter or transmission. Comments will not be accepted by facsimile or voice mail.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-1162. Filed for public inspection June 22, 2012, 9:00 a.m.]

## STATE BOARD OF MEDICINE

[ 49 PA. CODE CHS. 16 AND 18 ]

### Perfusionist

The State Board of Medicine (Board) proposes to amend §§ 16.1, 16.11 and 16.13 (relating to definitions; licenses, certificates and registrations; and licensure, certification, examination and registration fees) and to add §§ 18.601—18.611 (relating to perfusionists) to read as set forth in Annex A.

#### *Effective Date*

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

#### *Statutory Authority*

The proposed rulemaking is authorized under sections 8 and 13.3(c) of the Medical Practice Act of 1985 (act) (63 P. S. §§ 422.8 and 422.13c(c)).

#### *Background and Need for the Amendment*

The act of June 11, 2008 (P. L. 154, No. 19) (Act 19) amended the act to provide for licensure of perfusionists. Section 2 of the act (63 P. S. § 422.2) defines the term "perfusion" as "the functions necessary for the support, treatment, measurement or supplementation of the cardiovascular system or other organs, or a combination of those functions, and for ensuring the safe management of physiologic functions by monitoring and analyzing the parameters of the systems under the supervision of a physician . . ." This proposed rulemaking is intended to implement licensure of perfusionists. This proposed rulemaking is also designed to provide to prospective licensees adequate notice of the requirements for licensure as a perfusionist.

Section 13.3(a) of the act provides that "two years after the effective date of this section, it shall be unlawful for any person to hold himself out to the public as a perfusionist or to practice or offer to practice perfusion unless the person holds a valid, current license issued by the board or the State Board of Osteopathic Medicine." The Board did not propose a rulemaking to incorporate the "grandfather" provision of section 13.3(g) of the act. That section provided that, during the first 2 years after the effective date of Act 19, a person who was not a graduate of an accredited program prior to 1981, but who met the then-current eligibility requirements for certification as a certified clinical perfusionist and subsequently was certified, could become licensed if the person otherwise complies with the requirements for licensure. This

statutory provision is self-executing on this particular issue and the qualifications for licensure in the act are clear and unambiguous.

Practice of perfusion in this Commonwealth without a license from the Board was prohibited after August 10, 2010. In June 2010, the Board, in conjunction with the State Board of Osteopathic Medicine (Osteopathic Board), developed an application for licensure, which was placed on the Board's and the Osteopathic Board's web sites. With the cooperation of stakeholders, including the Pennsylvania State Perfusion Society and the American Society of Extracorporeal Technology (AmSECT), the Board and the Osteopathic Board notified the perfusionist community of the availability of the application process and the statutory deadline, as well as the availability of the application forms electronically and by mail. The Board has worked to facilitate and expedite the access and transmittal of documentation of certification, education and insurance coverage. The Board also agreed on this occasion to consider the date of filing of the application as the controlling date, even if supporting documentation remained in transit. The application and license issuance procedure concluded with every applicant who was eligible under the "grandfather" provision, and was otherwise qualified for licensure, receiving a license.

#### *Description of the Proposed Rulemaking*

The proposed rulemaking would amend § 16.1 to add perfusionist to the list of other Board-regulated practitioners. Section 16.11(b) identifies those licenses that the Board issues. The proposed rulemaking would add licensure as a perfusionist. Similarly, § 16.11(c) identifies registrations that the Board issues and the proposed rulemaking would add biennial registration of perfusionist licenses. The proposed rulemaking would also add § 16.13(k) to set forth the fees associated with perfusionist licensure to be charged by the Board, as authorized by section 13.3 of the act. To recover the costs of providing those services, the fee for applications for perfusionist license, reactivation of perfusionist license and temporary graduate perfusionist license would each be \$50 and the fee for application for temporary provisional perfusionist license would be \$40. Because the Board believes that the cost to provide the service would be minimal and does not want to delay application, the Board has not set a fee for notification of emergency practice as a perfusionist. To provide for an appropriate share of the general costs of operating the Board, the biennial renewal fee for a perfusionist would be \$50.

The proposed rulemaking would also add Subchapter J (relating to perfusionists) to Chapter 18 (relating to State Board of Medicine—practitioners other than medical doctors). Proposed § 18.601 (relating to purpose) would identify the purpose of the subchapter as providing for licensure of perfusionists. Proposed § 18.602 (relating to definitions) would provide necessary definitions. These include the statutory definitions of "extracorporeal circulation," "perfusion," "perfusionist" and "ventricular assist device" as used in the subchapter. Additionally, the Board would define "ABCP" as the American Board of Cardiovascular Perfusion (ABCP), the National body that administers the exam and certifies perfusionists. The Board would define "CAAHEP" as the Commission on Accreditation of Allied Health Education Programs (CAAHEP), which accredits perfusion education programs. The Board proposes to define "accredited perfusion program approved by the Board" as a perfusion program accredited by a Nationally-recognized accrediting agency approved by the Board. The Board would further define

"Nationally-recognized accrediting agency approved by the Board" as CAAHEP or other organization for which the Board publishes notice that the organization is approved by the Board as an accrediting agency for perfusionist programs. The Board would also define "Nationally-recognized certifying agency approved by the Board" as ABCP or other organization for which the Board publishes notice that the organization is approved by the Board as a certifying agency for perfusionists. The Board also proposes to define an "hour of continuing education" to consist of at least 50 minutes of instruction (including question and answer sessions) in an approved course of continuing education or an equivalent time that an online or correspondence course would be presented live. This time is consistent with the standards for continuing education that is required by ABCP for recertification. Finally, the Board defines "out-of-State perfusionist" as an individual who holds a current license as a perfusionist in another state, the District of Columbia or a territory of the United States or has obtained certification by a certifying agency approved by a Nationally-recognized accrediting agency. The Board determined that it is necessary to define the term "out-of-State perfusionist" because section 13.3(j)(1) of the act contains the phrase "in another state, the District of Columbia or a territory of the United States" and uses the phrase "out-of-State perfusionist" throughout the remainder of section 13.3(j)(1)(i) and (ii), (2) and (3) of the act. Therefore, the Board defined "out-of-State perfusionist" as including these geographic entities and used the phrase "out-of-State perfusionist" in § 18.606 (relating to registration of temporary emergency perfusionist service).

Proposed § 18.603 (relating to application for perfusionist license) would address the application for licensure as perfusionist. Under proposed § 18.603(a), an applicant shall submit a completed application form, including necessary supporting documents, and pay the required application fee. Section 13.3(f) of the act sets five criteria for licensure as a perfusionist: 1) be at least 18 years of age; 2) be of good moral character; 3) have graduated from an accredited perfusion program approved by the Board; 4) be certified by a certifying agency approved by a Nationally-recognized accrediting agency approved by the Board; and 5) complete an application form and pay the appropriate fee. Accordingly, proposed § 18.603(b)(1), in conjunction with § 18.603(a), would provide that the Board will license as a perfusionist an applicant who demonstrates that the applicant satisfies the requirements of section 13.3(f) of the act for licensure as a perfusionist. Because section 13.3(k) of the act requires a perfusionist to carry a minimum level of professional liability insurance, proposed § 18.603(b)(4) would require that an applicant provide proof of liability insurance. Because the Board is also setting forth in this proposed rulemaking grounds for disciplinary action, proposed § 18.603(c) would provide that the Board may deny an application for perfusionist licensure upon those grounds for disciplinary action in § 18.609 (relating to disciplinary action for licensed perfusionists).

Proposed § 18.604 (relating to application for temporary graduate perfusionist license) would address the application for temporary graduate perfusionist license as provided in section 13.3(h) of the act. Under proposed § 18.604(a), an applicant shall submit a completed application form, including necessary supporting documents, and pay the required application fee. Because section 13.3(h)(1)(ii) of the act requires that an individual's



authorization to practice perfusion is granted only under the supervision and direction of a perfusionist licensed under the act, the Board would place this requirement at the beginning of proposed § 18.604(b). Section 13.3(h)(1) of the act provides that an individual who has graduated from an educational program in compliance with the education requirements may receive a temporary graduate license. This requirement, along with good moral character and being at least 18 years of age, as required under section 13.3(f)(1) and (2) of the act, and the requirement in section 13.3(h)(1)(i) of the act that the individual has applied for and is eligible to take the examination would be in proposed § 18.604(b)(1)–(3) as the basic requirements for a temporary graduate license. Because section 13.3(k) of the act requires a perfusionist to carry a minimum level of professional liability insurance, proposed § 18.604(b)(4) would require that an applicant provide proof of liability insurance. Because the Board is also setting forth in this proposed rulemaking grounds for disciplinary action, proposed § 18.604(c) would provide that the Board may, in its discretion, deny an application for temporary graduate perfusionist license upon those grounds for disciplinary action in § 18.609. Due to the fact that section 13.3(h)(1)(iii) of the act provides that a temporary graduate license is to be issued for 2 years but not be renewable, proposed § 18.604(d) would provide that a temporary graduate perfusionist license expires 2 years after the date of issuance and may not be renewed. Because section 13.3(h)(1)(iv) of the act provides that a temporary graduate license is to expire upon notice of failing the required examination, proposed § 18.604(e) would provide that a temporary graduate perfusionist license expires upon notice to the Board that the holder failed the Nationally-recognized certifying agency's certification examination. The Board receives perfusionist test results directly from ABCP, the organization that administers the two-part examination. (For example, during 2011, the Board received the results of the March exam in April and the results of the October exam in December. As of December 22, 2011, there were only two licensed temporary graduate perfusionists in the Commonwealth.) If the Board were to receive a report that an individual has failed one of the two parts of the examination, the Board staff would determine if the individual holds a temporary graduate perfusionist license and, if so, would take appropriate steps to inform the license holder that the license was null and void and request return of the license. Furthermore, the Board would clarify in the last sentence of proposed § 18.604(e) that a perfusionist who fails the examination shall immediately cease practice and return the temporary graduate perfusionist license to the Board.

Proposed § 18.605 (relating to application for temporary provisional perfusionist license) would address the application for temporary provisional perfusionist license, as provided in section 13.3(i) of the act. Under proposed § 18.605(a), an applicant shall submit a completed application form, including necessary supporting documents, and pay the required application fee. Section 13.3(i)(1) of the act provides that an individual who holds a current license in good standing under the laws of another state, which includes certification by a certifying agency approved by a Nationally-recognized accrediting agency, may receive a temporary provisional license if the applicant meets the requirements of section 13.3(f) of the act that the applicant is at least 18 years of age and of good moral character and has graduated from an accredited perfusion program approved by the Board. These criteria are in proposed § 18.605(b)(1)–(3) as the basic requirements for a temporary provisional license. Because sec-

tion 13.3(k) of the act requires a perfusionist to carry a minimum level of professional liability insurance, proposed § 18.605(b)(4) would require that an applicant provide proof of liability insurance. Because the Board is also setting forth in this proposed rulemaking grounds for disciplinary action, proposed § 18.605(c) would provide that the Board may deny an application for perfusionist temporary provisional license upon those grounds for disciplinary action in § 18.609. Because section 13.3(i)(2) of the act provides that a temporary provisional license is to be issued for 1 year but not be renewable, proposed § 18.605(d) would provide that a temporary provisional perfusionist license expires 1 year after the date of issuance and may not be renewed thereafter.

Section 13.3(j) of the act provides an exemption to the general prohibition against unlicensed practice for one-time temporary emergency services by an out-of-State licensed perfusionist where the licensed perfusionist that would normally have provided the services is unavailable or incapable of providing services and no other licensed perfusionist is available or capable of providing services. Section 13.3(j)(1)(i) and (ii) of the act requires the out-of-State perfusionist to provide to the Board electronic notice of the emergency and acknowledgment that the out-of-State perfusionist is subject to jurisdiction of the Board as if licensed by the Board and requires the health care facility to provide to the Board electronic notice that services were provided and the grounds for the exemption. Proposed § 18.606(a) would require the out-of-State perfusionist to register with the Board in accordance with section 13.3(j) of the act prior to providing emergency services. Under proposed § 18.606(b), the out-of-State perfusionist or other person acting on behalf of the out-of-State perfusionist (such as health care facility staff) shall submit by electronic means a completed registration on forms provided by the Board. It is anticipated that this registration will be done almost exclusively from the Board's web site. To provide clarity, the Board would state in § 18.602(b) what is meant by electronic means as including "computer-to-computer, computer-to-facsimile machine or e-mail transmission." Because "one-time emergency perfusionist service" is not defined in section 13.3(j) of the act, proposed § 18.606(c) would provide that although the services are not limited to a single procedure or patient or group of related patients, the out-of-State perfusionist may not provide emergency services for a period longer than 72 hours. The Board chose this method because it provides a bright-line rule and would be more applicable to the situations for which emergency services would be needed. As to its selection of the 72-hour time limit, the Board believes that surgeons and health care facilities plan for groups of patients with procedures requiring perfusionist services, not necessarily a single patient with a single procedure. Should the planned perfusionist suddenly become unavailable, this would affect multiple patients and procedures, not just a single patient for a single procedure. An upper limit of 72 hours provides adequate time to perform those procedures that cannot wait and also to make alternative arrangements with one or more perfusionists licensed in this Commonwealth. The Board acknowledges that section 13.3(j)(1)(ii)(A) and (D) of the act requires the health care facility to certify that "the emergency perfusionist services were provided for a patient of the health care facility," and that the "out-of-State perfusionist provided only the emergency perfusionist services for the patient of the health care facility and no other perfusionist services at the health care facility." The Board interprets this language to limit perfusionist services to those that are emergencies as otherwise required under section 13.3(j) of

the act even if not for only a single patient. Section 13.3(j)(3) of the act prohibits the out-of-State perfusionist from providing services other than emergency services. Consistent with section 13.3(j)(2) of the act, proposed § 18.606(d) would provide that the out-of-State perfusionist may not provide further perfusionist service in this Commonwealth without being licensed as a perfusionist or holding a temporary graduate license or temporary provisional license.

Because licenses issued by the Board shall be registered biennially as a condition of continued practice in accordance with section 25(b) of the act (63 P.S. § 422.25(b)) and § 16.15 (relating to biennial registration; inactive status and unregistered status), proposed § 18.607 (relating to biennial registration of perfusionist license) would address biennial registration of perfusionist licenses. Proposed § 18.607(a) would provide that licensed perfusionists shall register biennially by December 31 of each even-numbered year. Under proposed § 18.607(b), a licensed perfusionist is required to complete and submit an application for biennial registration, including the required fee, and disclose the following on the application itself: a license to practice as a perfusionist in another jurisdiction; a disciplinary action pending before or taken by the appropriate health care licensing authority in another jurisdiction; pending criminal charges; and convictions. A licensed perfusionist shall also verify on the application that the licensee has complied with the continuing education requirements and finally verify on the application that, if practicing as a perfusionist in this Commonwealth, the licensed perfusionist maintains professional liability insurance coverage as required under section 13.3(k) of the act.

Proposed § 18.608 (relating to inactive status of perfusionist license; reactivation of inactive license) would address inactive status of perfusionist licenses. Proposed § 18.608(a) would provide that a license may become inactive either by the licensee's request or by expiration at the end of the biennial registration period. To minimize the opportunity or consequence of a license being incorrectly placed on inactive status at what appears to be the request of the licensee, proposed § 18.608(a)(1) would provide that the Board will forward written confirmation of inactive status to the licensee. Proposed § 18.608(b) would provide that a perfusionist whose license is inactive may not practice as a perfusionist in this Commonwealth until the license has been reactivated. Proposed § 18.608(c) would provide the general requirement for reactivation of an inactive perfusionist license that the licensee shall apply on forms supplied by the Board, answer the questions fully, provide documentation of completion of the required amount of continuing education for the preceding biennium, as required under section 13.3(n)(5) of the act, pay the current biennial registration fee and the reactivation fee specified in § 16.13(k) and verify that the licensee did not practice as a perfusionist in this Commonwealth while the license was inactive. If the licensee cannot verify that the licensee did not practice during the period of lapse, the license may be reactivated under proposed § 18.608(d). Under subsection (d), in addition to the requirements of subsection (c), the licensee shall pay the biennial registration fee for past registration periods and a late fee of \$5 per month. This late fee is the standard late fee of section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. § 1401-225). However, as provided in proposed § 18.608(d), payment of late fees will not preclude the Board from taking disciplinary action for practicing while the license was inactive.

Proposed § 18.609 addresses disciplinary action. Section 41 of the act (63 P.S. § 422.41) authorizes the Board "to impose disciplinary or corrective measures on a board-regulated practitioner" for a variety of grounds. Therefore, the Board proposes to amend the definition of "Board-regulated practitioner" in § 16.1 to add perfusionists. Further, proposed § 18.609(a) would provide that a licensed perfusionist, including one holding a temporary graduate license or temporary provisional license, is subject to disciplinary action under section 41 of the act and that the Board may impose any of the corrective actions in section 42 of the act (63 P.S. § 422.42). Because section 41(8) of the act authorizes the Board to take disciplinary action for immoral or unprofessional conduct, proposed § 18.609(b) would define unprofessional conduct and proposed § 18.609(c) would define immoral conduct. Modeled upon §§ 16.61 and 18.181 (relating to unprofessional and immoral conduct; and disciplinary and corrective measures), unprofessional conduct would include the following: performing acts in a health care profession in a fraudulent or incompetent or negligent manner; violating a provision of the act or regulation of the Board setting a standard of professional conduct; engaging in health care practice beyond the licensee's authority to practice; representing oneself to be a licensed physician or other health care provider; practicing while the licensee's ability to do so is impaired by alcohol, drugs, physical disability or mental instability; and revealing personally identifiable facts obtained as the result of the practitioner-patient relationship. Additionally, unprofessional conduct would include engaging in conduct prohibited by § 16.110 (relating to sexual misconduct). Section 13.3(e)(2) of the act exempts from the general prohibition against practicing perfusion without a license a perfusion student who, among other requirements, is performing under the direct supervision of a perfusionist who is assigned to supervise the student. Section 13.3(e)(3) of the act exempts a perfusion graduate who, among other requirements, is performing under the supervision and responsibility of a perfusionist. Accordingly, proposed § 18.609(b)(8) would include as unprofessional conduct failing to provide supervision as required under section 13.3(e)(2) of the act of a perfusion student or failing to provide supervision as required under section 13.3(e)(3) of the act of a perfusion graduate who is not otherwise licensed by the Board to practice perfusion. Immoral conduct would include the following: misrepresenting or concealing a material fact in obtaining a license or reactivating or renewing the biennial registration of the license; being convicted of a crime involving moral turpitude; or committing an act involving moral turpitude, dishonesty or corruption.

Section 13.3(n) of the act provides for required continuing education and proposed § 18.610 (relating to continuing education for licensed perfusionists) would address that topic. Proposed § 18.610(a) would set forth the general credit hour requirements. As required under section 13.3(n)(2) of the act, proposed § 18.610(a)(1) would require each licensed perfusionist to complete during each biennial registration period at least 30 hours of continuing education—including at least 10 hours in category I continuing education—applicable to the practice of perfusion. Consistent with section 13.3(n)(3) of the act, a licensee would not be required to complete continuing education during the biennial registration period in which the licensee was first licensed. In keeping with the statutory requirement for completing the continuing education requirement during each 2-year license period in section 13.3(n)(2) of the act, a licensee would not be permitted to carry over continuing education credit into a

subsequent renewal period in proposed § 18.610(a)(2). The Board views the statutorily-mandated number of hours of continuing education for biennial license renewal as a minimum to maintain competence during each biennial period and encourages its licensees to take as much continuing education as each licensee believes assists in maintaining excellence in practice. Consistent with this view, the Board's continuing education regulations for medical doctors, respiratory care practitioners and athletic trainers, as well as the continuing education regulations for other health care practitioners, such as nurses, do not provide for the carryover of continuing education credits taken over the minimum required for license renewal.

As a practical consideration, this section would recognize that a licensee may need to make up deficient continuing education credit to reactivate an inactive license or if otherwise ordered by the Board. However, a particular hour of continuing education taken in a given biennial registration period may not be used to satisfy the requirement both for that period and to make up a deficiency for a prior period. Section 13.3(n)(4) of the act permits a licensee to submit a written request for waiver of the continuing education requirement due to serious illness, military service or other demonstrated hardship. Proposed § 18.610(a)(3) would permit a licensee to request a waiver under these circumstances and would require that the request for a waiver be submitted at least 90 days before the end of the biennial registration period so that the Board could address the request and, if it is denied, give the licensee adequate opportunity to complete the required continuing education before the end of the period. Additionally, this proposed section would explicitly note that a waiver may include extending the deadline rather than simply relieving the licensee of the obligation to take continuing education. Proposed § 18.610(a)(4) would provide that a licensee would be subject to disciplinary action if the licensee submits false information to the Board regarding completion of the continuing education credit hour requirements or if a licensee fails to complete the required continuing education and practices as a perfusionist after the end of the biennial period.

Proposed § 18.610(b) would set forth the standards for documentation of continuing education that will be required for licensees to prove compliance with the continuing education requirements. In determining these requirements, representatives of the Board met with representatives of the Pennsylvania State Perfusion Society on November 10, 2011, and included detailed information in the regulatory provisions based on the documentation required by ABCP. Under proposed § 18.610(b)(1), a licensee shall receive a certified record of completion from the continuing education provider for attendance at an ABCP-approved perfusion meeting setting forth the participant's name, the provider's name, the date of the course, the name of the course and the number of hours of continuing education. Proposed § 18.610(b)(2)—(11) would set forth the documentation that a licensee shall retain for the following types of continuing education: publication of a book, chapter or paper in a perfusion-related publication; a presentation at an ABCP-approved or international perfusion meeting; participation in an ABCP knowledge base survey; reading or viewing medical journals, audio-visual or other educational materials; participation in a perfusion-related self-study module or electronic forum; participation in a perfusion-related journal club; completion of an academic course; presentation of a perfusion topic at a meeting that is not approved by

ABCP; participation as a clinical or didactic instructor in an accredited program; and participation in a site visitors' workshop or as an official site visit. Proposed § 18.610(b)(12) would require the licensee to retain the required documentation for at least 5 years after completion of the continuing education course or biennial registration period for which the continuing education was required, whichever is later. Because the Board will conduct postrenewal audits of licensees to verify compliance with the continuing education requirements, proposed § 18.610(b)(13) would require the licensee to submit proof of continuing education activities upon request by the Board.

Proposed § 18.610(c) would set forth the types of activities for which continuing education credit may be earned detailing how these continuing education activities will be quantified and the number of continuing education credits that a licensee may earn for completing each of the enumerated types of continuing education. In determining these requirements, representatives of the Board met with representatives of the Pennsylvania State Perfusion Society and included in the regulatory provisions the quantification of continuing education used by ABCP. In some instances, the Board's provisions are not identical to those of ABCP because ABCP requires continuing education on a triennial, rather than biennial, basis, thereby making an identical match difficult. However, the specific quantification of the credits would provide licensees with notice of how continuing education activities will be quantified for license renewal. Under proposed § 18.610(c)(1), specific hours of category I continuing education (which must provide at least 10 of the required 30 hours) could be earned by attendance at ABCP-approved perfusion meetings, publication of a perfusion-related book, chapter or paper in a professional publication, presentation at an ABCP-approved or international perfusion meeting or completion of an ABCP-knowledge base survey. Under proposed § 18.610(c)(2), other continuing education specific hours to reach the required total could be earned by reading or viewing medical journals, audio-visual or other educational materials, participating in perfusion-related self-study modules, electronic forums or journal clubs, completion of a science or health care-related academic course at a regionally accredited college or university, presentation of a perfusion topic at a meeting that is not approved by ABCP, working as a clinical or didactic instructor in an accredited school of perfusion or participating in a site visitors' workshop or as an official site visitor for perfusion program accreditation. However, as required under section 13.3(n)(6) of the act, proposed § 18.610(c)(3) would prohibit continuing education credit for a course in office management.

Because section 13.3(k) of the act provides for required professional liability insurance for perfusionists, proposed § 18.611(a) (relating to professional liability insurance coverage for licensed perfusionists) would require a licensed perfusionist to maintain professional liability insurance. Proposed § 18.611(d) would prohibit a perfusionist who does not have the required amount of liability insurance from practicing as a perfusionist in this Commonwealth. Section 13.3(k)(2) of the act requires an applicant to provide proof that the applicant has obtained the liability insurance. Section 13.3(k)(1) of the act requires evidence of insurance in the form of self-insurance, personally purchased liability insurance or professional liability insurance coverage provided by the perfusionist's employer or similar insurance coverage acceptable to the Board. Accordingly, proposed § 18.611(b) would set forth

the two possible options that proof of liability insurance may include. Proposed § 18.611(b)(1) would require either a certificate of insurance or a copy of the declarations page from the insurance policy setting forth the effective and expiration dates and the dollar amounts of coverage. Proposed § 18.611(b)(2) would allow for evidence of a plan of self-insurance as approved by the Insurance Commissioner of the Commonwealth under regulations of the Insurance Department in 31 Pa. Code Chapter 243 (relating to medical malpractice and health-related self-insurance plans). Section 13.3(k)(2) of the act permits an applicant to file with the application a letter from an insurance carrier stating that the applicant will be covered in the required amounts effective upon issuance of the license, but the applicant shall then submit the certificate of insurance or copy of the declaration page within 30 days after issuance of the license. To effectuate this provision, proposed § 18.611(c) would provide that a license issued in reliance upon the insurance carrier's letter will become inactive as a matter of law 30 days after the license is issued if the licensee has not submitted proof of insurance. The license will be inactivated and not suspended, because it is not a disciplinary action, as insurance is required only if practicing as a perfusionist in this Commonwealth.

*Fiscal Impact and Paperwork Requirements*

The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. Perfusionists who wish to become licensed to practice in this Commonwealth will bear the fiscal impact of the proposed rulemaking in the form of required fees and costs associated with obtaining the required continuing education. The Board has developed forms required to implement the proposed rulemaking. The proposed rulemaking will not impose additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

*Sunset Date*

The Board continuously monitors the 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 June 12, 2012, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey 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 Board, the General Assembly and the Governor of comments, recommendations or objections raised.

*Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to the Regulatory Unit Counsel, Department of State, P. O. Box 2649, Harrisburg, PA 17105-2649,

st-medicine@pa.gov within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-4935 (perfusionist) when submitting comments.

CAROL E. ROSE, M.D.,  
*Chairperson*

**Fiscal Note:** 16A-4935. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 16. STATE BOARD OF MEDICINE—GENERAL PROVISIONS**

**Subchapter A. BASIC DEFINITIONS AND INFORMATION**

**§ 16.1. Definitions.**

The following words and terms, when used in this chapter and Chapters 17 and 18 (relating to State Board of Medicine—medical doctors; and State Board of Medicine—practitioners other than medical doctors), have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Board-regulated practitioner*—A medical doctor, midwife, physician assistant, drugless therapist, athletic trainer, acupuncturist, practitioner of Oriental medicine, **perfusionist** or an applicant for a license or certificate that the Board may issue.

\* \* \* \* \*

**Subchapter B. GENERAL LICENSE, CERTIFICATION AND REGISTRATION PROVISIONS**

**§ 16.11. Licenses, certificates and registrations.**

\* \* \* \* \*

(b) The following nonmedical doctor licenses and certificates are issued by the Board:

\* \* \* \* \*

(6) Behavior specialist license.

**(7) Perfusionist license.**

(c) The following registrations are issued by the Board:

\* \* \* \* \*

(10) Biennial registration of a behavior specialist license.

**(11) Biennial registration of a perfusionist license.**

**§ 16.13. Licensure, certification, examination and registration fees.**

(k) *Examination Fees:*

The Board has adopted Nationally recognized examinations in each licensing class. Fees are established by the National owners/providers of the examinations and are indicated in the examination applications.

**(l) Perfusionist License.**

|   |              |
|---|--------------|
| <b>Application for perfusionist license.....</b>                        | <b>\$ 50</b> |
| <b>Biennial registration of perfusionist license .....</b>              | <b>\$ 50</b> |
| <b>Application for reactivation of perfusionist license .....</b>       | <b>\$ 50</b> |
| <b>Application for temporary graduate perfusionist license .....</b>    | <b>\$ 50</b> |
| <b>Application for temporary provisional perfusionist license .....</b> | <b>\$ 40</b> |

**CHAPTER 18. STATE BOARD OF MEDICINE—PRACTITIONERS OTHER THAN MEDICAL DOCTORS**

*(Editor’s Note: Subchapter J is new and printed in regular type to enhance readability.)*

**Subchapter J. PERFUSIONISTS**

|         |  |
|---------|--|
| Sec.    |  |
| 18.601. | Purpose.   |
| 18.602. | Definitions.   |
| 18.603. | Application for perfusionist license.                                      |
| 18.604. | Application for temporary graduate perfusionist license.                   |
| 18.605. | Application for temporary provisional perfusionist license.                |
| 18.606. | Registration of temporary emergency perfusionist service.                  |
| 18.607. | Biennial registration of perfusionist license.                             |
| 18.608. | Inactive status of perfusionist license; reactivation of inactive license. |
| 18.609. | Disciplinary action for licensed perfusionists.                            |
| 18.610. | Continuing education for licensed perfusionists.                           |
| 18.611. | Professional liability insurance coverage for licensed perfusionists.      |

**§ 18.601. Purpose.**

This subchapter implements section 13.3 of the act (63 P. S. § 422.13c), regarding perfusionists.

**§ 18.602. Definitions.**

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

*ABCP*—The American Board of Cardiovascular Perfusion.

*Accredited perfusion program approved by the Board*—A perfusion program accredited by a Nationally-recognized accrediting agency approved by the Board.

*CAAHEP*—The Commission on Accreditation of Allied Health Education Programs.

*Extracorporeal circulation*—The diversion of a patient’s blood through a heart-lung machine or similar device that assumes the functions of the patient’s heart, lungs, kidneys, liver or other organ.

*Hour of continuing education*—At least 50 minutes of instruction, including relevant question and answer sessions, in an approved course of continuing education or an equivalent time that an online or correspondence course would be presented live.

*Nationally-recognized accrediting agency approved by the Board*—CAAHEP or other organization for which the Board publishes notice that the organization is approved by the Board as an accrediting agency for perfusionist programs.

*Nationally-recognized certifying agency approved by the Board*—ABCP or other organization for which the Board publishes notice that the organization is approved by the Board as a certifying agency for perfusionists.

*Out-of-State perfusionist*—An individual who holds a current license as a perfusionist in another state, the District of Columbia or a territory of the United States or has obtained certification by a certifying agency approved by a Nationally-recognized accrediting agency.

*Perfusion*—The functions necessary for the support, treatment, measurement or supplementation of the cardiovascular system or other organs, or a combination of those functions, and for ensuring the safe management of physiologic functions by monitoring and analyzing the parameters of the systems under the supervision of a physician licensed under the act or the Osteopathic Medical Practice Act (63 P. S. §§ 271.1—271.18).

*Perfusionist*—An individual who is licensed to practice perfusion by the Board or the State Board of Osteopathic Medicine.

*Ventricular assist device*—

(i) A mechanical device used to partially or completely replace the function of a failing heart through connections to the heart and great vessels that may be located intracorporeally or extracorporeally.

(ii) The term includes a device that is placed intravascularly or extravascularly and provides support through direct means or through counterpulsation.

**§ 18.603. Application for perfusionist license.**

(a) An applicant for a license to practice as a perfusionist shall submit, on forms made available by the Board, a completed application, including the necessary supporting documents, for a license to practice as a perfusionist and pay the fee in § 16.13(k) (relating to licensure, certification, examination and registration fees) for application for a perfusionist license.

(b) The Board may issue a license to practice as a perfusionist to an applicant who:

(1) Demonstrates that the applicant holds a current certification by a certifying agency approved by a Nationally-recognized accrediting agency approved by the Board.

(2) Demonstrates that the applicant has graduated from an accredited perfusion program approved by the Board.

(3) Demonstrates that the applicant is at least 18 years of age and of good moral character.

(4) Demonstrates that the applicant has obtained professional liability insurance as required under section 13.3(k) of the act (63 P. S. § 422.13c(k)).

(5) Otherwise complies with this subchapter.

(c) The Board may deny an application for licensure as a perfusionist upon the grounds for disciplinary action in § 18.609 (relating to disciplinary action for licensed perfusionists).

**§ 18.604. Application for temporary graduate perfusionist license.**

(a) An applicant for a temporary graduate perfusionist license shall submit, on forms made available by the Board, a completed application, including the necessary supporting documents, and pay the fee in § 16.13(k) (relating to licensure, certification, examination and registration fees) for an application for a temporary graduate perfusionist license.

(b) The Board may grant a temporary graduate perfusionist license, which authorizes the license holder

to practice only under the supervision and direction of a perfusionist licensed under the act, to an applicant who:

(1) Demonstrates that the applicant is eligible for and has applied to sit for the examination of a certifying agency approved by a Nationally-recognized accrediting agency approved by the Board.

(2) Demonstrates that the applicant has graduated from an accredited perfusion program approved by the Board.

(3) Demonstrates that the applicant is at least 18 years of age and of good moral character.

(4) Demonstrates that the applicant has obtained professional liability insurance as required under section 13.3(k) of the act (63 P. S. § 422.13c(k)).

(5) Otherwise complies with this subchapter.

(c) The Board may deny an application for a temporary graduate perfusionist license upon the grounds for disciplinary action in § 18.609 (relating to disciplinary action for licensed perfusionists).

(d) A temporary graduate perfusionist license expires 2 years after the date of issuance and may not be renewed.

(e) A temporary graduate perfusionist license expires upon notice to the Board that the holder has failed the Nationally-recognized certifying agency's certification examination. The holder of a temporary graduate perfusionist license who fails the examination shall immediately cease practicing and return the license to the Board.

**§ 18.605. Application for temporary provisional perfusionist license.**

(a) An applicant for a temporary provisional perfusionist license shall submit, on forms made available by the Board, a completed application, including the necessary supporting documents, and pay the fee in § 16.13(k) (relating to licensure, certification, examination and registration fees) for application for a temporary provisional perfusionist license.

(b) The Board may grant a temporary provisional perfusionist license to an applicant who:

(1) Demonstrates that the applicant holds a current license in good standing under the laws of another state, the District of Columbia or a territory of the United States that includes certification by a certifying agency approved by a Nationally-recognized accrediting agency.

(2) Demonstrates that the applicant has graduated from an accredited perfusion program approved by the Board.

(3) Demonstrates that the applicant is at least 18 years of age and of good moral character.

(4) Demonstrates that the applicant has obtained professional liability insurance as required under section 13.3(k) of the act (63 P. S. § 422.13c(k)).

(5) Otherwise complies with this subchapter.

(c) The Board may deny an application for temporary provisional perfusionist licensure upon the grounds for disciplinary action in § 18.609 (relating to disciplinary action for licensed perfusionists).

(d) A temporary provisional perfusionist license expires 1 year after the date of issuance and may not be renewed.

**§ 18.606. Registration of temporary emergency perfusionist service.**

(a) An out-of-State perfusionist shall register with the Board in accordance with this section prior to providing

temporary emergency perfusionist service in this Commonwealth in accordance with section 13.3(j) of the act (63 P. S. § 422.13c(j)).

(b) The out-of-State perfusionist or another person acting on behalf of the out-of-State perfusionist shall submit, on forms made available by the Board, a completed registration form with the questions fully answered. The completed registration form shall be submitted by electronic means, including computer-to-computer, computer-to-facsimile machine or e-mail transmission.

(c) Although not limited to a single procedure or single patient or group of related patients, an out-of-State perfusionist may provide temporary emergency perfusionist services in this Commonwealth for no longer than 72 hours.

(d) An out-of-State perfusionist may not provide temporary emergency perfusionist service in this Commonwealth more than once without being licensed in accordance with § 18.603, § 18.604 or § 18.605 (relating to application for perfusionist license; application for temporary graduate perfusionist license; and application for temporary provisional perfusionist license).

**§ 18.607. Biennial registration of perfusionist license.**

(a) The license of a perfusionist expires biennially on December 31 of each even-numbered year in accordance with § 16.15 (relating to biennial registration; inactive status and unregistered status). A perfusionist may not practice after December 31 of an even-numbered year unless the perfusionist has completed the biennial registration process and the Board has issued a renewed registration.

(b) As a condition of biennial registration, a perfusionist shall:

(1) Submit a completed application, including payment of the biennial registration fee in § 16.13(k) (relating to licensure, certification, examination and registration fees), for application for biennial registration of perfusionist license.

(2) Disclose on the application a license to practice as a perfusionist in another state, territory, possession or country.

(3) Disclose on the application any disciplinary action pending before or taken by the appropriate health care licensing authority in another jurisdiction since the most recent application for biennial registration, whether or not licensed to practice in that other jurisdiction.

(4) Disclose on the application pending criminal charges and a finding or verdict of guilt, admission of guilt, plea of nolo contendere, probation without verdict, disposition instead of trial or accelerated rehabilitative disposition in a criminal matter since the most recent application for biennial registration.

(5) Verify on the application that the licensed perfusionist has complied with the continuing education requirements mandated under section 13.3(n) of the act (63 P. S. § 422.13c(n)) during the biennial period immediately preceding the period for which registration is sought in accordance with § 18.610 (relating to continuing education for licensed perfusionists).

(6) Verify on the application that, if practicing as a perfusionist in this Commonwealth, the licensee maintains professional liability insurance coverage in accordance with section 13.3(k) of the act.

**§ 18.608. Inactive status of perfusionist license; re-activation of inactive license.**

(a) A perfusionist license will become inactive upon either of the following:

(1) The licensee requests in writing that the Board place the license on inactive status. Written confirmation of inactive status will be forwarded to the licensee.

(2) The licensee fails to register the license by the expiration of the biennial registration period on December 31 of each even-numbered year.

(b) A perfusionist whose license has become inactive may not practice as a perfusionist in this Commonwealth until the license has been reactivated.

(c) To reactivate an inactive license, the licensee shall apply on forms made available by the Board and fully answer the questions. The licensee shall:

(1) Include the documentation required under § 18.610(b) (relating to continuing education for licensed perfusionists) for the immediately preceding biennium, which may be completed during the current biennium. Unless waived by the Board under section 13.3(n)(4) of the act (63 P. S. § 422.13c(n)(4)), the Board will not reactivate a license until the required continuing education for the preceding biennium has been successfully completed.

(2) Pay the current biennial registration fee and the reactivation application fee in § 16.13(k) (relating to licensure, certification, examination and registration fees).

(3) Verify that the licensee did not practice as a perfusionist in this Commonwealth while the license was inactive except as provided in subsection (d).

(d) A licensee who has practiced with an inactive license and who cannot make the verification required under subsection (c)(3) shall also pay the fees required under this subsection. Payment of a late fee does not preclude the Board from taking disciplinary action for practicing as a perfusionist without a currently registered license.

(1) A licensee whose license was active at the end of the immediately preceding biennial registration period and who practiced after the license became inactive shall pay a late fee of \$5 for each month or part of a month from the beginning of the current biennium until the date the reactivation application is filed.

(2) A licensee whose license has been inactive since before the beginning of the current biennium shall pay the biennial registration fee for each biennial registration period during which the licensee practiced and shall pay a late fee of \$5 for each month or part of a month from the first date the licensee practiced as a perfusionist in this Commonwealth after the license became inactive until the date the reactivation application is filed.

**§ 18.609. Disciplinary action for licensed perfusionists.**

(a) A licensed perfusionist, including a perfusionist holding a temporary graduate license or a temporary provisional license, is subject to disciplinary action under section 41 of the act (63 P. S. § 422.41). Following a final determination subject to the right of notice, hearing and adjudication and the right of appeal in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), the Board may impose a corrective action in section 42 of the act (63 P. S. § 422.42).

(b) Unprofessional conduct includes:

(1) Engaging in conduct prohibited under § 16.110 (relating to sexual misconduct).

(2) Performing an act in a health care profession in a fraudulent, incompetent or negligent manner.

(3) Violating a provision of the act or this chapter setting a standard of professional conduct.

(4) Engaging in health care practice beyond the licensee's authority to practice.

(5) Representing oneself to be a physician, physician assistant, certified registered nurse practitioner or other health care practitioner whose profession the perfusionist is not licensed to practice.

(6) Practicing while the licensee's ability to do so is impaired by alcohol, drugs, physical disability or mental instability.

(7) Revealing personally identifiable facts obtained as the result of a practitioner-patient relationship without the prior consent of the patient, except as authorized or required under statute or regulation.

(8) Failing to provide supervision as required under section 13.3(e)(2) of the act (63 P. S. § 422.13c(e)(2)) of a perfusion student or failing to provide supervision as required under section 13.3(e)(3) of the act of a perfusion graduate who is not otherwise licensed by the Board to perform perfusion in this Commonwealth.

(c) Immoral conduct includes:

(1) Misrepresenting or concealing a material fact in obtaining a license issued by the Board or renewal, reactivation or reinstatement thereof.

(2) Being convicted of a crime involving moral turpitude, dishonesty or corruption in the courts of the Commonwealth, the United States, another state, the District of Columbia, a territory of the United States or another country.

(3) Committing an act involving moral turpitude, dishonesty or corruption.

**§ 18.610. Continuing education for licensed perfusionists.**

(a) *Credit hour requirements.* A licensed perfusionist shall satisfy the following continuing education credit hour requirements:

(1) As a condition for biennial registration, a licensee shall complete at least 30 hours of continuing education applicable to the practice of perfusion, including at least 10 hours of category I continuing education. A licensee is not required to complete continuing education during the biennium in which the licensee was first licensed.

(2) Except when reactivating an inactive license, when the Board has granted a waiver or when ordered by the Board, continuing education credits may be used to satisfy the continuing education credit hour requirements only for the biennial period in which the credits were earned. An hour of continuing education may not be used to satisfy the requirement of paragraph (1) for more than 1 biennium.

(3) A licensee may request a waiver of the continuing education credit hour requirements because of serious illness, military service or other demonstrated hardship by submitting a request for waiver with supporting documentation to the Board at least 90 days prior to the end of the biennial registration period for which the waiver is sought. The Board may grant the waiver

request in whole or in part and may extend the deadline by which the credit hour requirements shall be met.

(4) A licensee may be subject to disciplinary sanction as provided in section 41 of the act (63 P. S. § 422.41), including the suspension or revocation of the license, imposition of a civil penalty or other corrective measure as determined by the Board if the licensee either submits false information to the Board regarding completion of the continuing education credit hour requirements to complete biennial registration or fails to complete the continuing education hour requirements and practices as a perfusionist after the end of the biennial period.

(b) *Documentation of continuing education.* Continuing education shall be documented in the following manner.

(1) Proof of attendance at an ABCP-approved perfusion meeting consists of a certified record issued by the provider, including:

- (i) The name of the participant.
- (ii) The name of the provider.
- (iii) The date or dates of the course.
- (iv) The name of the course.
- (v) The number of hours of continuing education credit.

(2) Proof of a perfusion-related publication consists of the complete citation reference to the book, chapter or paper in a professional publication.

(3) Proof of presentation at an ABCP-approved or international perfusion meeting consists of a copy of the program agenda.

(4) Proof of participation in an ABCP knowledge base survey consists of a letter from ABCP.

(5) Proof of reading or viewing medical journals, audio-visual or other educational materials consists of a list of the complete citation reference for the materials read or reviewed.

(6) Proof of participation in a perfusion-related self-study module or electronic forum consists of a copy of the printed completion document supplied by the sponsor.

(7) Proof of participation in a perfusion-related journal club consists of the meeting agenda with topic and date.

(8) Proof of completion of an academic course consists of a copy of the official college or university transcript.

(9) Proof of presentation of a perfusion topic at a meeting that is not approved by the ABCP consists of a copy of the meeting agenda.

(10) Proof of participation as a clinical or didactic instructor in an accredited program consists of a letter of confirmation of the instructor's status from the program director.

(11) Proof of participation in a site visitors' workshop or as an official site visit consists of a letter from the ABCP.

(12) A licensee shall retain proof of completion of continuing education for 5 years after completion of the continuing education or after the completion of the biennial registration period for which the continuing education was required, whichever is later.

(13) The Board will audit licensees to verify compliance with continuing education requirements. A licensee shall submit proof of continuing education activities upon request by the Board.

(c) *Continuing education activities.* Credit for continuing education may be earned in the following activities.

(1) Category I continuing education may be earned by:

(i) Attendance at an ABCP-approved perfusion meeting. One continuing education credit may be earned for each hour of continuing education.

(ii) Publication of a perfusion-related book, chapter or paper in a professional publication. Five continuing education credits may be earned for each publication.

(iii) Presentation at an ABCP-approved or international, National, regional, state or local perfusion meeting. Five continuing education credits may be earned for each presentation. Two credits may be earned for each poster presentation or exhibit.

(iv) Completion of an ABCP-knowledge base survey. Five continuing education hours may be earned for completing the continuing education activity. The activity may only be counted for credit once in a biennial period.

(2) In addition to category I, continuing education may also be earned by:

(i) Reading or viewing medical journals, audio-visual or other educational materials. One continuing education credit may be earned for each medical journal, audio-visual or other educational material read or viewed with a maximum of ten credits biennially.

(ii) Participation in perfusion-related self-study modules or electronic forums. One continuing education credit may be earned for each 50- to 60-minute period of the activity with a maximum of ten credits biennially.

(iii) Participation in a perfusion-related journal club. One continuing education credit may be earned for each 50- to 60-minute period of the activity, with a maximum of ten credits biennially.

(iv) Completion of a science or health care-related academic course at a regionally accredited college or university. One continuing education credit may be earned biennially.

(v) Presentation of a perfusion topic at a meeting that is not approved by ABCP. One continuing education credit may be earned biennially.

(vi) Working as a clinical or didactic instructor in an accredited school of perfusion. Two continuing education credits may be earned with a maximum of four credits biennially.

(vii) Participation in a site visitors' workshop or as an official site visitor for perfusion program accreditation. Five continuing education credits may be earned. The activity may only be counted for credit once in a biennial period.

(3) Continuing education credit may not be earned in any course in office management.

**§ 18.611. Professional liability insurance coverage for licensed perfusionists.**

(a) A licensed perfusionist shall maintain a level of professional liability insurance coverage as required under section 13.3(k) of the act (63 P. S. § 422.13c(k)).

(b) Proof of professional liability insurance coverage may include:

(1) A certificate of insurance or copy of the declaration page from the insurance policy setting forth the effective date, expiration date and dollar amounts of coverage.



(2) Evidence of a plan of self-insurance approved by the Insurance Commissioner of the Commonwealth under regulations of the Insurance Department in 31 Pa. Code Chapter 243 (relating to medical malpractice and health-related self-insurance plans).

(c) A license that was issued in reliance upon a letter from the applicant's insurance carrier indicating that the applicant will be covered against professional liability effective upon the issuance of the applicant's license as permitted under section 13.3(k)(2) of the act will become inactive as a matter of law 30 days after the date of issuance on the license if the licensee has not provided proof of professional liability insurance coverage and will remain inactive until the licensee provides proof of insurance coverage.

(d) A licensee who does not have professional liability insurance coverage as required under section 13.3(k) of the act may not practice as a perfusionist in this Commonwealth.

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## STATE BOARD OF OSTEOPATHIC MEDICINE

[ 49 PA. CODE CH. 25 ]

### Perfusionist

The State Board of Osteopathic Medicine (Board) proposes to amend §§ 25.215 and 25.231 (relating to definitions; and schedule of fees) and to add §§ 25.801—25.811 (relating to perfusionists) to read as set forth in Annex A.

#### *Effective Date*

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

#### *Statutory Authority*

The proposed rulemaking is authorized under sections 13.3 and 16 of the Osteopathic Medical Practice Act (act) (63 P. S. §§ 271.13c and 271.16).

#### *Background and Need for the Proposed Rulemaking*

The act of June 11, 2008 (P. L. 161, No. 20) (Act 20) amended the act to provide for licensure of perfusionists. Section 2 of the act (63 P. S. § 271.2) now defines the term "perfusion" as "the functions necessary for the support, treatment, measurement or supplementation of the cardiovascular system or other organs, or a combination of those functions, and for ensuring the safe management of physiologic functions by monitoring and analyzing the parameters of the systems under the supervision of a physician. . . ." This proposed rulemaking would amend the Board's regulations to implement licensure of perfusionists under the act as amended by Act 20. This proposed rulemaking is also designed to provide to prospective licensees adequate notice of the requirements for licensure as a perfusionist.

Section 13.3(a) of the act provides that "two years after the effective date of this section, it shall be unlawful for any person to hold himself out to the public as a perfusionist or to practice or offer to practice perfusion unless the person holds a valid, current license issued by the board or the State Board of Medicine." The Board did not propose a rulemaking to incorporate the "grandfa-

ther" provision of section 13.3(g) of the act. That section provided that, during the first 2 years after the effective date of Act 20, a person who was not a graduate of an accredited program prior to 1981, but who met the then-current eligibility requirements for certification as a certified clinical perfusionist and subsequently was certified, could become licensed if the person otherwise complies with the requirements for licensure. This statutory provision is self-executing on this particular issue and the qualifications for licensure in the act are clear and unambiguous.

Practice of perfusion in this Commonwealth without a license from the Board was prohibited after August 10, 2010. In June 2010, the Board, in conjunction with the State Board of Medicine (Medical Board), developed an application for licensure, which was placed on the Board's and the Medical Board's web sites. With the cooperation of stakeholders, including the Pennsylvania State Perfusion Society and the American Society of ExtraCorporeal Technology, the Board and the Medical Board notified the perfusionist community of the availability of the application process and the statutory deadline as well as the availability of the application forms electronically and by mail. The Board has worked to facilitate and expedite the access and transmittal of documentation of certification, education and insurance coverage. The Board also agreed on this occasion to consider the date of filing of the application as the controlling date, even if supporting documentation remained in transit. The application and license issuance procedure concluded with every applicant who was eligible under the "grandfather" provision and was otherwise qualified for licensure, receiving a license.

#### *Description of the Proposed Rulemaking*

The proposed rulemaking would add licensure as a perfusionist. The proposed rulemaking would first amend § 25.215 to add perfusionist to the list of other Board-regulated practitioners. Section 25.231 would set forth the fees associated with perfusionist licensure to be charged by the Board as authorized by section 13.3(l) of the act. To recover the costs of providing those services, the fee for applications for perfusionist license, reactivation of perfusionist license and temporary graduate perfusionist license would each be \$50 and the fee for application for temporary provisional perfusionist license would be \$40. Because the Board believes that the cost to provide the service would be minimal and does not want to delay application, the Board has not set a fee for notification of emergency practice as a perfusionist. To provide for an appropriate share of the general costs of operating the Board, the biennial renewal fee for a perfusionist would be \$50.

The proposed rulemaking would also add Subchapter N (relating to perfusionists). Proposed § 25.801 (relating to purpose) would identify the purpose of the subchapter as providing for licensure of perfusionists. Proposed § 25.802 (relating to definitions) would provide necessary definitions. These include the statutory definitions of "extracorporeal circulation," "perfusion," "perfusionist" and "ventricular assist device" as used in the subchapter. Additionally, the Board would define "ABCP" as the American Board of Cardiovascular Perfusion (ABCP), the National body that both administers the exam and certifies perfusionists. The Board would define "CAAHEP" as the Commission on Accreditation of Allied Health Education Programs (CAAHEP), which accredits perfusion education programs. The Board would define "accredited perfusion program approved by the Board" as a perfusion program accredited by a Nationally recognized accrediting

agency approved by the Board. The Board would further define “Nationally-recognized accrediting agency approved by the Board” as CAAHEP or other organization for which the Board publishes notice that the organization is approved by the Board as an accrediting agency for perfusionist programs. The Board would also define “Nationally-recognized certifying agency approved by the Board” as ABCP or other organization for which the Board publishes notice that the organization is approved by the Board as a certifying agency for perfusionist programs. Furthermore, the Board would define an “hour of continuing education” as “at least 50 minutes of instruction, including question and answer sessions, in an approved course of continuing education or an equivalent time that an online or correspondence course would be presented live.” This time is consistent with the standards for continuing education that is required by ABCP for recertification. Finally, the Board defines “out-of-State perfusionist” as an individual who holds a current license as a perfusionist in another state, the District of Columbia or a territory of the United States or has obtained certification by a certifying agency approved by a Nationally-recognized accrediting agency. The Board determined that it is necessary to define the term “out-of-State perfusionist” because section 13.3(j)(1) of the act contains the phrase “in another state, the District of Columbia or a territory of the United States” and uses the phrase “out-of-State perfusionist” throughout the remainder of section 13.3(j)(1)(i) and (ii), (2) and (3) of the act. Therefore, the Board defined “out-of-State perfusionist” as including these geographic entities and used the phrase “out-of-State perfusionist” in § 25.806 (relating to registration of temporary emergency perfusionist service).

Proposed § 25.803 (relating to application for perfusionist license) would address the application for licensure as a perfusionist. Under proposed § 25.803(a), an applicant shall submit a completed application form, including necessary supporting documents, and pay the required application fee. Section 13.3(f) of the act sets five criteria for licensure as a perfusionist: 1) the applicant must be at least 18 years of age; 2) be of good moral character; 3) have graduated from an accredited perfusion program approved by the Board; 4) be certified by a certifying agency approved by a Nationally recognized accrediting agency approved by the Board; and 5) complete an application form and pay the appropriate fee. Accordingly, proposed § 25.803(b)(1) would provide that the Board will license as a perfusionist an applicant who demonstrates that the applicant satisfies the requirements of section 13.3(f) of the act for licensure as a perfusionist. Because for proposed § 25.811 (relating to professional liability insurance coverage for licensed perfusionist), section 13.3(k) of the act requires a perfusionist to carry a minimum level of professional liability insurance, proposed § 25.803(b)(4) would require that an applicant provide proof of liability insurance. Because the Board is also setting forth in its proposed rulemaking grounds for disciplinary action in proposed § 25.809 (relating to disciplinary action for licensed perfusionist), proposed § 25.803(c) would provide that the Board may deny an application for perfusionist licensure upon those grounds for disciplinary action.

Proposed § 25.804 (relating to application for temporary graduate perfusionist license) would address the application for temporary graduate perfusionist license as provided in section 13.3(h) of the act. Under proposed § 25.804(a), an applicant shall submit a completed application form, including necessary supporting documents, and pay the required application fee. Because section

13.3(h)(1)(i) of the act provides that an individual’s authorization to practice perfusion is granted only under the supervision and direction of a perfusionist licensed under the act, the Board would place this requirement at the beginning of proposed § 25.804(b). Section 13.3(h)(1) of the act provides that an individual who has graduated from an educational program in compliance with the education requirements and is eligible for and has applied for the examination may receive a temporary graduate license. These criteria, along with good moral character and being at least 18 years of age, would be set forth in proposed §§ 25.804(b)(1)—(3) as the basic requirements for a temporary graduate license. Because for proposed § 25.811, section 13.3(k) of the act requires a perfusionist to carry a minimum level of professional liability insurance, proposed § 25.804(b)(2) would require that an applicant provide proof of liability insurance. Because the Board is also setting forth in its proposed rulemaking grounds for disciplinary action in proposed § 25.809, proposed § 25.804(c) would provide that the Board may deny an application for perfusionist temporary graduate license upon those grounds for disciplinary action. Because section 13.3(h)(3) of the act provides that a temporary graduate license is to be issued for 2 years but not be renewable, proposed § 25.804(d) would provide that a temporary graduate perfusionist license expires 2 years after the date of issuance and may not be renewed. Because section 13.3(h)(4) of the act provides that a temporary graduate license is to expire upon notice of failing the required examination, proposed § 25.804(e) would provide that a temporary graduate perfusionist license expires upon notice to the Board that the holder failed the Nationally recognized accrediting agency’s certification examination. The Board receives perfusionist test results directly from ABCP, the organization that administers the two-part examination. (For example, during 2011, the Board received the results of the March exam in April and the results of the October exam in December. As of December 22, 2011, there were only two licensed temporary graduate perfusionists in this Commonwealth.) If the Board were to receive a report that an individual has failed one of the two parts of the examination, the Board staff would determine if the individual holds a temporary graduate perfusionist license and, if so, would take appropriate steps to inform the license holder that the license was null and void and request return of the license. Furthermore, the Board would clarify in the last sentence of proposed § 25.804(e) that a perfusionist who fails the examination must immediately cease practice and return the temporary graduate perfusionist license to the Board.

Proposed § 25.805 (relating to application for temporary provisional perfusionist license) would address the application for temporary provisional perfusionist license, as provided in section 13.3(i) of the act. Under proposed § 25.805(a), an applicant shall submit a completed application form, including necessary supporting documents, and pay the required application fee. Section 13.3(i)(1)(i) and (ii) of the act provides that an individual who holds a current license in good standing under the laws of another state, which includes certification by a certifying agency approved by a Nationally recognized accrediting agency, may receive a temporary provisional license if the applicant meets the requirements of section 13.3(f)(1)—(3) of the act that the applicant is at least 18 years of age and of good moral character and has graduated from an accredited perfusion program approved by the Board. These criteria are in proposed § 25.805(b)(1)—(3) as the basic requirements for a temporary provisional license. Because section 13.3(k) of the act requires a perfusionist

to carry a minimum level of professional liability insurance, proposed § 25.805(b)(4) would require that an applicant provide proof of liability insurance. Because the Board is also setting forth in this proposed rulemaking grounds for disciplinary action in proposed § 25.809, proposed § 25.805(c) would provide that the Board may deny an application for perfusionist temporary provisional license upon those grounds for disciplinary action in § 25.809. Because section 13.3(i)(2) of the act provides that a temporary provisional license is to be issued for 1 year but not be renewable, proposed § 25.805(d) would provide that a temporary provisional perfusionist license expires 1 year after the date of issuance and may not be renewed thereafter.

Section 13.3(j) of the act provides an exemption to the general prohibition against unlicensed practice for one-time temporary emergency services by an out-of-State licensed perfusionist when the licensed perfusionist that would normally have provided the services is unavailable or incapable of providing services and no other licensed perfusionist is available or capable of providing services. Section 13.3(j)(1)(i) and (ii) of the act requires the out-of-State perfusionist to provide to the Board electronic notice of the emergency and acknowledgment that the out-of-State perfusionist is subject to jurisdiction of the Board as if licensed by the Board and requires the health care facility to provide to the Board electronic notice that services were provided and the grounds for the exemption. Proposed § 25.806(a) would require the out-of-State perfusionist to register with the Board in accordance with section 13.3(j) of the act prior to providing emergency services. Under proposed § 25.806(b), the out-of-State perfusionist or other person acting on behalf of the out-of-State perfusionist (such as health care facility staff) shall submit by electronic means a completed registration on forms provided by the Board. It is anticipated that this registration will be done almost exclusively from the Board's web site. To provide clarity, the Board would state in § 25.806(b) what is meant by electronic means, including "computer-to-computer, computer-to-facsimile machine or e-mail transmission." Because "one-time emergency perfusionist service" is not defined in section 13.3(j) of the act, proposed § 25.806(c) would provide that although the services are not limited to a single procedure or patient or group of related patients, the out-of-State perfusionist may not provide emergency services for longer than 72 hours. The Board chose this method because it provides a bright-line rule and would be more applicable to the situations for which emergency services would be needed. As to its selection of the 72-hour time limit, the Board believes that surgeons and health care facilities plan for groups of patients with procedures requiring perfusionist services, not necessarily a single patient with a single procedure. Should the planned perfusionist suddenly become unavailable, this would affect multiple patients and procedures, not just a single patient for a single procedure. An upper limit of 72 hours provides adequate time to perform those procedures that cannot wait and also to make alternative arrangements with one or more perfusionists licensed in this Commonwealth. The Board acknowledges that section 13.3(j)(1)(ii)(A) and (D) of the act requires the health care facility to certify that "the emergency perfusionist services were provided for a patient of the health care facility," and that the "out-of-State perfusionist provided only the emergency perfusionist services for the patient of the health care facility and no other perfusionist services at the health care facility." The Board interprets this language to limit perfusionist services to those that are emergencies as otherwise required in section 13.3(j) of the act, even if not for only a single

patient. Section 13.3(j)(3) of the act prohibits the out-of-State perfusionist from providing services other than emergency services. Consistent with section 13.3(j)(2) of the act, proposed § 25.806(d) would provide that the out-of-State perfusionist may not provide further perfusionist service in this Commonwealth without being licensed as a perfusionist or holding a temporary graduate license or temporary provisional license.

Because licenses issued by the Board must be registered biennially as a condition of practice in accordance with section 10(c) of the act (63 P. S. § 271.10(c)) expire after 2 years and must be renewed biennially, proposed § 25.807 (relating to renewal of perfusionist license) would address biennial registration of perfusionist licenses. Proposed § 25.807(a) would require the licensed perfusionist to register by December 31 of each even-numbered year, which is the same expiration date for other perfusionist licenses issued by the Medical Board. Additionally, this subsection would require a licensed perfusionist to notify the Board within 10 business days of a change in name or address. Under proposed § 25.807(b), a licensed perfusionist is required to complete and submit the renewal application, including the required renewal fee, and disclose the following on the application: a license to practice as a perfusionist in any other jurisdiction; disciplinary action pending before or taken by the appropriate health care licensing authority in another jurisdiction; pending criminal charges; and convictions. A licensed perfusionist shall also verify on the application that the licensee has complied with the continuing education requirements and verify that if practicing as a perfusionist in this Commonwealth the licensee maintains professional liability insurance coverage as required under section 13.3(k) of the act.

Proposed § 25.808 (relating to inactive status of perfusionist license; reactivation of inactive license) would address inactive status of perfusionist licenses. Proposed § 25.808(a) would provide that license may become inactive either by the licensee's request or by expiration at the end of the biennial renewal period. To minimize the opportunity or consequence of a license being incorrectly placed on inactive status at what appears to be the request of the licensee, proposed § 25.808(a)(1) would provide that the Board will forward written confirmation of inactive status to the licensee. Proposed § 25.808(b) would provide that a perfusionist whose license is inactive may not practice as a perfusionist in this Commonwealth until the license has been reactivated. Proposed § 25.808(c) would provide the general requirement for reactivation of an inactive perfusionist license that the licensee shall apply on forms supplied by the Board, answer the questions fully, provide documentation of completion of the required amount of continuing education for the preceding biennium, as required under section 13.3(n)(5) of the act, pay the current renewal fee and the reactivation fee specified in § 25.231 and verify that the licensee did not practice as a perfusionist in this Commonwealth while the license was inactive. If the licensee does not verify that the licensee did not practice during the period of lapse, the license may be reactivated under proposed § 25.808(d) by paying additional fees. Under that proposed section, in addition to the requirements of subsection (c), the licensee shall pay the renewal fee for past renewal periods and a late fee of \$5 per month. This late fee is the standard late renewal fee of section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401-225). However, as provided in proposed § 25.808(d), payment of late fees

will not preclude the Board from taking disciplinary action for practicing while the license was inactive.

Proposed § 25.809 addresses disciplinary action. Although section 13.3 of the act does not specifically authorize the Board to take disciplinary action against a licensed perfusionist, section 13.3(m) of the act provides that disciplinary action taken by the Board against a perfusionist shall be enforceable by the Medical Board if the perfusionist seeks licensure by that board. Section 15(b) of the act (63 P. S. § 271.15(b)) authorizes the Board “to refuse, revoke or suspend the license of a physician assistant, respiratory therapist or athletic trainer,” that is, the other nonphysicians licensed by the Board, for a variety of grounds. Accordingly, proposed § 25.809(a) would provide that a licensed perfusionist, including one holding a temporary graduate license or temporary provisional license, is subject to disciplinary action under section 15(b) of the act and that the Board may impose a corrective action in section 15(c) of the act. Because section 15(b)(9) of the act authorizes the Board to take disciplinary action for immoral or unprofessional conduct, proposed § 25.809(b) would define unprofessional conduct and proposed § 25.809(c) would define immoral conduct. Modeled upon § 25.201 (relating to grounds for complaint), unprofessional conduct would include the following: performing acts in a health care profession in a fraudulent or incompetent or negligent manner; violating a provision of the act or a regulation of the Board setting a standard of professional conduct; engaging in health care practice beyond the licensee’s authority to practice; representing oneself to be a licensed physician or other health care provider; practicing while the licensee’s ability to do so is impaired by alcohol, drugs, physical disability or mental instability; or revealing personally identifiable facts obtained as the result of the practitioner-patient relationship. Immoral conduct would include the following: misrepresenting or concealing a material fact in obtaining a license or reactivating or renewing the license; being convicted of a crime involving moral turpitude; or committing an act involving moral turpitude, dishonesty or corruption. Additionally, unprofessional conduct would include engaging in conduct prohibited by § 25.216 (relating to sexual misconduct). Section 13.3(e)(2) of the act exempts from the general prohibition against practicing perfusion without a license a perfusion student who, among other requirements, is performing under the direct supervision of a perfusionist who is assigned to supervise the student. Likewise, section 13.3(e)(3) of the act exempts a perfusion graduate who, among other requirements, is performing under the supervision and responsibility of a perfusionist. Accordingly, proposed § 25.809(b)(8) would include in unprofessional conduct failing to provide supervision as required by section 13.3(e)(2) of the act of a perfusion student or failing to provide supervision as required under section 13.3(e)(3) of the act of a perfusion graduate who is not otherwise licensed by the Board to practice perfusion.

Section 13.3(n) of the act provides for required continuing education and proposed § 25.810 (relating to continuing education for licensed perfusionist) would address that topic. Proposed § 25.810(a) would set forth the general credit hour requirements. As required under section 13.3(n)(2) of the act, proposed § 25.810(a)(1) would require each licensed perfusionist to complete at least 30 hours of continuing education, including at least 10 hours in category I continuing education, applicable to the practice of perfusion during each biennial renewal period. Consistent with section 13.3(n)(3) of the act, a licensee would not be required to complete continuing

education during the biennial renewal period in which the licensee was first licensed. In keeping with the statutory requirement for completing the continuing education requirement during each 2-year license period in section 13.3(n)(2) of the act, a licensee would not be permitted to carry over continuing education credit into a subsequent renewal period in proposed § 25.810(a)(2). The Board views the statutorily-mandated number of hours of continuing education for biennial license renewal as a minimum to maintain competence during each biennial period and encourages its licensees to take as much continuing education as each licensee believes assists in maintaining excellence in practice. Consistent with this view, the Board’s continuing education regulations for medical doctors, respiratory care practitioners and athletic trainers, as well as the continuing education regulations for other health care practitioners, such as nurses, do not provide for the carryover of continuing education credits taken over the minimum required for license renewal.

As a practical consideration, this section would recognize that a licensee may need to make up deficient continuing education credit to reactivate an inactive license or if otherwise ordered by the Board. However, a particular hour of continuing education taken in a given biennial renewal period may not be used to satisfy the requirement both for that period and to make up a deficiency for a prior period. Section 13.3(n)(4) of the act permits a licensee to submit a written request for waiver of the continuing education requirement due to serious illness, military service or other demonstrated hardship. Proposed § 25.810(a)(3) would permit a licensee to request a waiver under these circumstances and would require that the waiver request be submitted at least 90 days before the end of the renewal period so that the Board could address the request and, if it is denied, give the licensee adequate opportunity to complete the required continuing education before the license would expire. Additionally, this proposed section would explicitly note that waiver may include extending the deadline, rather than simply relieving the licensee of the obligation to take continuing education. Proposed § 25.810(a)(4) would provide that a licensee would be subject to disciplinary action if the licensee submits false information to the Board regarding completion of the continuing education credit hour requirements or if a licensee fails to complete the required continuing education and practices as a perfusionist after the end of the biennial period.

Proposed § 25.810(b) would set forth the standards for documentation of continuing education that will be required for licensees to prove compliance with the continuing education requirements. In determining these requirements, representatives of the Board met with representatives of the Pennsylvania State Perfusion Society on November 10, 2011, and included detailed information in the regulatory provisions based on the documentation required by ABCP. Under proposed § 25.810(b)(1), a licensee shall receive a certified record of completion from the continuing education provider for attendance at an ABCP-approved perfusion meeting, setting forth the participant’s name, the provider’s name, the date of the course, the name of the course and the number of hours of continuing education. Proposed § 25.810(b)(2)—(11) would set forth the documentation that a licensee shall retain for the following types of continuing education: publication of a book, chapter or paper in a perfusion-related publication; a presentation at an ABCP-approved or international perfusion meeting; participation in an ABCP knowledge base survey; reading or viewing medical journals, audio-visual or other educational materials;

participation in a perfusion-related self-study module or electronic forum; participation in a perfusion-related journal club; completion of an academic course; presentation of a perfusion topic at a meeting that is not approved by ABCP; participation as a clinical or didactic instructor in an accredited program; and participation in a site visitors' workshop or as an official site visit. Proposed § 25.810(b)(12) would require the licensee to retain the record for at least 5 years after completion of the continuing education course or biennial registration period for which the continuing education was required, whichever is later. Because the Board will conduct post-renewal audits of licensees to verify compliance with the continuing education requirements, proposed § 25.810(b)(13) would require the licensee to submit proof of continuing education activities upon request by the Board.

Proposed 25.810(c) would set forth the types of activities for which continuing education credit may be earned detailing how these continuing education activities will be quantified and the number of continuing education credits that a licensee may earn for completing each of the enumerated types of continuing education. In determining these requirements, representatives of the Board met with representatives of the Pennsylvania State Perfusion Society and included in the regulatory provisions the quantification of continuing education used by ABCP. In some instances, the Board's provisions are not identical to those of ABCP because ABCP requires continuing education on a triennial, rather than biennial, basis, thereby making an identical match difficult. However, the specific quantification of the credits would provide licensees with notice of how continuing education activities will be quantified for license renewal. Under proposed § 25.810(c)(1), category I continuing education (which must provide at least 10 of the required 30 hours) could be earned by attendance at ABCP-approved perfusion meetings, publication of a perfusion-related book, chapter or paper in a professional publication, presentation at an ABCP-approved or international perfusion meeting or completion of an ABCP-knowledge base survey. Under proposed § 25.810(c)(2), other continuing education to reach the required total could be earned by reading or viewing medical journals, audio-visual or other educational materials, participating in perfusion-related self-study modules, electronic forums or journal clubs, completion of a science or health care-related academic course at a regionally accredited college or university, presentation of a perfusion topic at a meeting that is not approved by ABCP, working as a clinical or didactic instructor in an accredited school of perfusion or participating in site visitor workshop or as an official site visitor for perfusion program accreditation. However, as noted in section 13.3(n)(6) of the act, proposed § 25.810(c)(3) would prohibit continuing education credit for a course in office management.

Because section 13.3(k) of the act provides for required professional liability insurance for perfusionists, proposed § 25.811(a) would require a licensed perfusionist to maintain a level of professional liability insurance. Proposed § 25.811(d) would prohibit a perfusionist who does not have the required amount of liability insurance from practicing as a perfusionist in this Commonwealth. Section 13.3(k)(2) of the act requires an applicant to provide proof that the applicant has obtained the liability insurance. Section 13.3(k)(1)(i)—(iii) of the act requires evidence of insurance in the form of self-insurance, personally purchased liability insurance or professional liability insurance coverage provided by the perfusionist's em-

ployer or similar insurance coverage acceptable to the Board. Accordingly, proposed § 25.811(b) would set forth the two possible options that proof of liability insurance may include. Proposed § 25.811(b)(1) would require either a certificate of insurance or a copy of the declarations page from the insurance policy setting forth the effective and expiration dates and the dollar amounts of coverage. Proposed § 25.811(b)(2) would allow for evidence of a plan of self-insurance as approved by the Insurance Commissioner of the Commonwealth under regulations of the Insurance Department in 31 Pa. Code Chapter 243 (relating to medical malpractice and health-related self-insurance plans). Section 13.3(k)(2) of the act permits an applicant to file with the application a letter from an insurance carrier stating that the applicant will be covered in the required amounts effective upon issuance of the license, but the applicant shall then submit the certificate of insurance or copy of the declaration page within 30 days after issuance of the license. To effectuate this provision, proposed § 25.801(c) would provide that a license issued in reliance upon the insurance carrier's letter will become inactive as a matter of law 30 days after the license is issued if the licensee has not submitted proof of insurance. The license will be inactive and not suspended, because it is not a disciplinary action, as insurance is required only if practicing as a perfusionist in this Commonwealth.

#### *Fiscal Impact and Paperwork Requirements*

The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. Perfusionists who wish to become licensed to practice in this Commonwealth will bear the fiscal impact of the proposed rulemaking in the form of required fees and costs associated with obtaining the required continuing education. The Board has developed forms required to implement the proposed rulemaking. The proposed rulemaking will not impose additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

#### *Sunset Date*

The Board continuously monitors the 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 June 12, 2012, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey 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 Board, the General Assembly and the Governor of the comments, recommendations or objections raised.

#### *Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed

rulemaking to the Regulatory Unit Counsel, Department of State, P. O. Box 2649, Harrisburg, PA 17105-2649, st-osteopathic@state.pa.us within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-5324 (perfusionist) when submitting comments.

ALFRED J. POGGI, D.O.,  
Chairperson

**Fiscal Note:** 16A-5324. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 25. STATE BOARD OF OSTEOPATHIC MEDICINE**

**Subchapter D. MINIMUM STANDARDS OF PRACTICE**

**§ 25.215. Definitions.**

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

*Board-regulated practitioner*—An osteopathic physician, **perfusionist**, physician assistant, respiratory care practitioner, athletic trainer, acupuncturist or an applicant for a license or certificate issued by the Board.

\* \* \* \* \*

**Subchapter F. FEES**

**§ 25.231. Schedule of fees.**

An applicant for a license, certificate, registration or service shall pay the following fees at the time of application:

\* \* \* \* \*

|   |              |
|---|--------------|
| Application for acupuncturist supervisor registration .....             | \$30         |
| <b>Application for perfusionist license .....</b>                       | <b>\$ 50</b> |
| <b>Biennial renewal of perfusionist license .....</b>                   | <b>\$ 50</b> |
| <b>Application for reactivation of perfusionist license .....</b>       | <b>\$ 50</b> |
| <b>Application for temporary graduate perfusionist license .....</b>    | <b>\$ 50</b> |
| <b>Application for temporary provisional perfusionist license .....</b> | <b>\$ 40</b> |

(*Editor's Note:* Subchapter N is new and printed in regular type to enhance readability.)

**Subchapter N. PERFUSIONISTS**

|              |  |
|--------------|--|
| Sec. 25.801. | Purpose.   |
| 25.802.      | Definitions.   |
| 25.803.      | Application for perfusionist license.                                      |
| 25.804.      | Application for temporary graduate perfusionist license.                   |
| 25.805.      | Application for temporary provisional perfusionist license.                |
| 25.806.      | Registration of temporary emergency perfusionist service.                  |
| 25.807.      | Renewal of perfusionist license.   |
| 25.808.      | Inactive status of perfusionist license; reactivation of inactive license. |
| 25.809.      | Disciplinary action for licensed perfusionist.                             |
| 25.810.      | Continuing education for licensed perfusionist.                            |
| 25.811.      | Professional liability insurance coverage for licensed perfusionist.       |

**§ 25.801. Purpose.**

This subchapter implements section 13.3 of the act (63 P. S. § 271.13c), regarding perfusionists.

**§ 25.802. Definitions.**

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

*ABCP*—The American Board of Cardiovascular Perfusion.

*Accredited perfusion program approved by the Board*—A perfusion program accredited by a Nationally-recognized accrediting agency approved by the Board.

*CAAHEP*—The Commission on Accreditation of Allied Health Education Programs.

*Extracorporeal circulation*—The diversion of a patient's blood through a heart-lung machine or similar device that assumes the functions of the patient's heart, lung, kidney, liver or other organ.

*Hour of continuing education*—At least 50 minutes of instruction, including relevant question and answer sessions, in an approved course of continuing education or an equivalent time that an online or correspondence course would be presented live.

*Nationally-recognized accrediting agency approved by the Board*—CAAHEP or other organization for which the Board publishes notice that the organization is approved by the Board as an accrediting agency for perfusionists.

*Nationally-recognized certifying agency approved by the Board*—ABCP or other organization for which the Board publishes notice that the organization is approved by the Board as a certifying agency for perfusionists.

*Out-of-State perfusionist*—An individual who holds a current license as a perfusionist in another state, the District of Columbia or a territory of the United States or has obtained certification by a certifying agency approved by a Nationally-recognized accrediting agency.

*Perfusion*—The functions necessary for the support, treatment, measurement or supplementation of the cardiovascular systems or other organs, or a combination of those functions, and for ensuring the safe management of physiologic functions by monitoring and analyzing the parameters of the systems under the supervision of a physician licensed under the act or the Medical Practice Act of 1985 (63 P. S. §§ 422.1—422.51a).

*Perfusionist*—An individual who is licensed to practice perfusion by the Board or the State Board of Medicine.

*Ventricular assist device*—

(i) A mechanical device used to partially or completely replace the function of a failing heart through connections to the heart and great vessels that may be located intracorporeally or extracorporeally.

(ii) The term includes a device that is placed intravascularly or extravascularly and provides support through direct means or through counterpulsation.

**§ 25.803. Application for perfusionist license.**

(a) An applicant for a license to practice as a perfusionist shall submit, on forms made available by the Board, a completed application, including the necessary supporting documents, for license to practice as a perfusionist and pay the fee in § 25.231 (relating to schedule of fees) for application for a perfusionist license.

(b) The Board may issue a license to practice as a perfusionist to an applicant who:

(1) Demonstrates that the applicant holds a current certification by a certifying agency approved by a Nationally-recognized accrediting agency approved by the Board.

(2) Demonstrates that the applicant has graduated from an accredited perfusion program approved by the Board.

(3) Demonstrates that the applicant is at least 18 years of age and of good moral character.

(4) Demonstrates that the applicant has obtained professional liability insurance as required under section 13.3(k) of the act (63 P. S. § 271.13c(k)).

(5) Otherwise complies with this subchapter.

(c) The Board may deny an application for licensure as a perfusionist upon the grounds for disciplinary action in § 25.809 (relating to disciplinary action for licensed perfusionist).

**§ 25.804. Application for temporary graduate perfusionist license.**

(a) An applicant for a temporary graduate perfusionist license shall submit, on forms made available by the Board, a completed application, including the necessary supporting documents, and pay the fee in § 25.231 (relating to schedule of fees) for application for a temporary graduate perfusionist license.

(b) The Board may grant a temporary graduate perfusionist license, which authorizes the license holder to practice only under the supervision and direction of a perfusionist licensed under the act, to an applicant who:

(1) Demonstrates that the applicant is eligible for and has applied to sit for the examination of a certifying agency approved by a Nationally-recognized accrediting agency approved by the Board.

(2) Demonstrates that the applicant has graduated from an accredited perfusion program approved by the Board.

(3) Demonstrates that the applicant is at least 18 years of age and of good moral character.

(4) Demonstrates that the applicant has obtained professional liability insurance as required under section 13.3(k) of the act (63 P. S. § 271.13c(k)).

(5) Otherwise complies with this subchapter.

(c) The Board may deny an application for temporary graduate perfusionist license upon the grounds for disciplinary action in § 25.809 (relating to disciplinary action for licensed perfusionist).

(d) A temporary graduate perfusionist license expires 2 years after the date of issuance and may not be renewed.

(e) A temporary graduate perfusionist license expires upon notice to the Board that the holder has failed the Nationally-recognized certifying agency's certification examination. The holder of a temporary graduate perfusionist license who fails the examination shall immediately cease practicing and return the license to the Board.

**§ 25.805. Application for temporary provisional perfusionist license.**

(a) An applicant for a temporary provisional perfusionist license shall submit, on forms made available by the Board, a completed application, including the necessary supporting documents, and pay the fee in § 25.231

(relating to schedule of fees) for application for a temporary provisional perfusionist license.

(b) The Board may grant a temporary provisional perfusionist license to an applicant who:

(1) Demonstrates that the applicant holds a current license in good standing under the laws of another state, the District of Columbia or a territory of the United States that includes certification by a certifying agency approved by a Nationally-recognized accrediting agency.

(2) Demonstrates that the applicant has graduated from an accredited perfusion program approved by the Board.

(3) Demonstrates that the applicant is at least 18 years of age and of good moral character.

(4) Demonstrates that the applicant has obtained professional liability insurance as required under section 13.3(k) of the act (63 P. S. § 271.13c(k)).

(5) Otherwise complies with this subchapter.

(c) The Board may deny an application for temporary provisional perfusionist licensure upon the grounds for disciplinary action in § 25.809 (relating to disciplinary action for licensed perfusionist).

(d) A temporary provisional perfusionist license expires 1 year after the date of issuance and may not be renewed.

**§ 25.806. Registration of temporary emergency perfusionist service.**

(a) An out-of-State perfusionist shall register with the Board in accordance with this section prior to providing temporary emergency perfusionist service in this Commonwealth in accordance with section 13.3(j) of the act (63 P. S. § 271.13c(j)).

(b) The out-of-State perfusionist or another person acting on behalf of the out-of-State perfusionist shall submit, on forms made available by the Board, a completed registration form with the questions fully answered. The completed registered form shall be submitted by electronic means, including computer-to-computer, computer-to-facsimile machine or e-mail transmission.

(c) Although not limited to a single procedure or single patient or group of related patients, an out-of-State perfusionist may provide temporary emergency perfusionist services in this Commonwealth for no longer than 72 hours.

(d) An out-of-State perfusionist may not provide temporary emergency perfusionist service in this Commonwealth more than once without being licensed in accordance with § 25.803, § 25.804 or § 25.805 (relating to application for perfusionist license; application for temporary graduate perfusionist license; and application for temporary provisional perfusionist license).

**§ 25.807. Renewal of perfusionist license.**

(a) The license of a perfusionist expires biennially on December 31 of each even-numbered year. It is the responsibility of the licensee to notify the Board of a change in name or mailing address within 10 business days of the change. A perfusionist may not practice after December 31 of an even-numbered year unless the perfusionist has completed the biennial registration process and the Board has issued a renewed registration.

(b) As a condition of biennial registration, a perfusionist shall:

(1) Submit a completed application, including payment of the biennial renewal fee in § 25.231 (relating to schedule of fees), for application for biennial renewal of a perfusionist license.

(2) Disclose on the application a license to practice as a perfusionist in another state, territory, possession or country.

(3) Disclose on the application disciplinary action pending before or taken by the appropriate health care licensing authority in another jurisdiction or taken since the most recent application for renewal, whether or not licensed to practice in that other jurisdiction.

(4) Disclose on the application pending criminal charges and a finding or verdict of guilt, admission of guilt, plea of nolo contendere or other criminal conviction since the most recent application for renewal.

(5) Verify on the application that the licensed perfusionist has complied with the continuing education requirements mandated under section 13.3(n) of the act (63 P. S. § 271.13c(n)) during the biennial period immediately preceding the period for which renewal is sought in accordance with § 25.810 (relating to continuing education for licensed perfusionist).

(6) Verify on the application that, if practicing as a perfusionist in this Commonwealth, the licensee maintains professional liability insurance coverage in accordance with section 13.3(k) of the act.

**§ 25.808. Inactive status of perfusionist license; reactivation of inactive license.**

(a) A perfusionist license will become inactive upon either of the following:

(1) The licensee requests in writing that the Board place the license on inactive status. Written confirmation of inactive status will be forwarded to the licensee.

(2) The licensee fails to renew the certificate by the expiration of the renewal period on December 31 of each even-numbered year.

(b) A perfusionist whose license has become inactive may not practice as a perfusionist in this Commonwealth until the license has been reactivated.

(c) To reactivate an inactive license, the licensee shall apply on forms made available by the Board with the questions fully answered. The licensee shall:

(1) Include the documentation required under § 25.810(b) (relating to continuing education for licensed perfusionist) for the immediately preceding biennium, which may be completed during the current biennium. Unless waived by the Board under section 13.3(n)(4) of the act (63 P. S. § 271.13c(n)(4)), the Board will not reactivate a license until the required continuing education for the preceding biennium has been successfully completed.

(2) Pay the current renewal fee and the reactivation application fee in § 25.231 (relating to schedule of fees).

(3) Verify that the licensee did not practice as a perfusionist in this Commonwealth while the license was inactive except as provided in subsection (d).

(d) A licensee who has practiced with an inactive license and who cannot make the verification required under subsection (c)(3) shall also pay the fees required under this subsection. Payment of a late fee does not preclude the Board from taking disciplinary action for practicing as a perfusionist without a current license.

(1) A licensee whose license was active at the end of the immediately preceding biennial renewal period and who practiced after the license became inactive shall pay a late fee of \$5 for each month or part of a month from the beginning of the current biennium until the date the reactivation application is filed.

(2) A licensee whose license has been inactive since before the beginning of the current biennium shall pay the renewal fee for each biennial renewal period during which the licensee practiced and pay a late fee of \$5 for each month or part of a month from the first date the licensee practiced as a perfusionist in this Commonwealth after the license became inactive until the date the reactivation application is filed.

**§ 25.809. Disciplinary action for licensed perfusionist.**

(a) A licensed perfusionist, including a perfusionist holding a temporary graduate license or a temporary provisional license, is subject to disciplinary action under section 15(b) of the act (63 P. S. § 271.15(b)). Following a final determination subject to the right of notice, hearing and adjudication and the right of appeal in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), the Board may impose a corrective action in section 15(c) of the act.

(b) Unprofessional conduct includes:

(1) Engaging in conduct prohibited by § 25.216 (relating to sexual misconduct).

(2) Performing an act in a health care profession in a fraudulent, incompetent or negligent manner.

(3) Violating a provision of the act or this chapter setting a standard of professional conduct.

(4) Engaging in health care practice beyond the licensee's authority to practice.

(5) Representing oneself to be a physician, physician assistant, certified registered nurse practitioner or other health care practitioner whose profession the perfusionist is not licensed to practice.

(6) Practicing while the licensee's ability to do so is impaired by alcohol, drugs, physical disability or mental instability.

(7) Revealing personally identifiable facts obtained as the result of a practitioner-patient relationship without the prior consent of the patient, except as authorized or required under statute or regulation.

(8) Failing to provide supervision as required under section 13.3(e)(2) of the act (63 P. S. § 271.13c(e)(2)) of a perfusion student or failing to provide supervision as required under section 13.3(e)(3) of the act of a perfusion graduate who is not otherwise licensed by the Board to perform perfusion in this Commonwealth.

(c) Immoral conduct includes:

(1) Misrepresenting or concealing a material fact in obtaining a license issued by the Board or renewal, reactivation or reinstatement thereof.

(2) Being convicted of a crime involving moral turpitude, dishonesty or corruption in the courts of the Commonwealth, the United States, another state, the District of Columbia, a territory of the United States or another country.

(3) Committing an act involving moral turpitude, dishonesty or corruption.



**§ 25.810. Continuing education for licensed perfusionist.**

(a) *Credit hour requirements.* A licensed perfusionist shall satisfy the following continuing education credit hour requirements.

(1) As a condition for biennial registration, a licensee shall complete at least 30 hours of continuing education applicable to the practice of perfusion, including at least 10 hours of category I continuing education. A licensee is not required to complete continuing education during the biennium in which the licensee was first licensed.

(2) Except when reactivating an inactive license, when the Board has granted a waiver or when ordered by the Board, continuing education credits may be used to satisfy the continuing education credit hour requirements only for the biennial period in which the credits were earned. An hour of continuing education may not be used to satisfy the requirement of paragraph (1) for more than 1 biennium.

(3) A licensee may request a waiver of the continuing education credit hour requirements because of serious illness, military service or other demonstrated hardship by submitting a request for waiver with supporting documentation to the Board at least 90 days prior to the end of the biennial registration period for which the waiver is sought. The Board may grant the waiver request in whole or in part and may extend the deadline by which the credit hour requirements shall be met.

(4) A licensee may be subject to disciplinary sanction as provided in section 15 of the act (63 P.S. § 271.15), including the suspension or revocation of the license, imposition of a civil penalty or other corrective measure as determined by the Board if the licensee either submits false information to the Board regarding completion of the continuing education credit hour requirements to complete biennial registration or fails to complete the continuing education hour requirements and practices as a perfusionist after the end of the biennial period.

(b) *Documentation of continuing education.* Continuing education shall be documented in the following manner.

(1) Proof of attendance at an ABCP-approved perfusion meeting consists of a certified record issued by the provider, including:

- (i) The name of the participant.
- (ii) The name of the provider.
- (iii) The date or dates of the course.
- (iv) The name of the course.
- (v) The number of hours of continuing education credit.

(2) Proof of a perfusion-related publication consists of the complete citation reference to the book, chapter or paper in a professional publication.

(3) Proof of presentation at an ABCP-approved or international perfusion meeting consists of a copy of the program agenda.

(4) Proof of participation in an ABCP knowledge base survey consists of a letter from ABCP.

(5) Proof of reading or viewing medical journals, audio-visual or other educational materials consists of a list of the complete citation reference for the materials read or reviewed.

(6) Proof of participation in a perfusion-related self-study module or electronic forum consists of a copy of the printed completion document supplied by the sponsor.

(7) Proof of participation in a perfusion-related journal club consists of the meeting agenda with topic and date.

(8) Proof of completion of an academic course consists of a copy of the official college or university transcript.

(9) Proof of presentation of a perfusion topic at a meeting that is not approved by the ABCP consists of a copy of the meeting agenda.

(10) Proof of participation as a clinical or didactic instructor in an accredited program consists of a letter of confirmation of the instructor's status from the program director.

(11) Proof of participation in a site visitors' workshop or as an official site visit consists of a letter from the ABCP.

(12) A licensee shall retain proof of completion of continuing education for 5 years after completion of the continuing education or after the completion of the biennial renewal period during which the continuing education was required, whichever is later.

(13) The Board will audit licensees to verify compliance with continuing education requirements. A licensee shall submit proof of continuing education activities upon request by the Board.

(c) *Continuing education activities.* Credit for continuing education may be earned in the following activities.

(1) Category I continuing education may be earned by:

(i) Attendance at an ABCP-approved perfusion meeting. One continuing education credit may be earned for each hour of continuing education.

(ii) Publication of a perfusion-related book, chapter or paper in a professional publication. Five continuing education credits may be earned for each publication.

(iii) Presentation at an ABCP-approved or international, National, regional, state or local perfusion meeting. Five continuing education credits may be earned for each presentation. Two credits may be earned for each poster presentation or exhibit.

(iv) Completion of an ABCP knowledge base survey. Five continuing education hours may be earned for completing the continuing education activity. The activity may only be counted for credit once in a biennial period.

(2) In addition to category I, continuing education may also be earned by:

(i) Reading or viewing medical journals, audio-visual or other educational materials. One continuing education credit may be earned for each medical journal, audio-visual or other educational material read or viewed with a maximum of ten credits biennially.

(ii) Participation in perfusion-related self-study modules or electronic forums. One continuing education credit may be earned for each 50- to 60-minute period of the activity with a maximum of ten credits biennially.

(iii) Participation in a perfusion-related journal club. One continuing education credit may be earned for each 50 to 60 minute period of the activity, with a maximum of ten credits biennially.

(iv) Completion of a science or health care-related academic course at a regionally accredited college or university. One continuing education credit may be earned biennially.

(v) Presentation of a perfusion topic at a meeting that is not approved by ABCP. One continuing education credit may be earned biennially.

(vi) Working as a clinical or didactic instructor in an accredited school of perfusion. Two continuing education credits may be earned with a maximum of four credits biennially.

(vii) Participation in a site visitors' workshop or as an official site visitor for perfusion program accreditation. Five continuing education credits may be earned. The activity may only be counted for credit once in a biennial period.

(3) Continuing education credit may not be earned in a course in office management.

**§ 25.811. Professional liability insurance coverage for licensed perfusionist.**

(a) A licensed perfusionist shall maintain a level of professional liability insurance coverage as required under section 13.3(k) of the act (63 P. S. § 271.13c(k)).

(b) Proof of professional liability insurance coverage may include:

(1) A certificate of insurance or copy of the declaration page from the insurance policy setting forth the effective date, expiration date and dollar amounts of coverage.

(2) Evidence of a plan of self-insurance approved by the Insurance Commissioner of the Commonwealth under regulations of the Insurance Department in 31 Pa. Code Chapter 243 (relating to medical malpractice and health-related self-insurance plans).

(c) A license that was issued in reliance upon a letter from the applicant's insurance carrier indicating that the applicant will be covered against professional liability effective upon the issuance of the applicant's license as permitted under section 13.3(k)(2) of the act will become inactive as a matter of law 30 days after the date of issuance on the license if the licensee has not provided proof of professional liability insurance coverage and will remain inactive until the licensee provides proof of insurance coverage.

(d) A licensee who does not have professional liability insurance coverage as required under section 13.3(k) of the act may not practice as a perfusionist in this Commonwealth.

[Pa.B. Doc. No. 12-1164. Filed for public inspection June 22, 2012, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Fertilizer Nutrient Values

The Secretary of Agriculture, under the authority of 3 Pa.C.S. § 6710 (relating to commercial value), establishes the commercial values per pound of nitrogen, available phosphate and soluble potash.

The values are established as follows:

|                     |                  |
|---------------------|------------------|
| Nitrogen            | \$0.53 per pound |
| Available phosphate | \$0.58 per pound |
| Soluble potash      | \$0.48 per pound |

Further information is available by contacting Erin Bubb, Chief, Division of Agronomic and Regional Services, Bureau of Plant Industry, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5215.

These commercial values are effective beginning July 1, 2012, and remain effective until further notice.

GEORGE D. GREIG,  
*Secretary*

[Pa.B. Doc. No. 12-1165. Filed for public inspection June 22, 2012, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Emergency Solutions Grant Program

The Department of Community and Economic Development (Department), Center for Community Financing, is anticipating receiving funding through the United States Department of Housing and Urban Development (HUD) for the Emergency Solutions Grant. The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act), enacted into law on May 20, 2009, consolidates three of the separate homeless assistance programs administered by HUD under the McKinney-Vento Homeless Assistance Act into a single grant program, and revises the Emergency Shelter Grants program and renames it as the Emergency Solutions Grants program (program). The change in the program's name, from Emergency Shelter Grants to Emergency Solutions Grants, reflects the change in the program's focus from addressing the needs of homeless people in emergency or transitional shelters to assisting people to quickly regain stability in permanent housing after experiencing a housing crisis or homelessness, or both.

The Department will accept applications only from county governments that received Homelessness Prevention and Rapid Re-Housing Program funding from the Department in Fiscal Year 2009 and from the cities of Philadelphia and Pittsburgh. Priority will be given to nonentitled jurisdictions; however, the Department will consider funding applications received from all eligible

government jurisdictions listed previously. One copy of the application may be submitted to the Department's Customer Service Center, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120 in accordance with the Department's single application requirements. A hard copy of the fully executed application must be sent to the Department Customer Service Center at the address listed previously and a copy sent to the appropriate regional office. The application window will open on June 23, 2012, and close at 5 p.m. on July 13, 2012. Applications received prior to or after these dates may not be considered for funding.

Guidelines and application kits may be obtained by download from the Department's web site at [www.newPA.com](http://www.newPA.com). A hard copy of the kit may be received by contacting the Department's Center for Community Financing, at (717) 787-5327 or the Department's regional offices. A copy may also be requested by persons with a disability who wish to submit an application in accordance with the provisions stated herein and who require assistance with that application, and persons who require copies of this notice in an alternate format (large type, Braille, and the like) should contact Ed Geiger, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120, (717) 787-5327, to discuss how the Department may best accommodate their needs.

The following is the listing of Department regional offices and the counties they serve:

#### Regional Offices

##### Southeast

Bucks, Chester, Delaware, Montgomery and Philadelphia Counties

Department of Community and Economic Development  
801 Market Street, Suite 6106  
Philadelphia, PA 19107  
(215) 560-2083

##### Northeast

Berks, Bradford, Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne and Wyoming Counties

Department of Community and Economic Development  
409 Lackawanna Avenue  
3rd Floor, Oppenheim Building  
Scranton, PA 18503  
(570) 963-4571

##### Central

Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry, York, Bedford, Blair, Cambria, Centre, Clinton, Columbia, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Snyder, Somerset and Union Counties

Department of Community and Economic Development  
Commonwealth Keystone Building  
400 North Street, 4th Floor  
Harrisburg, PA 17120  
(717) 720-7302

**Southwest**

Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Washington and Westmoreland Counties

Department of Community and Economic Development  
301 5th Avenue, Suite 250  
Pittsburgh, PA 15222  
(412) 565-5002

**Northwest**

Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Potter, Venango and Warren Counties

Department of Community and Economic Development  
100 State Street, Suite 205  
Erie, PA 16507  
(814) 871-4241

**Main Office**

Center for Community Financing  
400 North Street, 4th Floor  
Commonwealth Keystone Building  
Harrisburg, PA 17120  
(717) 787-5327

**DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES**

**Request for Bids**

The Department of Conservation and Natural Resources is soliciting bids for the following project. Bid documents can be obtained from the Administrative Services Section, Bureau of Facility Design and Construction at (717) 787-5055:

*FDC-439-7460.1—Park Development Plan, DGS 160-1, Phase II, Benjamin Rush State Park, City of Philadelphia, Philadelphia County.* Work included under this contract consists of general construction of a new road with parking, pedestrian trails, stormwater conveyance system, precast concrete restroom, site utility work, site landscaping, traffic control, site access and other associated site work. Bid documents will be available on or after June 27, 2012. The bid opening will be held on July 26, 2012.

C. ALAN WALKER,  
*Secretary*

RICHARD J. ALLAN,  
*Secretary*

[Pa.B. Doc. No. 12-1166. Filed for public inspection June 22, 2012, 9:00 a.m.]

[Pa.B. Doc. No. 12-1167. Filed for public inspection June 22, 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

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i>           | <i>Stream Name<br/>(Watershed #)</i>    | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|--|--|---|----------------------------|
| PA0087891<br>(Stormwater)   | Growmark FS, LLC<br>1701 Towanda Avenue<br>PO Box 2500<br>Bloomington, IL 61702                          | Adams County /<br>Latimore Township            | Dry swale to Mud Run /<br>7-F           | Y                          |
| PA0246387<br>(Sew)          | Rustic Meadows Camping & Golf<br>Resort, Inc.<br>1980 Turnpike Road<br>Elizabethtown, PA 17022           | Lancaster County /<br>West Donegal<br>Township | UNT Snitz Creek / 7-G                   | Y                          |
| PA0260797<br>(Sew)          | Clappertown Christian Missionary &<br>Alliance Church<br>3239 Piney Creek Road<br>Williamsburg, PA 16693 | Blair County /<br>Huston Township              | UNT Piney Creek / 11-A                  | Y                          |
| PA0247405<br>(Sew)          | David Stup<br>5394 Big Creek Road<br>Clearville, PA 15535-5214   | Bedford County /<br>Monroe Township            | UNT West Branch<br>Sideling Hill / 13-B | Y                          |
| PA0082759<br>(Sew)          | Hopewell Township, Huntingdon<br>County<br>RR 1 Box 95<br>James Creek, PA 16657-9512                     | Huntingdon County<br>Hopewell Township         | UNT to Shy Beaver Creek/<br>11-D        | Y                          |
| PA0247677<br>(Sew)          | East Waterford Sewer Authority<br>12988 Rt. 75 South, Suite 1<br>Honey Grove, PA 17035                   | Juniata County<br>Tuscarora Township           | Tuscarora Creek / 12-B                  | Y                          |
| PA0247910<br>(Sew)          | Bethel Township Municipal Authority<br>PO Box 274<br>Bethel, PA 19507-0024                               | Berks County<br>Bethel Township                | Little Swatara Creek / 7-D              | Y                          |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i>   | <i>Stream Name<br/>(Watershed No.)</i>       | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|--|--|--|----------------------------|
| PA0111431                   | Knoebels Grove Park<br>391 Knoebels Blvd.<br>RR 1 Box 317<br>Elysburg, PA 17824-0317 | Columbia County,<br>Cleveland Township | Mugser and South Branch<br>Roaring Creek, 5E | Y                          |
| PA0114111<br>(Sewage)       | South Shore Recreation Area<br>710 Ives Run Lane<br>Lawrenceville, PA 16929          | Tioga County<br>Lawrence Township      | Cowanesque River<br>(4-A)                    | Y                          |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>                           | <i>County &amp;<br/>Municipality</i>  | <i>Stream Name<br/>(Watershed#)</i>               | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|--|---------------------------------------|---|----------------------------|
| PA0030031<br>(Sewage)       | Keystone Regional Industrial Park<br>RR 2<br>Cochranon, PA 16314 | Crawford County<br>Greenwood Township | Unnamed Tributary to<br>Conneaut Outlet<br>(16-D) | Y                          |

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

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

**PA0065358**, Pesticides, SIC Code 0782, **Arrowhead Lake Community Association**, HC 88 Box 305, Pocono Lake, PA 18347.

Description of Proposed Activity: The application is for a new NPDES permit for a discharge associated with the application of pesticides in Tobyhanna Township, **Monroe County**.

The receiving stream, Arrowhead Lake (on Trout Creek), is located in State Water Plan watershed 2-A and is classified for Exceptional Value Waters and Migratory Fish, aquatic life, water supply and recreation. Applicators are required to follow product labeling instructions of pesticides, which may include provisions to reduce application doses and notify public water suppliers in the event applications are conducted near public water supply intakes. The discharges associated with the pesticide applications are not expected to affect public water supplies.

DEP has made a tentative determination to issue the NPDES permit subject to the terms and conditions of the permit. An anti-degradation analysis has been completed to document that pesticide application activities in High Quality (HQ) or Exceptional Value (EV) waters will be conducted in a manner that minimizes adverse environmental effects. The proposed permit contains conditions that require implementation of Pest Management Measures, Recordkeeping and Annual Reporting Requirements, Corrective Action Documentation and Reporting, and a Pesticides Discharge Management Plan.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472. You may submit written comments on the application and draft permit within 30 days to the address above. After the 30-day comment period, PA DEP will make a final determination on the issuance of the permit.

The EPA waiver is not in effect.

**PAS212219**, Stormwater, SIC Code 3273, **Dale R. Koller**, 1870 Waldheim Road, Bethlehem, PA 18015. Facility Name: Dale R. and Carolyn L. Koller Development—Cement Mixing Plant. This proposed facility is located in Weisenberg Township, **Lehigh County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of stormwater.

The receiving stream, Unnamed Tributary to Lyon Creek, is located in State Water Plan watershed 02C and is classified for High Quality Waters—Cold Water Fishes and, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 (Infiltration Basin #2):

| <i>Parameters</i>       | <i>Mass (lb/day)</i> |                |                | <i>Concentration (mg/l)</i> |                |                             |
|-------------------------|----------------------|----------------|----------------|-----------------------------|----------------|-----------------------------|
|                         | <i>Average</i>       | <i>Daily</i>   | <i>Minimum</i> | <i>Average</i>              | <i>Daily</i>   | <i>Instant.<br/>Maximum</i> |
|                         | <i>Monthly</i>       | <i>Maximum</i> |                | <i>Monthly</i>              | <i>Maximum</i> |                             |
| pH (S.U.)               | XXX                  | XXX            | 6.0            | XXX                         | XXX            | 9.0                         |
| Total Suspended Solids  | XXX                  | XXX            | XXX            | XXX                         | Report         | XXX                         |
| Total Kjeldahl Nitrogen | XXX                  | XXX            | XXX            | XXX                         | Report         | XXX                         |
| Total Iron              | XXX                  | XXX            | XXX            | XXX                         | Report         | XXX                         |

The proposed effluent limits for Outfall 002 (Infiltration Basin #1):

| <i>Parameters</i>       | <i>Mass (lb/day)</i> |                |                | <i>Concentration (mg/l)</i> |                |                             |
|-------------------------|----------------------|----------------|----------------|-----------------------------|----------------|-----------------------------|
|                         | <i>Average</i>       | <i>Daily</i>   | <i>Minimum</i> | <i>Average</i>              | <i>Daily</i>   | <i>Instant.<br/>Maximum</i> |
|                         | <i>Monthly</i>       | <i>Maximum</i> |                | <i>Monthly</i>              | <i>Maximum</i> |                             |
| pH (S.U.)               | XXX                  | XXX            | 6.0            | XXX                         | XXX            | 9.0                         |
| Total Suspended Solids  | XXX                  | XXX            | XXX            | XXX                         | Report         | XXX                         |
| Total Kjeldahl Nitrogen | XXX                  | XXX            | XXX            | XXX                         | Report         | XXX                         |
| Total Iron              | XXX                  | XXX            | XXX            | XXX                         | Report         | XXX                         |

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

- Groundwater Monitoring Requirements
- Requirements Applicable to Stormwater Outfalls

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 in effect.

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

**PA0080209**, Sewage, SIC Code 8361, **Hoffman Homes Inc.**, 815 Orphanage Road, Littlestown, PA 17340-9329. Facility Name: Hoffman Homes For Youth. This existing facility is located in Mount Joy Township, **Adams County**.

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

The receiving stream, Lousy Run, is located in State Water Plan watershed 13-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.02 MGD.

| Parameters                  | Mass (lb/day)   |               |         | Concentration (mg/l) |          | Instant. Maximum |
|-----------------------------|-----------------|---------------|---------|----------------------|----------|------------------|
|                             | Average Monthly | Daily Maximum | Minimum | Average Monthly      | Geo Mean |                  |
| Flow (MGD)                  | Report          | Report        | XXX     | XXX                  | XXX      | XXX              |
| pH (S.U.)                   | XXX             | XXX           | 6.0     | XXX                  | XXX      | 9.0              |
| Dissolved Oxygen            | XXX             | XXX           | 5.0     | XXX                  | XXX      | XXX              |
| Total Residual Chlorine     | XXX             | XXX           | XXX     | 0.12                 | XXX      | 0.39             |
| CBOD <sub>5</sub>           | XXX             | XXX           | XXX     | 10                   | XXX      | 20               |
| Total Suspended Solids      | XXX             | XXX           | XXX     | 10                   | XXX      | 20               |
| 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<br>2,000    | XXX      | 10,000           |
| Nitrate-Nitrite as N        | XXX             | Report        | XXX     | Report<br>Daily Max  | XXX      | XXX              |
| Total Nitrogen              | XXX             | Report        | XXX     | Report<br>Daily Max  | XXX      | XXX              |
| Ammonia-Nitrogen            |                 |               |         |                      |          |                  |
| May 1 - Oct 31              | XXX             | XXX           | XXX     | 3.0                  | XXX      | 6.0              |
| Nov 1 - Apr 30              | XXX             | XXX           | XXX     | 9.0                  | XXX      | 18.0             |
| Total Kjeldahl Nitrogen     | XXX             | Report        | XXX     | Report<br>Daily Max  | XXX      | XXX              |
| Total Phosphorus            | XXX             | Report        | XXX     | Report<br>Daily Max  | XXX      | XXX              |

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

The EPA Waiver is in effect.

**PA0028592**, Sewage, SIC Code 4952, **Bonneauville Borough**, 46 East Hanover Street, Gettysburg, PA 17325. Facility Name: Bonneauville STP. This existing facility is located in Bonneauville Borough, **Adams County**.

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

The receiving stream, Chicken Run, is located in State Water Plan watershed 13-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.550 MGD.

| Parameters                  | Mass (lb/day)   |               |         | Concentration (mg/l) |                | Instant. Maximum |
|-----------------------------|-----------------|---------------|---------|----------------------|----------------|------------------|
|                             | Average Monthly | Daily Maximum | Minimum | Average Monthly      | Weekly Average |                  |
| Flow (MGD)                  | Report          | Report        | XXX     | XXX                  | XXX            | XXX              |
| pH (S.U.)                   | XXX             | XXX           | 6.0     | XXX                  | XXX            | 9.0              |
| Dissolved Oxygen            | XXX             | XXX           | 5.0     | XXX                  | XXX            | XXX              |
| CBOD <sub>5</sub>           | 115             | 183           | XXX     | 25                   | 40             | 50               |
| BOD <sub>5</sub>            |                 | Wkly Avg      |         |                      |                |                  |
| Raw Sewage Influent         | Report          | Report        | XXX     | Report               | XXX            | XXX              |
| Total Suspended Solids      | 138             | 206           | XXX     | 30                   | 45             | 60               |
| Total Suspended Solids      |                 | Wkly Avg      |         |                      |                |                  |
| Raw Sewage Influent         | Report          | Report        | XXX     | Report               | XXX            | XXX              |
| Fecal Coliform (CFU/100 ml) |                 |               |         |                      |                |                  |
| May 1 - Sep 30              | XXX             | XXX           | XXX     | 200                  | XXX            | 1000             |
| Oct 1 - Apr 30              | XXX             | XXX           | XXX     | Geo Mean<br>2000     | XXX            | 10000            |
|                             |                 |               |         | Geo Mean             |                |                  |

| Parameters       | Mass (lb/day)      |                  |         | Concentration (mg/l) |                   | Instant.<br>Maximum |
|------------------|--------------------|------------------|---------|----------------------|-------------------|---------------------|
|                  | Average<br>Monthly | Daily<br>Maximum | Minimum | Average<br>Monthly   | Weekly<br>Average |                     |
| Ammonia-Nitrogen |                    |                  |         |                      |                   |                     |
| May 1 - Oct 31   | 5.5                | XXX              | XXX     | 1.0                  | XXX               | 2.0                 |
| Nov 1 - Apr 30   | 16.5               | XXX              | XXX     | 3.0                  | XXX               | 6.0                 |
| Total Phosphorus | 9.2                | XXX              | XXX     | 2.0                  | XXX               | 4.0                 |

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<br>Average   | Maximum |
| Ammonia—N            | Report     | Report | XXX     | Report               | XXX     |
| Kjeldahl—N           | Report     | XXX    | XXX     | Report               | XXX     |
| Nitrate-Nitrite as N | Report     | XXX    | XXX     | Report               | XXX     |
| Total Nitrogen       | Report     | Report | XXX     | Report               | XXX     |
| Total Phosphorus     | Report     | Report | XXX     | Report               | XXX     |
| Net Total Nitrogen   | Report     | 9741   | XXX     | XXX                  | XXX     |
| Net Total Phosphorus | Report     | 1218   | XXX     | XXX                  | XXX     |

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

The EPA Waiver is not in effect.

**PA0261858**, SIC Code 4952, **Anna & Scott Shaner**, 54 Locust Road, Boyertown, PA 19512-7676. Facility Name: Shaner Residence. This proposed facility is located in Douglass Township, **Berks County**.

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

The receiving stream(s), UNT to Ironstone Creek, is located in State Water Plan watershed 3-D and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. Its existing use, however, is Cold Water Fishes. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

| Parameters                  | Mass (lb/day)      |                  |         | Concentration (mg/l) |                  | Instant.<br>Maximum |
|-----------------------------|--------------------|------------------|---------|----------------------|------------------|---------------------|
|                             | Average<br>Monthly | Daily<br>Maximum | Minimum | Average<br>Monthly   | Daily<br>Maximum |                     |
| Flow (MGD)                  | Report             | Report           | XXX     | XXX                  | XXX              | XXX                 |
| pH (S.U.)                   | XXX                | XXX              | 6.0     | XXX                  | XXX              | 9.0                 |
| CBOD <sub>5</sub>           | XXX                | XXX              | XXX     | 10                   | XXX              | 20                  |
| Total Suspended Solids      | XXX                | XXX              | XXX     | 10                   | XXX              | 20                  |
| Fecal Coliform (CFU/100 ml) | XXX                | XXX              | XXX     | 200                  | XXX              | 1000                |
|                             |                    |                  |         | Geometric<br>Mean    |                  |                     |

In addition, the permit contains the following special conditions:

- To clean the Ultraviolet light, used for disinfection, semi-annually
- To include written proof that the septic tank was pumped out with the permit renewal application
- To submit an Annual Maintenance Report by June 30 of each year.

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.

**PA0261840**, SIC Code 4952, **Terri Straka**, 1440 Schoffers Road, Birdsboro, PA 19508. Facility Name: Straka Res. This proposed facility is located in Exeter Township, **Berks County**.

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

The receiving stream(s), Owatin Creek is located in State Water Plan watershed 3-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 0.0004 MGD.

| Parameters             | Mass (lb/day)      |                  |         | Concentration (mg/l) |                  | Instant.<br>Maximum |
|------------------------|--------------------|------------------|---------|----------------------|------------------|---------------------|
|                        | Average<br>Monthly | Daily<br>Maximum | Minimum | Average<br>Monthly   | Daily<br>Maximum |                     |
| Flow (MGD)             | Report             | Report           | XXX     | XXX                  | XXX              | XXX                 |
| pH (S.U.)              | XXX                | XXX              | 6.0     | XXX                  | XXX              | 9.0                 |
| CBOD <sub>5</sub>      | XXX                | XXX              | XXX     | 10                   | XXX              | 20                  |
| Total Suspended Solids | XXX                | XXX              | XXX     | 10                   | XXX              | 20                  |



| <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>      |     |                         |
| Fecal Coliform (CFU/100 ml) |                        |                      |                |                             |     |                         |
| 5/1-9/30                    | XXX                    | XXX                  | XXX            | 200                         | XXX | 1000                    |
|                             |                        |                      |                | Geo Mean                    |     |                         |
| 10/1-4/30                   | XXX                    | XXX                  | XXX            | 2000                        | XXX | 10,000                  |
|                             |                        |                      |                | Geo Mean                    |     |                         |

In addition, the permit contains the following conditions:

- semi-annual cleaning of Ultraviolet Light used for disinfection, at a minimum
- to include written proof that the septic tank was pumped out with the permit renewal application
- to submit an Annual Maintenance Report by June 30 of each year.

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.

**PA0080616**, Sewage, SIC Code 6515, **DELM Developers, LLC**, PO Box 1010, Chambersburg, PA 17055. Facility Name: Mountain View MHP. This existing facility is located in Reading Township, **Adams County**.

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

The receiving stream, Conewago Creek, is located in State Water Plan watershed 7-F 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 0.011 MGD.

| <i>Parameters</i>           | <i>Mass (lb/day)</i>   |                      |                | <i>Concentration (mg/l)</i> |     | <i>Instant. Maximum</i> |
|-----------------------------|------------------------|----------------------|----------------|-----------------------------|-----|-------------------------|
|                             | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i>      |     |                         |
| Flow (MGD)                  | Report                 | Report               | XXX            | XXX                         | XXX | XXX                     |
| pH (S.U.)                   | XXX                    | XXX                  | 6.0            | XXX                         | XXX | 9.0                     |
| Dissolved Oxygen            | XXX                    | XXX                  | 5.0            | XXX                         | XXX | XXX                     |
| Total Residual Chlorine     | XXX                    | XXX                  | XXX            | 0.5                         | XXX | 1.63                    |
| CBOD <sub>5</sub>           | XXX                    | XXX                  | XXX            | 25                          | XXX | 50                      |
| Total Suspended Solids      | XXX                    | XXX                  | XXX            | 30                          | XXX | 60                      |
| Fecal Coliform (CFU/100 ml) |                        |                      |                |                             |     |                         |
| May 1 - Sep 30              | XXX                    | XXX                  | XXX            | 200                         | XXX | 1,000                   |
|                             |                        |                      |                | Geo Mean                    |     |                         |
| Oct 1 - Apr 30              | XXX                    | XXX                  | XXX            | 2,000                       | XXX | 10,000                  |
|                             |                        |                      |                | Geo Mean                    |     |                         |
| Ammonia-Nitrogen            |                        |                      |                |                             |     |                         |
| May 1 - Oct 31              | XXX                    | XXX                  | XXX            | 10                          | XXX | 20                      |
| Nov 1 - Apr 30              | XXX                    | XXX                  | XXX            | Report                      | XXX | Report                  |
| Total Phosphorus            | XXX                    | XXX                  | XXX            | 2.0                         | XXX | 4.0                     |

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.

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

**PA0004472**, Industrial Waste, SIC Code 3312, **US Steel Corp**, 400 State Street, Clairton, PA 15025-1855. Facility Name: US Steel Clairton Plant. This existing facility is located in Clairton City, **Allegheny County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing Cokemaking facility. US Steel's Clairton Plant is currently comprised of nine active coke batteries, coal handling facilities, byproduct recovery facilities, utility operations and a large, industrial wastewater treatment system. Discharges from the facility include industrial waste, non-contact cooling water, steam condensate, and storm water run off.

The receiving stream(s), Monongahela River, Peters Creek and Unnamed Tributary to Monongahela River, is located in State Water Plan watershed—and 19-C and is classified for Trout Stocking and 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 001A are for a stormwater influenced outfall, the design flow is not applicable.

| <i>Parameters</i>      | <i>Mass (lb/day)</i>   |                      | <i>Average Monthly</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> |                         |
| pH (S.U.)              | XXX                    | XXX                  | Report Min             | XXX                         | XXX                  | Report                  |
| Total Suspended Solids | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Ammonia-Nitrogen       | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Iron             | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Manganese        | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Zinc             | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Benzo(a)Pyrene         | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Naphthalene            | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |

The proposed effluent limits for Outfall 007 are based on a design flow of 0.17 MGD.

| <i>Parameters</i>   | <i>Mass (lb/day)</i>   |                      |                | <i>Concentration (mg/l)</i> |                      | <i>Instant. Maximum</i> |
|---------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
|                     | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i>      | <i>Daily Maximum</i> |                         |
| Flow (MGD)          | Report                 | Report               | XXX            | XXX                         | XXX                  | XXX                     |
| pH (S.U.)           | XXX                    | XXX                  | 6.0            | XXX                         | XXX                  | 9.0                     |
| Temperature (°F)    | XXX                    | XXX                  | XXX            | XXX                         | XXX                  | 110                     |
| Hexavalent Chromium | XXX                    | XXX                  | XXX            | Report                      | Report               | XXX                     |

The proposed effluent limits for Outfall 009 are for an emergency overflow from the coal yard sedimentation basins, the design flow is not applicable.

| <i>Parameters</i>      | <i>Mass (lb/day)</i>   |                      |                | <i>Concentration (mg/l)</i> |                      | <i>Instant. Maximum</i> |
|------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
|                        | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i>      | <i>Daily Maximum</i> |                         |
| Flow (MGD)             | Report                 | Report               | XXX            | XXX                         | XXX                  | XXX                     |
| pH (S.U.)              | XXX                    | XXX                  | 6              | XXX                         | XXX                  | 9                       |
| Total Suspended Solids | XXX                    | XXX                  | XXX            | 35                          | 70                   | XXX                     |
| Total Iron             | XXX                    | XXX                  | XXX            | 3.5                         | 7.0                  | XXX                     |
| Total Manganese        | XXX                    | XXX                  | XXX            | 2.0                         | 4.0                  | XXX                     |

The proposed effluent limits for Outfall 010 are for an emergency overflow from the coal yard sedimentation basins, the design flow is not applicable.

| <i>Parameters</i>      | <i>Mass (lb/day)</i>   |                      |                | <i>Concentration (mg/l)</i> |                      | <i>Instant. Maximum</i> |
|------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
|                        | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i>      | <i>Daily Maximum</i> |                         |
| Flow (MGD)             | Report                 | Report               | XXX            | XXX                         | XXX                  | XXX                     |
| pH (S.U.)              | XXX                    | XXX                  | 6              | XXX                         | XXX                  | 9                       |
| Total Suspended Solids | XXX                    | XXX                  | XXX            | 35                          | 70                   | XXX                     |
| Total Iron             | XXX                    | XXX                  | XXX            | 3.5                         | 7.0                  | XXX                     |
| Total Manganese        | XXX                    | XXX                  | XXX            | 2.0                         | 4.0                  | XXX                     |

The proposed effluent limits for Outfall 011 are for an emergency overflow from the coal yard sedimentation basins, the design flow is not applicable.

| <i>Parameters</i>      | <i>Mass (lb/day)</i>   |                      |                | <i>Concentration (mg/l)</i> |                      | <i>Instant. Maximum</i> |
|------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
|                        | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i>      | <i>Daily Maximum</i> |                         |
| Flow (MGD)             | Report                 | Report               | XXX            | XXX                         | XXX                  | XXX                     |
| pH (S.U.)              | XXX                    | XXX                  | 6              | XXX                         | XXX                  | 9                       |
| Total Suspended Solids | XXX                    | XXX                  | XXX            | 35                          | 70                   | XXX                     |
| Total Iron             | XXX                    | XXX                  | XXX            | 3.5                         | 7.0                  | XXX                     |
| Total Manganese        | XXX                    | XXX                  | XXX            | 2.0                         | 4.0                  | XXX                     |

The proposed effluent limits for Outfall 018 are for a stormwater influenced outfall, the design flow is not applicable.

| <i>Parameters</i>      | <i>Mass (lb/day)</i>   |                      |                | <i>Concentration (mg/l)</i> |                      | <i>Instant. Maximum</i> |
|------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
|                        | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i>      | <i>Daily Maximum</i> |                         |
| Flow (MGD)             | Report                 | Report               | XXX            | XXX                         | XXX                  | XXX                     |
| pH (S.U.)              | XXX                    | XXX                  | 6              | XXX                         | XXX                  | 9                       |
| Total Suspended Solids | XXX                    | XXX                  | XXX            | 35                          | 70                   | XXX                     |
| Total Iron             | XXX                    | XXX                  | XXX            | 3.5                         | 7.0                  | XXX                     |
| Total Manganese        | XXX                    | XXX                  | XXX            | 2.0                         | 4.0                  | XXX                     |

The proposed effluent limits for Outfall 022 are or a stormwater influenced outfall, the design flow is not applicable.

| <i>Parameters</i>       | <i>Mass (lb/day)</i>   |                      | <i>Average Monthly</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> |                         |
| pH (S.U.)               | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Suspended Solids  | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Ammonia-Nitrogen        | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Kjeldahl Nitrogen | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Cyanide           | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Iron              | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Zinc              | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Benzo(a)Pyrene          | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Naphthalene             | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |

The proposed effluent limits for Outfall 022A are based on an intermittent discharge; the design flow is not applicable.

| <i>Parameters</i>      | <i>Mass (lb/day)</i>   |                      |                | <i>Concentration (mg/l)</i> |                      | <i>Instant. Maximum</i> |
|------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
|                        | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i>      | <i>Daily Maximum</i> |                         |
| Flow (MGD)             | Report                 | Report               | XXX            | XXX                         | XXX                  | XXX                     |
| pH (S.U.)              | XXX                    | XXX                  | 6              | XXX                         | XXX                  | 9                       |
| Total Suspended Solids | XXX                    | XXX                  | XXX            | 30                          | XXX                  | 75                      |
| Oil and Grease         | XXX                    | XXX                  | XXX            | 15                          | XXX                  | 30                      |
| Benzene                | XXX                    | XXX                  | XXX            | 0.001                       | XXX                  | 0.0025                  |

The proposed effluent limits for Outfall 023 are based on a design flow of 14.13 MGD.

| <i>Parameters</i>          | <i>Mass (lb/day)</i>   |                      |                | <i>Concentration (mg/l)</i> |                      | <i>Instant. Maximum</i> |
|----------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
|                            | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i>      | <i>Daily Maximum</i> |                         |
| Flow (MGD)                 | Report                 | Report               | XXX            | XXX                         | XXX                  | XXX                     |
| pH (S.U.)                  | XXX                    | XXX                  | 6              | XXX                         | XXX                  | 9                       |
| Temperature (°F) (Interim) | XXX                    | XXX                  | XXX            | XXX                         | 110                  | XXX                     |
| Temperature (°F)           |                        |                      |                |                             |                      |                         |
| Sep 16-30                  | XXX                    | XXX                  | XXX            | XXX                         | 108.6                | XXX                     |
| Oct 16-31                  | XXX                    | XXX                  | XXX            | XXX                         | 97.3                 | XXX                     |
| Nov 16-30                  | XXX                    | XXX                  | XXX            | XXX                         | 79.2                 | XXX                     |
| Jan 1-31 (Final)           | XXX                    | XXX                  | XXX            | XXX                         | 78.9                 | XXX                     |
| Feb 1-29 (Final)           | XXX                    | XXX                  | XXX            | XXX                         | 82.8                 | XXX                     |
| Mar 1 - Aug 31 (Final)     | XXX                    | XXX                  | XXX            | XXX                         | 110                  | XXX                     |
| Sep 1-15 (Final)           | XXX                    | XXX                  | XXX            | XXX                         | 110                  | XXX                     |
| Oct 1-15 (Final)           | XXX                    | XXX                  | XXX            | XXX                         | 103.3                | XXX                     |
| Nov 1-15 (Final)           | XXX                    | XXX                  | XXX            | XXX                         | 94.5                 | XXX                     |
| Dec 1-31 (Final)           | XXX                    | XXX                  | XXX            | XXX                         | 70.6                 | XXX                     |

The proposed effluent limits for Outfall 028 are based on a design flow of 1.09 MGD.

| <i>Parameters</i>          | <i>Mass (lb/day)</i>   |                      |                | <i>Concentration (mg/l)</i> |                      | <i>Instant. Maximum</i> |
|----------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
|                            | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i>      | <i>Daily Maximum</i> |                         |
| Flow (MGD)                 | Report                 | Report               | XXX            | XXX                         | XXX                  | XXX                     |
| pH (S.U.)                  | XXX                    | XXX                  | 6              | XXX                         | XXX                  | 9                       |
| Temperature (°F) (Interim) | XXX                    | XXX                  | XXX            | XXX                         | 110                  | XXX                     |
| Temperature (°F)           |                        |                      |                |                             |                      |                         |
| Jan 1-31 (Final)           | XXX                    | XXX                  | XXX            | XXX                         | 77.0                 | XXX                     |
| Feb 1-29 (Final)           | XXX                    | XXX                  | XXX            | XXX                         | 80.7                 | XXX                     |
| Mar 1 - Aug 31 (Final)     | XXX                    | XXX                  | XXX            | XXX                         | 110                  | XXX                     |
| Sep 1-15 (Final)           | XXX                    | XXX                  | XXX            | XXX                         | 110                  | XXX                     |
| Sep 16-30 (Final)          | XXX                    | XXX                  | XXX            | XXX                         | 107.0                | XXX                     |
| Oct 1-15 (Final)           | XXX                    | XXX                  | XXX            | XXX                         | 101.7                | XXX                     |
| Oct 16-31 (Final)          | XXX                    | XXX                  | XXX            | XXX                         | 95.7                 | XXX                     |
| Nov 1-15 (Final)           | XXX                    | XXX                  | XXX            | XXX                         | 92.6                 | XXX                     |
| Nov 16-30 (Final)          | XXX                    | XXX                  | XXX            | XXX                         | 77.7                 | XXX                     |
| Dec 1-31 (Final)           | XXX                    | XXX                  | XXX            | XXX                         | 69.1                 | XXX                     |

The proposed effluent limits for Outfall 029 are based on a design flow of 0.89 MGD.

| Parameters                 | Mass (lb/day)   |               |         | Concentration (mg/l) |               |                  |
|----------------------------|-----------------|---------------|---------|----------------------|---------------|------------------|
|                            | Average Monthly | Daily Maximum | Minimum | Average Monthly      | Daily Maximum | Instant. Maximum |
| Flow (MGD) (Final)         | Report          | Report        | XXX     | XXX                  | XXX           | XXX              |
| pH (S.U.) (Final)          | XXX             | XXX           | 6       | XXX                  | XXX           | 9                |
| Temperature (°F) (Interim) | XXX             | XXX           | XXX     | XXX                  | 110           | XXX              |
| Temperature (°F)           |                 |               |         |                      |               |                  |
| Jan 1-31 (Final)           | XXX             | XXX           | XXX     | XXX                  | 74.2          | XXX              |
| Feb 1-29 (Final)           | XXX             | XXX           | XXX     | XXX                  | 77.7          | XXX              |
| Mar 1 - Aug 31 (Final)     | XXX             | XXX           | XXX     | XXX                  | 110           | XXX              |
| Sep 1-15 (Final)           | XXX             | XXX           | XXX     | XXX                  | 110           | XXX              |
| Sep 16-30 (Final)          | XXX             | XXX           | XXX     | XXX                  | 104.9         | XXX              |
| Oct 1-15 (Final)           | XXX             | XXX           | XXX     | XXX                  | 99.6          | XXX              |
| Oct 16-31 (Final)          | XXX             | XXX           | XXX     | XXX                  | 93.6          | XXX              |
| Nov 1-15 (Final)           | XXX             | XXX           | XXX     | XXX                  | 90.1          | XXX              |
| Nov 16-30 (Final)          | XXX             | XXX           | XXX     | XXX                  | 75.7          | XXX              |
| Dec 1-31 (Final)           | XXX             | XXX           | XXX     | XXX                  | 67.2          | XXX              |

The proposed effluent limits for Outfall 038 are based on a design flow of 84.8 MGD.

| Parameters                 | Mass (lb/day)   |               |                 | Concentration (mg/l) |               |                  |
|----------------------------|-----------------|---------------|-----------------|----------------------|---------------|------------------|
|                            | Average Monthly | Daily Maximum | Average Monthly | Average Monthly      | Daily Maximum | Instant. Maximum |
| Flow (MGD)                 | Report          | Report        | XXX             | XXX                  | XXX           | XXX              |
| pH (S.U.)                  | XXX             | XXX           | 6               | XXX                  | XXX           | 9                |
| Total Residual Chlorine    | XXX             | XXX           | Min             | XXX                  | XXX           | 1.25             |
| Temperature (°F) (Interim) | XXX             | XXX           | 0.5             | XXX                  | XXX           | 110              |
| Temperature (°F)           |                 |               |                 |                      |               |                  |
| Jan 1-31 (Final)           | XXX             | XXX           | XXX             | XXX                  | 79.1          | XXX              |
| Feb 1-29 (Final)           | XXX             | XXX           | XXX             | XXX                  | 83.0          | XXX              |
| Mar 1 - Aug 31 (Final)     | XXX             | XXX           | XXX             | XXX                  | 110           | XXX              |
| Sep 1-15 (Final)           | XXX             | XXX           | XXX             | XXX                  | 110           | XXX              |
| Sep 16-30 (Final)          | XXX             | XXX           | XXX             | XXX                  | 108.7         | XXX              |
| Oct 1-15 (Final)           | XXX             | XXX           | XXX             | XXX                  | 103.4         | XXX              |
| Oct 16-31 (Final)          | XXX             | XXX           | XXX             | XXX                  | 97.4          | XXX              |
| Nov 1-15 (Final)           | XXX             | XXX           | XXX             | XXX                  | 94.6          | XXX              |
| Nov 16-30 (Final)          | XXX             | XXX           | XXX             | XXX                  | 79.3          | XXX              |
| Dec 1-31 (Final)           | XXX             | XXX           | XXX             | XXX                  | 70.7          | XXX              |

Outfall 044 is for the water intake screen backwash, the design flow is not applicable.

| Parameter   | Mass (lb/day) |            | Concentration (mg/l) |            |            |
|---|---------------|------------|----------------------|------------|------------|
|   | Monthly avg.  | Daily max. | Monthly avg.         | Daily max. | Inst. max. |
| The material (solids or other debris) physically or mechanically removed in the backwash operation shall not be returned to the surface waters. |               |            |                      |            |            |

Outfall 046 is for standpipe overflow and consists solely of river water, the design flow is not applicable.

| Parameter   | Mass (lb/day) |            | Concentration (mg/l) |            |            |
|---|---------------|------------|----------------------|------------|------------|
|   | Monthly avg.  | Daily max. | Monthly avg.         | Daily max. | Inst. max. |
| There shall be no net addition of pollutants at this outfall. |               |            |                      |            |            |

The proposed effluent limits for Outfall 046A are based on a design flow of 0.115 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       | XXX                  | XXX           | 9                |

The proposed effluent limits for Outfall 046B are based on a design flow of 0.086 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       | XXX                  | XXX           | 9                |

The proposed effluent limits for Outfall 046C are based on a design flow of 0.115 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i>   |                      |                | <i>Concentration (mg/l)</i> |            | <i>Instant. Maximum</i> |
|-------------------|------------------------|----------------------|----------------|-----------------------------|------------|-------------------------|
|                   | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i>      | <i>XXX</i> |                         |
| Flow (MGD)        | Report                 | Report               | XXX            | XXX                         | XXX        | XXX                     |
| pH (S.U.)         | XXX                    | XXX                  | 6              | XXX                         | XXX        | 9                       |

The proposed effluent limits for Outfall 046D are based on a design flow of 0.086 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i>   |                      |                | <i>Concentration (mg/l)</i> |            | <i>Instant. Maximum</i> |
|-------------------|------------------------|----------------------|----------------|-----------------------------|------------|-------------------------|
|                   | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i>      | <i>XXX</i> |                         |
| Flow (MGD)        | Report                 | Report               | XXX            | XXX                         | XXX        | XXX                     |
| pH (S.U.)         | XXX                    | XXX                  | 6              | XXX                         | XXX        | 9                       |

The proposed effluent limits for Outfall 049A are for a stormwater influenced outfall, the design flow is not applicable.

| <i>Parameters</i>      | <i>Mass (lb/day)</i>   |                      | <i>Average Monthly</i> | <i>Concentration (mg/l)</i> |            | <i>Instant. Maximum</i> |
|------------------------|------------------------|----------------------|------------------------|-----------------------------|------------|-------------------------|
|                        | <i>Average Monthly</i> | <i>Daily Maximum</i> |                        | <i>Average Monthly</i>      | <i>XXX</i> |                         |
| BOD <sub>5</sub>       | XXX                    | XXX                  | Report                 | XXX                         | XXX        | Report                  |
| Total Suspended Solids | XXX                    | XXX                  | Report                 | XXX                         | XXX        | Report                  |
| Oil and Grease         | XXX                    | XXX                  | Report                 | XXX                         | XXX        | Report                  |
| Dissolved Phosphorus   | XXX                    | XXX                  | Report                 | XXX                         | XXX        | Report                  |
| Total Cadmium          | XXX                    | XXX                  | Report                 | XXX                         | XXX        | Report                  |
| Free Available Cyanide | XXX                    | XXX                  | Report                 | XXX                         | XXX        | Report                  |
| Total Iron             | XXX                    | XXX                  | Report                 | XXX                         | XXX        | Report                  |
| Total Manganese        | XXX                    | XXX                  | Report                 | XXX                         | XXX        | Report                  |
| Phenol                 | XXX                    | XXX                  | Report                 | XXX                         | XXX        | Report                  |
| Benzo(a)Pyrene         | XXX                    | XXX                  | Report                 | XXX                         | XXX        | Report                  |
| Naphthalene            | XXX                    | XXX                  | Report                 | XXX                         | XXX        | Report                  |

The proposed effluent limits for Outfall 054A are for a stormwater influenced outfall, the design flow is not applicable.

| <i>Parameters</i>                | <i>Mass (lb/day)</i>   |                      | <i>Average Monthly</i> | <i>Concentration (mg/l)</i> |            | <i>Instant. Maximum</i> |
|----------------------------------|------------------------|----------------------|------------------------|-----------------------------|------------|-------------------------|
|                                  | <i>Average Monthly</i> | <i>Daily Maximum</i> |                        | <i>Average Monthly</i>      | <i>XXX</i> |                         |
| pH (S.U.) (Interim)              | XXX                    | XXX                  | Report                 | XXX                         | XXX        | Report                  |
| pH (S.U.) (Final)                | XXX                    | XXX                  | Min                    | XXX                         | XXX        | 9                       |
| BOD <sub>5</sub>                 | XXX                    | XXX                  | Report                 | XXX                         | XXX        | Report                  |
| Total Suspended Solids (Interim) | XXX                    | XXX                  | Report                 | XXX                         | XXX        | Report                  |
| Total Suspended Solids (Final)   | XXX                    | XXX                  | 30                     | XXX                         | XXX        | 60                      |
| Ammonia-Nitrogen                 | XXX                    | XXX                  | Report                 | XXX                         | XXX        | Report                  |
| Free Available Cyanide           | XXX                    | XXX                  | Report                 | XXX                         | XXX        | Report                  |
| Total Cyanide                    | XXX                    | XXX                  | Report                 | XXX                         | XXX        | Report                  |
| Total Iron (Interim)             | XXX                    | XXX                  | Report                 | XXX                         | XXX        | Report                  |
| Total Iron (Final)               | XXX                    | XXX                  | 3.5                    | XXX                         | XXX        | 7.0                     |
| Total Manganese                  | XXX                    | XXX                  | Report                 | XXX                         | XXX        | Report                  |
| Total Zinc                       | XXX                    | XXX                  | Report                 | XXX                         | XXX        | Report                  |
| Phenol                           | XXX                    | XXX                  | Report                 | XXX                         | XXX        | Report                  |
| Benzo(a)Pyrene                   | XXX                    | XXX                  | Report                 | XXX                         | XXX        | Report                  |
| Naphthalene                      | XXX                    | XXX                  | Report                 | XXX                         | XXX        | Report                  |
| Total Phenolics                  | XXX                    | XXX                  | Report                 | XXX                         | XXX        | Report                  |

The proposed effluent limits for Outfall 068 are for a stormwater influenced outfall, the design flow is not applicable.

| <i>Parameters</i>      | <i>Mass (lb/day)</i>   |                      | <i>Average Monthly</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> |                         |
| BOD <sub>5</sub>       | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Suspended Solids | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Oil and Grease         | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Cyanide          | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Iron             | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Benzo(a)Pyrene         | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Naphthalene            | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |

The proposed effluent limits for Outfall 081 are based on a design flow of 23.3 MGD.

| <i>Parameters</i>          | <i>Mass (lb/day)</i>   |                      |                | <i>Concentration (mg/l)</i> |                      | <i>Instant. Maximum</i> |
|----------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
|                            | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i>      | <i>Daily Maximum</i> |                         |
| Flow (MGD)                 | Report                 | Report               | XXX            | XXX                         | XXX                  | XXX                     |
| pH (S.U.)                  | XXX                    | XXX                  | 6              | XXX                         | XXX                  | 9                       |
| Temperature (°F) (Interim) | XXX                    | XXX                  | XXX            | XXX                         | 110                  | XXX                     |
| Temperature (°F)           |                        |                      |                |                             |                      |                         |
| Jan 1-31 (Final)           | XXX                    | XXX                  | XXX            | XXX                         | 79.1                 | XXX                     |
| Feb 1-29 (Final)           | XXX                    | XXX                  | XXX            | XXX                         | 83.0                 | XXX                     |
| Mar 1 - Aug 31 (Final)     | XXX                    | XXX                  | XXX            | XXX                         | 110                  | XXX                     |
| Sep 1-15 (Final)           | XXX                    | XXX                  | XXX            | XXX                         | 110                  | XXX                     |
| Sep 16-30 (Final)          | XXX                    | XXX                  | XXX            | XXX                         | 108.6                | XXX                     |
| Oct 1-15 (Final)           | XXX                    | XXX                  | XXX            | XXX                         | 103.4                | XXX                     |
| Oct 16-31 (Final)          | XXX                    | XXX                  | XXX            | XXX                         | 97.4                 | XXX                     |
| Nov 1-15 (Final)           | XXX                    | XXX                  | XXX            | XXX                         | 94.6                 | XXX                     |
| Nov 16-30 (Final)          | XXX                    | XXX                  | XXX            | XXX                         | 79.2                 | XXX                     |
| Dec 1-31 (Final)           | XXX                    | XXX                  | XXX            | XXX                         | 70.7                 | XXX                     |
| Benzo(a)Pyrene             | XXX                    | XXX                  | XXX            | 0.003                       | XXX                  | 0.0075                  |

The proposed effluent limits for Outfall 084 are based on a design flow of 1.54 MGD.

| <i>Parameters</i>          | <i>Mass (lb/day)</i>   |                      |                  | <i>Concentration (mg/l)</i> |                      | <i>Instant. Maximum</i> |
|----------------------------|------------------------|----------------------|------------------|-----------------------------|----------------------|-------------------------|
|                            | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i>   | <i>Average Monthly</i>      | <i>Daily Maximum</i> |                         |
| Flow (MGD)                 | Report                 | Report               | XXX              | XXX                         | XXX                  | XXX                     |
| pH (S.U.)                  | XXX                    | XXX                  | 6                | XXX                         | XXX                  | 9                       |
| Temperature (°F) (Interim) | XXX                    | XXX                  | XXX              | XXX                         | 110                  | XXX                     |
| Temperature (°F)           |                        |                      |                  |                             |                      |                         |
| Jan 1-31 (Final)           | XXX                    | XXX                  | XXX              | XXX                         | 77.3                 | XXX                     |
| Feb 1-29 (Final)           | XXX                    | XXX                  | XXX              | XXX                         | 81.0                 | XXX                     |
| Mar 1 - Aug 31 (Final)     | XXX                    | XXX                  | XXX              | XXX                         | 110                  | XXX                     |
| Sep 1-15 (Final)           | XXX                    | XXX                  | XXX              | XXX                         | 110                  | XXX                     |
| Sep 16-30 (Final)          | XXX                    | XXX                  | XXX              | XXX                         | 107.3                | XXX                     |
| Oct 1-15 (Final)           | XXX                    | XXX                  | XXX              | XXX                         | 102.0                | XXX                     |
| Oct 16-31 (Final)          | XXX                    | XXX                  | XXX              | XXX                         | 96.0                 | XXX                     |
| Nov 1-15 (Final)           | XXX                    | XXX                  | XXX              | XXX                         | 92.9                 | XXX                     |
| Nov 16-30 (Final)          | XXX                    | XXX                  | XXX              | XXX                         | 77.9                 | XXX                     |
| Dec 1-31 (Final)           | XXX                    | XXX                  | XXX              | XXX                         | 69.4                 | XXX                     |
| Total Suspended Solids     | XXX                    | XXX                  | Report<br>Avg Mo | XXX                         | XXX                  | Report                  |

The proposed effluent limits for Outfall 085 are for a stormwater influenced outfall, the design flow is not applicable.

| <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>Average Monthly</i> | <i>Average Monthly</i>      | <i>Daily Maximum</i> |                         |
| pH (S.U.) (Interim)              | XXX                    | XXX                  | Report<br>Min          | XXX                         | XXX                  | Report                  |
| pH (S.U.) (Final)                | XXX                    | XXX                  | 6<br>Min               | XXX                         | XXX                  | 9                       |
| Total Residual Chlorine          | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Chemical Oxygen Demand           | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Suspended Solids (Interim) | XXX                    | XXX                  | 30                     | XXX                         | XXX                  | 60                      |
| Total Suspended Solids (Final)   | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Kjeldahl Nitrogen          | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Cadmium                    | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Iron (Interim)             | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Iron (Final)               | XXX                    | XXX                  | 3.5                    | XXX                         | XXX                  | 7.0                     |
| Total Lead                       | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Manganese                  | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Zinc                       | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Phenol                           | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Benzo(a)Pyrene                   | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Naphthalene                      | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |

The proposed effluent limits for Outfall 085A are for a stormwater influenced outfall, the design flow is not applicable.

| <i>Parameters</i>      | <i>Mass (lb/day)</i>   |                      | <i>Average Monthly</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               | XXX                    | XXX                         | XXX                  | XXX                     |
| pH (S.U.)              | XXX                    | XXX                  | 6<br>Min               | XXX                         | XXX                  | 9                       |
| Total Suspended Solids | XXX                    | XXX                  | 30                     | XXX                         | XXX                  | 75                      |
| Oil and Grease         | XXX                    | XXX                  | 15                     | XXX                         | XXX                  | 30                      |
| Benzene                | XXX                    | XXX                  | 0.001                  | XXX                         | XXX                  | 0.0025                  |
| Naphthalene            | XXX                    | XXX                  | 0.3                    | XXX                         | XXX                  | 0.75                    |

The proposed effluent limits for Outfall 086 are for a stormwater influenced outfall, the design flow is not applicable.

| <i>Parameters</i>                | <i>Mass (lb/day)</i>   |                      | <i>Average Monthly</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> |                         |
| pH (S.U.) (Interim)              | XXX                    | XXX                  | Report<br>Min          | XXX                         | XXX                  | Report                  |
| pH (S.U.) (Final)                | XXX                    | XXX                  | 6<br>Min               | XXX                         | XXX                  | 9                       |
| Total Residual Chlorine          | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Suspended Solids (Interim) | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Suspended Solids (Final)   | XXX                    | XXX                  | 30                     | XXX                         | XXX                  | 60                      |
| Total Kjeldahl Nitrogen          | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Free Available Cyanide           | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Cyanide                    | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Iron (Interim)             | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Iron (Final)               | XXX                    | XXX                  | 3.5                    | XXX                         | XXX                  | 7.0                     |
| Total Lead                       | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Manganese (Interim)        | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Manganese (Final)          | XXX                    | XXX                  | 2.0                    | XXX                         | XXX                  | 4.0                     |
| Total Zinc                       | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Phenol                           | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Benzo(a)Pyrene                   | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Phenolics                  | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |

The proposed effluent limits for Outfall 087 are for a stormwater influenced outfall, the design flow is not applicable.

| <i>Parameters</i>       | <i>Mass (lb/day)</i>   |                      | <i>Average Monthly</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> |                         |
| Total Suspended Solids  | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Oil and Grease          | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Kjeldahl Nitrogen | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Iron              | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Manganese         | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Zinc              | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Benzo(a)Pyrene          | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Naphthalene             | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |

The proposed effluent limits for Outfall 088 are for a stormwater influenced outfall, the design flow is not applicable.

| <i>Parameters</i>                | <i>Mass (lb/day)</i>   |                      | <i>Average Monthly</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> |                         |
| pH (Interim)                     | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| pH (S.U.) (Final)                | XXX                    | XXX                  | 6<br>Min               | XXX                         | XXX                  | 9                       |
| Total Suspended Solids (Interim) | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Suspended Solids (Final)   | XXX                    | XXX                  | 30                     | XXX                         | XXX                  | 60                      |
| Oil and Grease                   | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Iron (Interim)             | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Iron (Final)               | XXX                    | XXX                  | 3.5                    | XXX                         | XXX                  | 7.0                     |
| Total Lead                       | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Manganese (Interim)        | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Manganese (Final)          | XXX                    | XXX                  | 2.0                    | XXX                         | XXX                  | 4.0                     |

| <i>Parameters</i> | <i>Mass (lb/day)</i>   |                      | <i>Average Monthly</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> |                         |
| Total Zinc        | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Phenol            | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Benzo(a)Pyrene    | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Naphthalene       | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Phenolics   | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |

The proposed effluent limits for Outfall 089 are for a stormwater influenced outfall, the design flow is not applicable.

| <i>Parameters</i>                | <i>Mass (lb/day)</i>   |                      | <i>Average Monthly</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> |                         |
| pH (S.U.) (Interim)              | XXX                    | XXX                  | Report<br>Min          | XXX                         | XXX                  | Report                  |
| pH (S.U.) (Final)                | XXX                    | XXX                  | 6<br>Min               | XXX                         | XXX                  | 9                       |
| Total Suspended Solids (Interim) | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Suspended Solids (Final)   | XXX                    | XXX                  | 30                     | XXX                         | XXX                  | 60                      |
| Oil and Grease (Interim)         | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Oil and Grease (Final)           | XXX                    | XXX                  | 15                     | XXX                         | XXX                  | 30                      |
| Total Cyanide                    | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Iron (Interim)             | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Iron (Final)               | XXX                    | XXX                  | 3.5                    | XXX                         | XXX                  | 7.0                     |
| Total Manganese                  | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Total Zinc                       | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Phenol                           | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Benzo(a)Pyrene                   | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |
| Naphthalene                      | XXX                    | XXX                  | Report                 | XXX                         | XXX                  | Report                  |

The proposed effluent limits for Outfall 090 are based on a design flow of 0.04 MGD.

| <i>Parameters</i>      | <i>Mass (lb/day)</i>   |                      | <i>Average Monthly</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               | XXX                    | XXX                         | XXX                  | XXX                     |
| pH (S.U.)              | XXX                    | XXX                  | 6<br>Min               | XXX                         | XXX                  | 9                       |
| Total Suspended Solids | XXX                    | XXX                  | 30                     | XXX                         | XXX                  | 75                      |
| Oil and Grease         | XXX                    | XXX                  | 15                     | XXX                         | XXX                  | 30                      |
| Hexavalent Chromium    | XXX                    | XXX                  | 0.047                  | XXX                         | XXX                  | 0.074                   |
| Benzene                | XXX                    | XXX                  | 0.001                  | XXX                         | XXX                  | 0.0025                  |
| Naphthalene            | XXX                    | XXX                  | 0.3                    | XXX                         | XXX                  | 0.75                    |

The proposed effluent limits for Outfall 091 are for an emergency discharge from the groundwater BTX trench, the design flow is not applicable.

| <i>Parameters</i>      | <i>Mass (lb/day)</i>   |                      | <i>Average Monthly</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               | XXX                    | XXX                         | XXX                  | XXX                     |
| pH (S.U.)              | XXX                    | XXX                  | 6<br>Min               | XXX                         | XXX                  | 9                       |
| Total Suspended Solids | XXX                    | XXX                  | 30                     | XXX                         | XXX                  | 75                      |
| Oil and Grease         | XXX                    | XXX                  | 15                     | XXX                         | XXX                  | 30                      |
| Hexavalent Chromium    | XXX                    | XXX                  | 0.047                  | XXX                         | XXX                  | 0.074                   |
| Benzene                | XXX                    | XXX                  | 0.001                  | XXX                         | XXX                  | 0.0025                  |
| Naphthalene            | XXX                    | XXX                  | 0.3                    | XXX                         | XXX                  | 0.75                    |

The proposed effluent limits for Outfall 183 are based on a design flow of 2.57 MGD.

| <i>Parameters</i>      | <i>Mass (lb/day)</i>   |                      | <i>Average Monthly</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               | XXX                    | XXX                         | XXX                  | XXX                     |
| pH (S.U.)              | XXX                    | XXX                  | 6<br>Min               | XXX                         | XXX                  | 9                       |
| Total Suspended Solids | 4585                   | 8921                 | 29.71                  | 72.81                       | XXX                  | XXX                     |



| <i>Parameters</i> | <i>Mass (lb/day)</i>       |                          | <i>Average<br/>Monthly</i> | <i>Concentration (mg/l)</i> |                          | <i>Instant.<br/>Maximum</i> |
|-------------------|----------------------------|--------------------------|----------------------------|-----------------------------|--------------------------|-----------------------------|
|                   | <i>Average<br/>Monthly</i> | <i>Daily<br/>Maximum</i> |                            | <i>Daily<br/>Maximum</i>    | <i>Daily<br/>Maximum</i> |                             |
| Oil and Grease    | 404.7                      | 1174                     | 7.76                       | 14.34                       | XXX                      | XXX                         |
| Ammonia-Nitrogen  | 112.0                      | 151.2                    | 4.28                       | 6.21                        | XXX                      | XXX                         |
| Total Cyanide     | 90.50                      | 129.0                    | 4.41                       | 6.30                        | XXX                      | XXX                         |
| Benzo(a)Pyrene    | 0.273                      | 0.466                    | .01297                     | .02325                      | XXX                      | XXX                         |
| Naphthalene       | 0.273                      | 0.482                    | .01307                     | 0.02344                     | XXX                      | XXX                         |
| Total Phenolics   | 1.028                      | 1.654                    | 0.05                       | 0.08                        | XXX                      | XXX                         |

The following effluent limitations would apply at Outfall 183 in the event that US Steel applies for and receives a variance under the provisions of 301(g) of the Clean Water Act.

| <i>Parameters</i>      | <i>Mass (lb/day)</i>       |                          | <i>Average<br/>Monthly</i> | <i>Concentration (mg/l)</i> |                          | <i>Instant.<br/>Maximum</i> |
|------------------------|----------------------------|--------------------------|----------------------------|-----------------------------|--------------------------|-----------------------------|
|                        | <i>Average<br/>Monthly</i> | <i>Daily<br/>Maximum</i> |                            | <i>Daily<br/>Maximum</i>    | <i>Daily<br/>Maximum</i> |                             |
| Flow (MGD)             | Report                     | Report                   | XXX                        | XXX                         | XXX                      | XXX                         |
| pH (S.U.)              | XXX                        | XXX                      | 6<br>Min                   | XXX                         | XXX                      | 9                           |
| Total Suspended Solids | 4585                       | 8921                     | 29.71                      | 72.81                       | XXX                      | XXX                         |
| Oil and Grease         | 404.7                      | 1174                     | 7.76                       | 14.34                       | XXX                      | XXX                         |
| Ammonia-Nitrogen       | 2921.8                     | 8751.6                   | 97.2                       | 291.6                       | XXX                      | XXX                         |
| Total Cyanide          | 90.50                      | 129.0                    | 4.41                       | 6.30                        | XXX                      | XXX                         |
| Benzo(a)Pyrene         | 0.273                      | 0.466                    | .01297                     | .02325                      | XXX                      | XXX                         |
| Naphthalene            | 0.273                      | 0.482                    | .01307                     | 0.02344                     | XXX                      | XXX                         |
| Total Phenolics        | 48.04                      | 143.96                   | 1.6                        | 4.8                         | XXX                      | XXX                         |

- The following outfalls are permitted to discharge uncontaminated steam condensate. There are at this time no specific effluent limitations on these outfalls: Outfalls 020, 020A, 030, 031B-D, 033, 033A, 035A-C, 036, 037, 037A, 039, 040, 043, 045, 047A, 048, 049, 050, 051, 054B, 054C, 055, 056, 058, 060, 061, 061A, 065, 066.

- The following outfalls are permitted to discharge uncontaminated storm water runoff from areas in and around the facility. There are at this time no specific effluent limitations on these outfalls: Outfalls 002A, 073, 083.

- The following outfalls are permitted to discharge uncontaminated miscellaneous wastewater. There are at this time no specific effluent limitations on these outfalls: Outfalls 030B, 035D, 045A, 053, 057, 062, 067.

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

- Submission of DMRs Requirement to conduct a Toxics Reduction Evaluation, Submission of a Stormwater Pollution Prevention Plan, A compliance schedule for certain Storm Water outfalls, A compliance schedule for certain non-contact cooling water discharges, and a chemical additive condition.

US Steel has informed the Department that it intends to submit a request for a variance from certain effluent limitations pursuant to Section 301(g) of the Clean Water Act. Pursuant to federal regulations, US Steel has until the until the last day of the comment period for this draft NPDES Permit to submit to the Department its request for the 301(g) Variance. If the Department grants the variance request, effluent limitations for ammonia and phenols at Internal Outfall 183 will be established as BPT as set forth in the Effluent Limitation Guidelines for the Iron and Steel Manufacturing Point Source Category—Subpart A Cokemaking (40 CFR 420.12 (a)). If the Department denies the variance request, effluent limitations for ammonia and phenols at Internal Outfall 183 will be established as BAT as set forth in the Effluent Limitation Guidelines for the Iron and Steel Manufacturing Point Source Category—Subpart A Cokemaking (40 CFR 420.13(a)). This draft NPDES Permit Amendment includes both sets of proposed effluent limitations (BPT and BAT) to allow the public to comment on the effluent limitations and the effect of granting or denying a potential 301(g) Variance request.

All interim effluent limitations apply from the date of permit issuance through three years after permit issuance date.

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

The EPA Waiver is not in effect.

**PA0001406**, Industrial Waste, SIC Code 3312, **Braeburn Alloy Steel Corp**, 101 Braeburn Road, Lower Burrell, PA 15068-2259. Facility Name: Braeburn Alloy Steel Rolling Mill Facility. This existing facility is located in Lower Burrell City, **Westmoreland 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), Allegheny River, is located in State Water Plan watershed 18-A 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 0.338 MGD.

| <i>Parameters</i>      | <i>Mass (lb/day)</i>   |                      |                | <i>Concentration (mg/l)</i> |                      | <i>Instant. Maximum</i> |
|------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
|                        | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i>      | <i>Daily Maximum</i> |                         |
| Flow (MGD)             | Report                 | XXX                  | XXX            | XXX                         | XXX                  | XXX                     |
| pH (S.U.)              | XXX                    | XXX                  | 6.0            | XXX                         | XXX                  | 9.0                     |
| Temperature (°F)       | XXX                    | XXX                  | XXX            | XXX                         | XXX                  | 110                     |
| Total Suspended Solids | XXX                    | XXX                  | XXX            | 30                          | 60                   | XXX                     |

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD (stormwater).

| <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 | XXX                    | XXX                  | XXX            | XXX                         | Report               | XXX                     |
| Oil and Grease         | XXX                    | XXX                  | XXX            | XXX                         | Report               | XXX                     |

The proposed effluent limits for Outfall 003 are based on a design flow of 0.23 MGD.

| <i>Parameters</i>      | <i>Mass (lb/day)</i>   |                      |                | <i>Concentration (mg/l)</i> |                      | <i>Instant. Maximum</i> |
|------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
|                        | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i>      | <i>Daily Maximum</i> |                         |
| Flow (MGD)             | Report                 | XXX                  | XXX            | XXX                         | XXX                  | XXX                     |
| pH (S.U.)              | XXX                    | XXX                  | 6.0            | XXX                         | XXX                  | 9.0                     |
| Temperature (°F)       | XXX                    | XXX                  | XXX            | XXX                         | XXX                  | 110                     |
| Total Suspended Solids | XXX                    | XXX                  | XXX            | 30                          | 60                   | XXX                     |
| Total Copper           | XXX                    | XXX                  | XXX            | XXX                         | Report               | XXX                     |

The proposed effluent limits for Outfall 004 are based on a design flow of 0.001 MGD.

| <i>Parameters</i>       | <i>Mass (lb/day)</i>   |                      |                | <i>Concentration (mg/l)</i> |                      | <i>Instant. Maximum</i> |
|-------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
|                         | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i>      | <i>Daily Maximum</i> |                         |
| Flow (MGD)              | .001                   | XXX                  | XXX            | XXX                         | XXX                  | XXX                     |
| pH (S.U.)               | XXX                    | XXX                  | 6.0            | XXX                         | XXX                  | 9.0                     |
| Total Residual Chlorine | XXX                    | XXX                  | XXX            | 1.4                         | XXX                  | 3.3                     |
| CBOD <sub>5</sub>       | XXX                    | XXX                  | XXX            | 25                          | XXX                  | 50                      |
| Total Suspended Solids  | XXX                    | XXX                  | XXX            | 30                          | XXX                  | 60                      |
| Fecal Coliform          |                        |                      |                |                             |                      |                         |
| May 1 - Sep 30          | XXX                    | XXX                  | XXX            | 200                         | XXX                  | 1000                    |
| Oct 1 - Apr 30          | XXX                    | XXX                  | XXX            | Geo Mean<br>2,000           | XXX                  | 10000                   |
|                         |                        |                      |                | Geo Mean                    |                      |                         |

The proposed effluent limits for Outfall 005 are based on a design flow of 0.048 MGD.

| <i>Parameters</i>      | <i>Mass (lb/day)</i>   |                      |                | <i>Concentration (mg/l)</i> |                      | <i>Instant. Maximum</i> |
|------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
|                        | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i>      | <i>Daily Maximum</i> |                         |
| Flow (MGD)             | Report                 | XXX                  | XXX            | XXX                         | XXX                  | XXX                     |
| pH (S.U.)              | XXX                    | XXX                  | 6.0            | XXX                         | XXX                  | 9.0                     |
| Temperature (°F)       | XXX                    | XXX                  | XXX            | XXX                         | XXX                  | 110                     |
| Total Suspended Solids | XXX                    | XXX                  | XXX            | 30                          | 60                   | XXX                     |

The proposed effluent limits for Outfall 012 are based on a design flow of 0.008 MGD.

| <i>Parameters</i>      | <i>Mass (lb/day)</i>   |                      |                | <i>Concentration (mg/l)</i> |                      | <i>Instant. Maximum</i> |
|------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
|                        | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i>      | <i>Daily Maximum</i> |                         |
| Flow (MGD)             | Report                 | XXX                  | XXX            | XXX                         | XXX                  | XXX                     |
| Total Suspended Solids | XXX                    | XXX                  | XXX            | XXX                         | Report               | XXX                     |
| Oil and Grease         | XXX                    | XXX                  | XXX            | XXX                         | XXX                  | 30                      |

The proposed effluent limits for Outfall 101 are based on a design flow of 0.021 MGD.

| <i>Parameters</i>      | <i>Mass (lb/day)</i>   |                      |                | <i>Concentration (mg/l)</i> |                      | <i>Instant. Maximum</i> |
|------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
|                        | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i>      | <i>Daily Maximum</i> |                         |
| Flow (MGD)             | Report                 | XXX                  | XXX            | XXX                         | XXX                  | XXX                     |
| pH (S.U.)              | XXX                    | XXX                  | 6.0            | XXX                         | XXX                  | 9.0                     |
| Total Suspended Solids | 4.2                    | 11.2                 | XXX            | XXX                         | 40                   | 50                      |
| Oil and Grease         | XXX                    | 2.8                  | XXX            | XXX                         | 10                   | 13                      |

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

The EPA Waiver is in effect.

**PA0205656**, SIC Code 5171, **Kinder Morgan Liquids Terms LLC**, 702 Washington Avenue, Dravosburg, PA 15034-1348. Facility Name: Kinder Morgan Dravosburg Terminal. This existing facility is located in Dravosburg Borough, **Allegheny County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated stormwater associated with a petroleum marketing terminal and tank hydrostatic test water.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.144 MGD.

| Parameters     | Mass (lb/day)   |               |         | Concentration (mg/l) |     | Instant. Maximum |
|----------------|-----------------|---------------|---------|----------------------|-----|------------------|
|                | Average Monthly | Daily Maximum | Minimum | Average Monthly      |     |                  |
| Flow (GPM)     | XXX             | 60            | XXX     | XXX                  | XXX | XXX              |
| pH (S.U.)      | XXX             | XXX           | 6       | XXX                  | XXX | 9                |
| Oil and Grease | XXX             | XXX           | XXX     | 15                   | XXX | 30               |

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

IX. The discharge of hydrostatic test water from any existing petroleum product storage tanks and/or new tanks is approved on an as-needed basis and is subject to the following conditions:

A. Use of chlorinated water such as a municipal supply should be avoided as the source of test water. If municipal water must be used, the water must be retained in the tank for at least 24 hours prior to discharge. If surface waters are used as the source of test water, the water withdrawn from the stream must be less than 25% of the stream flow and the discharge cannot increase the flow of the stream by more than 25%. When testing multiple tanks, the test water must be conveyed from the smallest tank to the largest tank adding water as needed, then drain the last tank in accordance with this approval.

B. All tanks must be thoroughly cleaned prior to hydrostatic testing to remove any contaminants to the best practicable extent.

C. Water shall be discharged through an energy dissipater (bales of straw, geotech mesh, etc.) at a controlled rate to minimize erosion. The permittee shall comply with Chapter 102 of the Department's Rules and Regulations and the Department's "Soil Erosion and Sedimentation Control Manual." The water shall be discharged to the outfall without passing through the oil/water separators to prevent washout of removed materials.

D. The discharge shall not contain any substances in concentration or amount sufficient to be harmful to water uses protected or to human, animal, plant or aquatic life. The discharger is responsible for any impairment of water use that occurs as a result of this discharge. The Department reserves the right to require that the discharge be discontinued.

E. All water discharged must be properly directed so that it causes no nuisance conditions and does not pool or pond prior to reaching a surface water.

F. The discharge of hydrostatic test water must comply with the following effluent limitations and monitoring requirements:

| Parameter                            | Instantaneous Maximum (mg/l) <sup>1</sup> | Sampling Frequency <sup>1</sup> | Sample Type |
|--------------------------------------|---|---------------------------------|-------------|
| Flow (gpm)                           | Monitor/Report                            | 2/discharge                     | measured    |
| Duration (hours)                     | Monitor/Report                            | continuous                      | N/A         |
| Dissolved Oxygen                     | Minimum of 5                              | 2/discharge                     | grab        |
| Suspended Solids                     | 60  | 2/discharge                     | grab        |
| Oil and Grease                       | 30  | 2/discharge                     | grab        |
| Iron                                 | 7.0                                       | 2/discharge                     | grab        |
| Benzene <sup>4</sup>                 | 0.0025                                    | 2/discharge                     | grab        |
| BTEX <sup>2,4</sup>                  | 0.25                                      | 2/discharge                     | grab        |
| Ethylbenzene <sup>4</sup>            | Monitor/Report                            | 2/discharge                     | grab        |
| Toluene <sup>4</sup>                 | Monitor/Report                            | 2/discharge                     | grab        |
| Xylenes (Total) <sup>4</sup>         | Monitor/Report                            | 2/discharge                     | grab        |
| Total Residual Chlorine <sup>3</sup> | 0.5                                       | 2/discharge                     | grab        |
| pH (standard units)                  | Between 6 and 9 at all times              | 2/discharge                     | grab        |

<sup>1</sup> One grab is to be collected from the onset of the discharge; the second at the midpoint or the end of the discharge. The results of any single grab sample must comply with the instantaneous maximum limitation.

<sup>2</sup> BTEX is the sum of analytical results for Benzene, Toluene, Ethylbenzene and Xylenes.

<sup>3</sup> Only if chlorinated water is used as the source of test water.

<sup>4</sup> These limits and monitoring requirements do not apply to newly constructed tanks which have not yet stored any product or raw material.

G. The results of the effluent analyses required above, including all individual grab samples, must be summarized on the attached reporting form and submitted to the address in Part C.1 above within 30 days of the discharge. The permittee is required to notify the Department and the Pennsylvania Fish Commission 30 days in advance of the discharge.

H. Sludges and other solids accumulated during these tests shall be handled and disposed of in accordance with the Solid Waste Management Act of 1980 (Act 97) and with 25 Pa. Code Chapters 287, 291 and 299 (relating to residual waste generators) and 288 and 289 (relating to residual waste landfills and impoundments) and the Federal Clean Water Act and its amendments.

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

The EPA Waiver is in effect.

**PA0254380**, Sewage, **Ursina Borough**, 418 Park Street, Confluence, PA 15424. Facility Name: Ursina Borough STP. This facility is located in Ursina Borough, **Somerset County**.

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

The receiving stream(s), Laurel Hill Creek, is located in State Water Plan watershed 19-E 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 0.04 MGD.

| Parameters                  | Mass (lb/day)   |         |         | Concentration (mg/l)          |                  | Instant. Maximum |
|-----------------------------|-----------------|---------|---------|-------------------------------|------------------|------------------|
|                             | Average Monthly | Minimum | Minimum | Average Monthly               | Instant. Maximum |                  |
| Flow (MGD)                  | 0.04            | XXX     | XXX     | XXX                           | XXX              | XXX              |
| pH (S.U.)                   | XXX             | XXX     | 6.0     | XXX                           | XXX              | 9.0              |
| Dissolved Oxygen            | XXX             | XXX     | 3.0     | XXX                           | XXX              | XXX              |
| CBOD <sub>5</sub>           |                 |         |         |                               |                  |                  |
| May 1 - Oct 31              | 3.3             | XXX     | XXX     | 10                            | XXX              | 20               |
| Nov 1 - Apr 30              | 6.7             | XXX     | XXX     | 20                            | XXX              | 40               |
| BOD <sub>5</sub>            |                 |         |         |                               |                  |                  |
| Raw Sewage Influent         | XXX             | XXX     | XXX     | Report                        | XXX              | XXX              |
| Total Suspended Solids      |                 |         |         |                               |                  |                  |
| Raw Sewage Influent         | XXX             | XXX     | XXX     | Report                        | XXX              | XXX              |
| Total Suspended Solids      | 3.3             | XXX     | XXX     | 10                            | XXX              | 20               |
| 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<br>2,000<br>Geo Mean | XXX              | 10,000           |
| Ammonia-Nitrogen            |                 |         |         |                               |                  |                  |
| May 1 - Oct 31              | 1.0             | XXX     | XXX     | 3.0                           | XXX              | 6.0              |
| Nov 1 - Apr 30              | 3.0             | XXX     | XXX     | 9.0                           | XXX              | 18.0             |

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

The EPA Waiver is in effect.

**PA0203726**, Postal Building & Leasing Company, 705 Olive Street, St Louis, MO 63101. Facility Name: US Post Office STP. This existing facility is located in Addison Borough, **Somerset 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 Chub Run is located in State Water Plan Watershed 19F 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 0.0004 MGD.

| Parameters                  | Mass (lb/day)   |         |         | Concentration (mg/l)          |                  | Instant. Maximum |
|-----------------------------|-----------------|---------|---------|-------------------------------|------------------|------------------|
|                             | Average Monthly | Minimum | Minimum | Average Monthly               | Instant. Maximum |                  |
| Flow (MGD)                  | 0.0004          | XXX     | XXX     | XXX                           | XXX              | XXX              |
| pH (S.U.)                   | XXX             | XXX     | 6.0     | XXX                           | XXX              | 9.0              |
| Total Residual Chlorine     | XXX             | XXX     | XXX     | 1.4                           | XXX              | 3.3              |
| CBOD <sub>5</sub>           | XXX             | XXX     | XXX     | 25                            | XXX              | 50               |
| Total Suspended Solids      | XXX             | XXX     | XXX     | 30                            | XXX              | 60               |
| Fecal Coliform (CFU/100 ml) |                 |         |         |                               |                  |                  |
| May 1 - Sep 30              | XXX             | XXX     | XXX     | 200                           | XXX              | 1,000            |
| Oct 1 - Apr 30              | XXX             | XXX     | XXX     | Geo Mean<br>2,000<br>Geo Mean | XXX              | 10,000           |

The EPA Waiver is in effect.

**PA0098922**, Sewage, SIC Code 8211, **Freedom Area School District**, 1701 Eighth Avenue, Freedom, PA 15042-2099. Facility Name: Big Knob Elementary School. This existing facility is located in New Sewickley Township, **Beaver 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), a tributary of Pine Run, is located in State Water Plan watershed 20-G 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 0.016 MGD.

| Parameters                  | Mass (lb/day)   |       |         | Concentration (mg/l) |                | Instant. Maximum |
|-----------------------------|-----------------|-------|---------|----------------------|----------------|------------------|
|                             | Average Monthly | Daily | Minimum | Average Monthly      | Weekly Average |                  |
| Flow (MGD)                  | 0.016           | XXX   | 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     | 0.02                 | XXX            | 0.05             |
| CBOD <sub>5</sub>           | XXX             | XXX   | XXX     | 25                   | XXX            | 50               |
| Total Suspended Solids      | XXX             | XXX   | XXX     | 30                   | XXX            | 60               |
| Fecal Coliform (CFU/100 ml) | XXX             | XXX   | XXX     | 200                  | XXX            | 1,000            |
|                             |                 |       |         | Geo Mean             |                |                  |
| May 1 - Sep 30              |                 |       |         | 2,000                |                | 10,000           |
| Oct 1 - Apr 30              |                 |       |         | Geo Mean             |                |                  |
| Ammonia-Nitrogen            | XXX             | XXX   | XXX     | 2.0                  | XXX            | 4.0              |
|                             |                 |       |         | 3.0                  |                |                  |
| May 1 - Oct 31              |                 |       |         | XXX                  |                | 6.0              |
| Nov 1 - Apr 30              |                 |       |         | XXX                  |                |                  |

The EPA Waiver is in effect.

**PA0217654**, Sewage, **Seward/Saint Clair Township Sanitary Authority**, PO Box 494, Seward, PA 15954-0494. Facility Name: Sugar Run STP. This existing facility is located in Saint Clair Township, **Westmoreland 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, Conemaugh River is located in State Water Plan watershed 18-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 0.361 MGD.

| Parameters                  | Mass (lb/day)   |               |         | Concentration (mg/l) |                | Instant. Maximum |
|-----------------------------|-----------------|---------------|---------|----------------------|----------------|------------------|
|                             | Average Monthly | Daily Maximum | Minimum | Average Monthly      | Weekly Average |                  |
| 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     | 0.5                  | XXX            | 1.6              |
| CBOD <sub>5</sub>           | 75.3            | 113.0         | XXX     | 25                   | 37.5           | 50               |
| BOD <sub>5</sub>            |                 | Wkly Avg      |         |                      |                |                  |
| Raw Sewage Influent         | Report          | Report        | XXX     | Report               | XXX            | XXX              |
| Total Suspended Solids      |                 |               |         |                      |                |                  |
| Raw Sewage Influent         | Report          | Report        | XXX     | Report               | XXX            | XXX              |
| Total Suspended Solids      | 90.4            | 135.6         | XXX     | 30                   | 45             | 60               |
| Fecal Coliform (CFU/100 ml) |                 | Wkly Avg      |         |                      |                |                  |
| May 1 - Sep 30              | XXX             | XXX           | XXX     | 200                  | XXX            | 1,000            |
| Oct 1 - Apr 30              | XXX             | XXX           | XXX     | Geo Mean             | XXX            | 10,000           |
|                             |                 |               |         | 2,000                |                |                  |
|                             |                 |               |         | Geo Mean             |                |                  |

The EPA Waiver is in effect.

**III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law**

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790

**WQM Permit No. 3512406** Sewerage, **South Abington Twp.**, 104 Shady Lane Road, PO Box 259, Chinchilla, PA 18411

This proposed facility is located in South Abington Township., **Lackawanna County**, PA.

Description of Proposed Action/Activity: This Project involves construction an 18-inch diameter gravity sewer line and appurtenances (the Leggetts Creek trunk sewer). The new gravity sewer line will replace existing Pump Stations No. 1 and No. 2 and will connect to the Abington Regional Wastewater Interceptor Sewer at MHJA18, located on the southern portion of the South Abington Elementary School property.

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

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

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i>             | <i>Municipality</i>                              | <i>Receiving Water/Use</i>              |
|-------------------------|---|---------------------------|--|---|
| PAI01<br>1507012-R      | Chester County Fund, Inc.<br>615 Willowbrook Lane<br>West Chester, PA 19382-5578      | Chester                   | East Whiteland Township                          | Valley Creek (EV)                       |
| PAI01<br>151214         | PA Turnpike Commission<br>700 South Eisenhower Blvd<br>Middletown, PA 17057           | Chester and<br>Montgomery | Tredyffrin Township and<br>Upper Merion Township | Valley Creek (EV);<br>Trout Creek (WWF) |
| PAI01<br>151215         | Lakeview Development Associates<br>305 West Bristol Road<br>Warminster, PA 18974-1101 | Chester                   | Wallace Township                                 | March Creek Lake<br>(HQ-TSF-MF)         |

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

*Carbon County Conservation District: 5664 Interchange Road, Lehighton, PA 18235, 610-377-4894.*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i>       |
|-------------------------|---|---------------|---------------------|----------------------------------|
| PAI021312006            | Falling Creek Investments, Inc.<br>P. O. Box 655<br>Brodheads ville, PA 18322 | Carbon        | Towamensing Twp.    | Aquashicola Creek,<br>HQ-CWF, MF |

*Schuylkill County Conservation District: 1206 Ag Center Drive, RR 5, Box 5810, Pottsville, PA 17901, 570-622-3742.*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>                                 | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i>                                  |
|-------------------------|---|---------------|---------------------|---|
| PAI025411002            | Eagle Rock Resort Co.<br>1031 Valley of Lakes<br>Hazleton, PA 18201 | Schuylkill    | North Union Twp.    | Sugarloaf Creek,<br>CWF, MF;<br>Tomhicken Creek,<br>CWF, MF |
| PAI025411002(1)         | Eagle Rock Resort Co.<br>1031 Valley of Lakes<br>Hazleton, PA 18201 | Schuylkill    | North Union Twp.    | Sugarloaf Creek,<br>CWF, MF                                 |

*Pike County Conservation District: 556 Route 402, Suite 1, Hawley, PA 18428, 570-226-8220.*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i>            |
|-------------------------|---|---------------|---------------------|---------------------------------------|
| PAI025211006            | Wallenpaupack School District<br>Geothermal Wells<br>2552 Route 6<br>Hawley, PA 18428 | Pike          | Palmyra Twp.        | Wallenpaupack<br>Creek,<br>HQ-CWF, MF |

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

| <i>Permit #</i> | <i>Applicant Name &amp; Address</i>                        | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i>     |
|-----------------|--|---------------|---------------------|--------------------------------|
| PAI030712001    | Johnston Realty<br>300 Orchard Avenue<br>Altoona, PA 16602 | Blair         | Logan Township      | UNT to Sandy Run<br>HQ-CWF, MF |

| <i>Permit #</i> | <i>Applicant Name &amp; Address</i>  | <i>County</i> | <i>Municipality</i>      | <i>Receiving Water/Use</i>         |
|-----------------|--|---------------|--------------------------|------------------------------------|
| PAI032111011    | PennDOT<br>2140 Herr Street<br>Harrisburg, PA 17103 &<br>Kinsley Construction<br>2700 Water Street,<br>PO Box 2886<br>York, PA 17405 | Cumberland    | South Middleton Township | Yellow Breeches<br>Creek/HQ-CW, MF |
| PAI033612005    | Dwight Wagner<br>Tanglewood Manor, Inc.<br>PO Box 605<br>Quarryville, PA 17566   | Lancaster     | East Drumore Township    | UNT Conowingo<br>Creek/HQ-CWF      |

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701*

*Lycoming County Conservation District: 542 County Farm Road Suite 202, Montoursville, PA 17754, (570) 433-3003*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>                      | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|---------------------|----------------------------|
| PAI044112005            | PA Gen Energy Co LLC<br>120 Market St<br>Warren PA 16365 | Lycoming      | McHenry Township    | Pine Creek<br>HQ-TSF, MF   |

*Tioga County Conservation District: 50 Plaza Lane, Wellsboro, PA 16901, (570) 724-1801, X 3*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>                  | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i>         |
|-------------------------|--|---------------|---------------------|------------------------------------|
| PAI045912002            | Terry Twist<br>PO Box 101<br>Roaring Branch PA 17765 | Tioga         | Union Township      | UNT to Lycoming<br>Creek<br>HQ-CWF |

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

| <i>Permit No.</i> | <i>Applicant &amp; Address</i>   | <i>County</i> | <i>Municipality</i>     | <i>Stream Name</i>          |
|-------------------|--|---------------|-------------------------|-----------------------------|
| PAI053212001      | PennDOT District 10-0<br>2550 Oakland Ave<br>PO Box 429<br>Indiana, PA 15701 | Indiana       | Brush Valley Township   | Brush Creek (CWF)           |
| PAI056512005      | Austin Rogers<br>Greensburg DDP VII, LLC                                     | Westmoreland  | Mount Pleasant Township | Sewickley Creek<br>(HQ-CWF) |

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

PAG-12      CAFOs

### **STATE CONSERVATION COMMISSION**

#### **PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs**

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (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.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons with a disability who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information should contact the SCC through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**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> |
|--|---------------|--------------------|--------------------------------|--------------------|---|---------------------|
| Jonathan King Farm<br>1334 Valentine Road<br>Ickesburg, PA 17037 | Perry         | 87.1               | 541.1                          | Swine/Dairy        | Buffalo Creek<br>HQ-CWF                           | Renewal             |
| Mark Leinbach<br>105 Hoover Lane<br>Loysville, PA 17047          | Perry         | 0                  | 771.88                         | Swine              | NA  | Renewal             |
| Huber Villa Farm<br>5158 Tuscarora Path<br>Loysville, PA 17047   | Perry         | 161.2              | 916.28                         | Swine              | none  | Renewal             |
| Kucharski Farms<br>9351 SR 414<br>Liberty, PA 16930              | Tioga         | 366.4              | 2.08                           | Dairy/Swine        | HQ  | Renewal             |

**PUBLIC WATER SUPPLY (PWS) PERMITS**

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

**Applications Received Under the Pennsylvania Safe Drinking Water Act**

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

**Permit No. 0212517, Public Water Supply.**

|                           |   |
|---------------------------|---|
| Applicant                 | <b>Municipal Authority of the Borough of West View</b><br>210 Perry Highway<br>Pittsburgh, PA 15229   |
| [Township or Borough]     | Neville Township  |
| Responsible Official      | Joseph Dinkel, Executive Director of Operations<br>Municipal Authority of the Borough of West View<br>210 Perry Highway<br>Pittsburgh, PA 15229 |
| Type of Facility          | Water system  |
| Consulting Engineer       | Bankson Engineers, Inc.<br>267 Blue Run Road<br>PO Box 200<br>Indianola, PA 15051   |
| Application Received Date | June 6, 2012  |
| Description of Action     | Replacement of an ultraviolet disinfection unit at the Joseph A. Berkley Water Treatment Plant.   |

**MINOR AMENDMENT**

**Applications Received Under the Pennsylvania Safe Drinking Water Act**

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

**Application No. 6312502MA, Minor Amendment.**

|                       |  |
|-----------------------|--|
| Applicant             | <b>Authority of the Borough of Charleroi</b><br>3 McKean Avenue<br>Charleroi, PA 15022                     |
| [Township or Borough] | Donora   |
| Responsible Official  | Edward Golanka, Manager<br>Authority of the Borough of Charleroi<br>3 McKean Avenue<br>Charleroi, PA 15022 |
| Type of Facility      | Water system   |



|                           |  |
|---------------------------|--|
| Consulting Engineer       | Chester Engineers, Inc.<br>1555 Coraopolis Heights Road<br>Moon Township, PA 15108 |
| Application Received Date | June 4, 2012   |
| Description of Action     | Repair and painting of the two Donora water storage tanks.                         |

### WATER ALLOCATIONS

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#### Applications received under the Act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth

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

**WA56-1008, Water Allocations. Jefferson Township Water & Sewer Authority**, 786 Mountain View Road, Somerset, PA 15501, **Somerset County**. The applicant is requesting the right to purchase 200,000 gpd of water from the Somerset County General Authority.

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

#### UNDER ACT 2, 1995 PREAMBLE 1

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

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Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is pub-

lished in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

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

**Camp Rock Hill Facility**, Route 739 (Dingman's Turnpike), Dingman Township, **Pike County**. Phillip Getty, Boucher & James, Inc., 2738 Rim Rock Road, Stroudsburg, PA 18360 has submitted a Notice of Intent to Remediate on behalf of his client, Boy Scouts of America, P. O. Box 670, Oakland, NJ 07436, concerning the remediation of soil found to have been impacted by lead as a result of historical rifle range activities at the Boy Scout camp. The applicant proposes to remediate the site to meet the Site-Specific Standard for soil. The anticipated future use of the former berms will be naturalized open space. A summary of the Notice of Intent to Remediate was published in the *Pike County Dispatch* on May 24, 2012.

**William Penn Business Center (Recoil I-78 Tanker Spill)**, 7277 William Avenue, Upper Macungie Township, **Lehigh County**. Andrew Horwath, ECC Horizon, Inc., 520 Fellowship Road, Suite E-506, Mount Laurel, NJ 08054 has submitted a Notice of Intent to Remediate on behalf of his client, PennCap Properties, 7277 William Avenue, Allentown, PA 18106, concerning the remediation of soil found to have been impacted by waste oil as a result of a spill of an overturned tanker truck. The applicant proposes to remediate the site to meet the Non-Residential Statewide Health Standard for soil. The proposed future use of the area in which the spill took place will remain commercial. 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.

### MUNICIPAL WASTE GENERAL PERMITS

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**Application(s) Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.**

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*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. WMGM044. Revolution Recovery, LLC., 7333 Milnor Street, Philadelphia, PA 19136.*

Revolution Recovery, Inc. was issued the general permit number WMGM025 on June 4th, 2007 for the processing and beneficial use of unpainted and untreated wood waste, gypsum board, brick, block and concrete waste from new residential and commercial construction. On June 03, 2011, the Department has received a permit modification application from Revolution Recovery, LLC, requesting the Department's approval to accept waste materials from other sources under existing WMGM025. The waste materials include:

- a. Textile wastes.
- b. Plastic and rubber waste.
- c. Source segregated packing materials, newspaper, and wax-coated cardboard.
- d. Unused building materials.
- e. Architectural elements.
- f. Drywall, gypsum board.
- g. Engineered wood.
- h. Brick, block and concrete.
- i. Waste tires and discarded conveyer belts.
- j. Built-up rubber roofing materials.
- k. Pallets, skids, wood boxes, slab wood from saw mills, dimensional wood scraps, wood shaving, construction wood scraps, construction debris.
- l. Non-asbestos containing asphalt shingles.
- m. Office furniture and equipment

Based on the information provided in the modification application, the Department determined that the expansion of materials being processed and beneficially used by Revolution Recovery, LLC., is beyond the scope of the current general permit and should be authorized under a new general permit.

Notice is hereby given of the proposal of the General Permit Numbered WMGM044 authorizing the processing and beneficial use of various waste materials, by Revolution Recovery, LLC., located in the City of Philadelphia, as specified in the general permit.

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

#### **DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS**

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#### **Application(s) for Renewal Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash**

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

**General Permit Application No. WMGR080. Calumet Penreco LLC**, 138 Petrolia Street, Karns City, PA 16041-9799. The permit application is for the beneficial use of weak alkali liquor as an alkaline material to treat acid mine drainage wastewater. The application for renewal was deemed administratively complete by Central Office on June 8, 2012.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on WMGR080" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

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

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#### **Application Received Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

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*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401*

**Permit Application No. 300725. Aqua Pennsylvania Inc.**, 762 W Lancaster Avenue, Bryn Mawr PA 19010-3420. This minor permit modification application is seeking the approval to construct the remaining phases of the soil berm, the design of the embankment, and a description of belt filter presses that are being added at the Neshaminy Falls Residual Waste Landfill, a captive Class III residual waste landfill for disposal of water treatment sludge, located in Middletown Township, **Bucks County**. The application was received by the Southeast Regional Office on May 17, 2012.

**Permit Application No. 101680. Waste Management Disposal Services of Pennsylvania, Inc.**, (GROWS North Landfill), 1000 New Ford Mill Road, Morrisville, PA 19067. This minor permit modification application is seeking the approval for redesigning several stormwater control features due to constructability issues and operational challenges at the Grows North Landfill, a

municipal waste landfill located in Falls Township, **Bucks County**. The application was received by Southeast Regional Office on June 1, 2012.

**Permit Application No. 101680. Waste Management Disposal Services of Pennsylvania, Inc.,** (GROWS North Landfill), 1000 New Ford Mill Road, Morrisville, PA 19067. This minor permit modification application is intended to recirculate untreated leachate from the on-site storage tanks onto the landfill working face at the Grows North Landfill located in Falls Township, **Bucks County**. The application was received by the Southeast Regional Office on May 18, 2012.

## AIR QUALITY

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

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

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

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

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

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

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

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

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

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*

**46-0275: Titan International, Inc.** (1533 West High Street, Pottstown, PA 19466) for installation of two (2) batch reactor tanks and related metal recovery equipment, including a fume scrubber, at a new facility in West Pottsgrove Township, **Montgomery County**. The hydrochloric fume scrubber reduces Hazardous Air Pollutant (HAP) emissions from the reactor tanks to less than 0.075 ton per year. Facility-wide potential to emit for all criteria pollutants is below major facility thresholds for the Philadelphia Consolidated Metropolitan Statistical Area. The plant is therefore a Natural Minor Facility. The plan approval will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**54-399-053: OMNOVA Solutions Inc.,** (175 Ghent Road, Fairlawn, OH 44333-3330) for construction and operation of a natural gas fired 1.5 MW cogeneration system for their facility in West Brunswick Township, **Schuylkill County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (DEP) intends to issue Plan Approval No. 54-399-053 to OMNOVA Solutions, Inc., 175 Ghent Road, Fairlawn, OH 44333-3330, for their facility located in West Brunswick Township, Schuylkill County. The facility currently is a major facility operating under Title V Operating Permit No. 54-00009. This plan approval will be incorporated into the operating permit through an administrative amendment at a later date, and the action will be published as a notice in the *Pennsylvania Bulletin*.

Plan Approval No. 54-399-053 is for the construction and operation of a natural gas fired 1.5 MW cogeneration system, which will recover heat from the engine exhaust and from the engine jacket. The hot water will be used for process water in the summer and for process water and heating in the winter. The cogeneration system is expected to operate up to 8760 hours per year. Installation of the cogeneration system will not affect the operation or increase emissions from any of the other facility air emission sources. The cogeneration system will consist of a MWM, Sud-Chemie TCG2020V16K reciprocating internal combustion engine (RICE). The spark-ignited gas engine is a four-stroke, air/gas mixture turbocharged, after cooled, with high performance ignition system and an electronically controlled air/gas mixture system. The engine is rated at 13,040 MBTU/Hr heat input. The engine is equipped with the most advanced Sud-Chemie EnviCat® 5314 Oxidation Catalyst.

The engines will utilize Lean Burn Technology to provide the lowest NO<sub>x</sub> emissions possible during normal operating conditions as a best available technology (BAT).

The engine will be equipped with an oxidation catalyst to control CO, VOC, and CH<sub>2</sub>O emissions. The catalyst unit is capable of reducing CO emissions by 93%, VOC emissions by 66% and CH<sub>2</sub>O by 93%.

The proposed source is subject to the various state and federal standards (NSPS & MACT) requirements.

A review of the information submitted by the company indicates that the proposed project will meet all applicable state and federal air quality requirements. Based upon these findings, DEP plans to approve the application and issue a permit for the facility.

The following table summarizes the potential emissions from maximum operation of the engine according to the application submitted and the Department's own analysis;

| <i>Pollutant</i>    | <i>Total Project (TPY)</i> |
|---------------------|----------------------------|
| NO <sub>x</sub>     | 10.13                      |
| CO                  | 2.59                       |
| VOC                 | 1.36                       |
| SO <sub>2</sub>     | 0.03                       |
| PM/PM <sub>10</sub> | 0.004                      |
| Formaldehyde        | 0.43                       |
| Total HAPs          | 0.43                       |

The emissions of these pollutants are within all applicable emissions limitations and will not cause an exceedance of the National Ambient Air Quality Standards.

In order to assure compliance with the applicable standards, DEP will place conditions in the plan approval.

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.

Any person(s) wishing to provide DEP with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 54-399-053 and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

*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*

**67-03165A: Evergreen on Lincoln** (654 Lincoln Street, York, PA 17404) for resuming operation of a human crematory at their facility in the City of York, **York County**.

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

Plan Approval No. 67-03165A is for resuming operation of the human crematory previously operated by Yorktowne Caskets, Inc. The crematory fires natural gas and actual emissions from its operation are minimal. The plan approval will contain emission limits, stack testing, monitoring, recordkeeping and work practice standards to ensure the facility complies with all applicable air quality requirements.

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

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

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

Daniel C. Husted, PE, New Source Review Chief, may be contacted at 717-705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

**05-03020A: Northern Bedford County School District** (152 NBC Drive, Loysburg, PA 16659) for installation of a 7.793 mmBtu/hr wood-fired boiler in South Woodbury Township, **Bedford County**.

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

Plan Approval No. 05-03020A is for the installation of a wood-fire boiler. Particulate Matter (PM) emissions from the boiler will be controlled by multi-clone mechanical collectors in series as BAT. The Plan Approval and Operating Permit will contain emission restrictions, work practice standards, and testing, monitoring, record keeping, and reporting requirements to ensure the facility complies with the applicable air quality requirements.

The estimate potential emissions from the proposed source will be 7.5 tons per year of PM, 7.5 tons per year

of PM<sub>10</sub>, 0.85 tons per year of SO<sub>x</sub>, 20.5 tons per year of CO, 7.5 tons per year of NO<sub>x</sub>, and 0.6 tons per year of VOC, respectively.

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 PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

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

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

Daniel C. Husted, New Source Review Chief, may be contacted at 717-705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

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

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

**55-00014A: Bingaman & Son Lumber, Inc.** (1195 Creek Mountain Road, Kreamer, PA 17833) for construction of a 29.15 MMBtu per hour wood-fired boiler controlled by a multi-clone and fabric collector in series. The proposed boiler will replace an existing boiler at the facility; therefore, the facility will continue to be classified as natural minor facility because no major emission threshold is exceeded.

The Department's review of the information submitted by Bingaman and Son Lumber, Inc. indicates that the proposed boiler will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the New Source Performance Standards Subpart Dc, and the National Emissions Standards for Hazardous Air Pollutants Subpart JJJJJJ. Based on these findings, the Department intends to issue a plan approval for the proposed construction and operation of the source and associated air cleaning devices. Additionally, if the Department determines that the sources are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into a state-only operating permit via an administrative amendment pursuant to 25 Pa. Code § 127.450.

The following is a summary of the conditions the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements:

1. Pursuant to the Best Available Technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12, emis-

sions from the boiler shall be controlled by an AFS-24-9CYT multi-cyclone and an AFS/CAMCORP pulse-jet type fabric collector.

2. Pursuant to the Best Available Technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12, the nitrogen oxide (NO<sub>x</sub>, expressed as NO<sub>2</sub>) emissions from the boiler shall not exceed 0.22 pound per million British thermal unit (lb/MMBtu) of heat input and 28.08 tons in any 12 consecutive month period.

3. Pursuant to the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the emission of sulfur oxides into the outdoor atmosphere from the boiler shall not exceed the rate of 0.025 lb/MMBtu of heat input and 3.19 tons in any 12 consecutive month period.

4. Pursuant to the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the volatile organic compound emissions from the boiler shall not exceed 0.017 lb/MMBtu of heat input and 2.17 tons in any 12 consecutive month period.

5. Pursuant to the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the carbon monoxide emissions from the boiler shall not exceed 0.33 lb/MMBtu of heat input and 42.13 tons in any 12 consecutive month period.

6. Pursuant to the requirements of 40 CFR 63.11201(a) and the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the particulate matter emissions from the boiler shall not exceed 0.07 lb/MMBtu of heat input and 8.94 tons in any 12 consecutive month period.

7. The only fuel to be fired in the boiler shall be sawdust, shavings and chips generated from sawing and machining kiln dried lumber. No waste generated from wood products such as flakeboard, wood treated with any type of wood preservative, wood with laminate attached, wood glued with a chlorinated solvent-containing glue or any other material other than the sawdust, shavings and chips mentioned above may be burned under any circumstances.

8. The control devices associated with the boiler shall be equipped with instrumentation that continuously monitors the pressure drop.

9. The permittee shall record the pressure drop reading at least twice per week. The permittee shall also create and maintain records of weekly fuel consumption and supporting calculations demonstrating compliance with emissions limitations.

10. Within 120 days of startup of operation of the boiler the permittee shall perform stack testing upon the exhaust for nitrogen oxides, carbon monoxide, and particulate matter.

11. The permittee shall comply with all applicable requirements of 40 CFR Part 60 Subpart Dc.

12. The permittee shall comply with all applicable requirements of 40 CFR Part 63 Subpart JJJJJJ.

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 PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

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

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

**AMS 12086: Aker Philadelphia Shipyard**—(2100 Kitty Hawk Avenue, Philadelphia, PA 19112) for replace-

ment of Abrasive blasting equipment and installation of two additional dust collectors. The change will be a modification of the Paint Shop Blasting Operations under the facility's Title V Operating Permit (Group 04, P-30). The modification will include replacement of abrasive blasting equipment, vacuum system with dust collector, and abrasive recycle system with dust collector, and installation of two additional dust collectors. Emission from activities associated with the Panel Shop, Fabrication Shop, Grand Block Shop, Paint Shop, Dock Shop with associated Dry Dock and Building 620 is limited to the following:

- (1) Carbon monoxide emissions shall not exceed 11.0 tons per rolling 12 month period;
- (2) Hazardous Air Pollutants shall not exceed 50.4 tons per rolling 12 month period;
- (3) Nitrogen Oxides shall be less than 24.5 tons per rolling 12 month period;
- (4) Particulate Matter shall not exceed 89.0 tons per rolling 12-month period;
- (5) Sulfur Dioxide emissions shall not exceed 0.2 ton per rolling 12-month period;
- (6) Volatile Organic Compounds shall not exceed 154.0 tons per rolling 12-month period.

The plan approval will contain operating, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

**AMS 12052: Municipal Service Building**, (1401 JFK Blvd. Philadelphia, PA 19102) for installing three (3) each 4.2 MMBTU/hr boilers firing No. 2 and Natural gas, and a 685 HP emergency generator. There will be a potential emission increase of 12 tons of Nitrogen Oxides (NO<sub>x</sub>) per year for the facility. The plan approval will contain operating, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

**AMS 12012: One Parkway Building**, (1401 1515 Arch Street, Philadelphia, PA 19107) for installing two (2) hot water generator each rated 0.6 MMBTU/hr firing natural gas or No. 2 fuel oil, two (2) each 1.5 MMBTU/hr boiler firing No. 2 and Natural gas, and two (2) chillers each 166 HP, and two (2) emergency generators rated 563 KW and 151 KW, and a 155 KW fire pump. There will be a potential emission increase of 19 tons of Nitrogen Oxides (NO<sub>x</sub>) per year for the facility. The plan approval will contain operating, monitoring and recordkeeping requirements to ensure operation within all applicable 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*

**23-00041: Phillips 66 Co.** (P. O. Box 2197, TN06098H, Houston, TX 77252-2197) for renewal of the Title V Operating Permit for their Chelsea Tank Farm, a pipeline breakout station for refined petroleum products in Upper Chichester Township, **Delaware County**.

This is a major facility for volatile organic compounds (VOC) emissions with a potential to emit 51.7 tons per year (12 month rolling sum). The Chelsea Tank Farm

comprises eleven (11) storage tanks, pumping stations and pipelines. Minor sources at the facility include an office heater (0.145 MMBtu/hr boiler), an emergency generator (150 kW) and a groundwater and soil remediation system, with emissions controlled by carbon beds and a catalytic oxidizer.

Regulations promulgated since the last time the Operating Permit was renewed, are included in this issuance. These regulations include the following Subparts from 40 CFR Part 63: Subpart BBBBBB, the National Emission Standards for Hazardous Air Pollutants (NESHAPs) for Gasoline Distribution Bulk Terminals, Bulk Plants and Pipeline Facilities; Subpart JJJJJJ, NESHAPs for Industrial, Commercial, and Institutional Boilers Area Sources; and Subpart ZZZZ, NESHAPs for Stationary Reciprocating Internal Combustion Engines. Upon final approval, the permit will be renewed for a period of five (5) years.

The renewal does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

**09-00009: Webcraft, LLC** (4371 County Line Road, Chalfont, PA 18914-1805) for renewal of the Title V Operating Permit for installation of a 7.793 mMBtu/hr wood-fired boiler in South Woodbury Township, **Bedford County**. The initial permit was issued on 8-1-2001 and was subsequently renewed on 7-13-2007. The facility is a direct mail printer that provides targeted advertising, media and marketing services for a diverse range of industries. The company operates seven (7) commercial lithographic printing presses that produce newspaper inserts and advertisements. Based on potential emissions of VOCs, 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 Renewal does not reflect any change in air emissions from the facility. The facility is not subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

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

**62-00032: Ellwood National Forge—ENF** (1 Front Street, Irvine, PA 16329-1801) for renewal of the Title V permit to operate an iron and steel forging products manufacturing in Brokenstraw Township, Warren County. The facility's major emission sources include union iron boiler, natural gas space heaters, package heat boilers (2-muir), PKG degasser boiler, 45T electric arc furnace, ENS annealing furnaces (3), ENF annealing Furnace #5, ENF heat treat (18), ENF heat treat (11), crankshaft file and grind process, vacuum degasser, teeming, scrap handling, slag handling, vehicle travel, shot blast finishing, crankshaft degreasing, ladle furnace, safety klean degreaser units (4), etch house, pipe mold cleaning machine, and nitride furnaces (5). The potential emissions of the pollutants from the facility are, NO<sub>x</sub>: 94.90 TPY (tons per year), CO: 506.07 TPY, SO<sub>x</sub>: 43.41, VOC: 23.60 TPY, PM<sub>10</sub>: 30.66 TPY and NH<sub>3</sub>: 10 TPY. Thus, the permit became Title V. The facility is subject to the Compliance Assurance Monitoring Rule (CAM) found in 40 C.F.R. Part 64. Appropriate permit conditions to address the

applicable CAM requirements have been included in the permit. The conditions were derived from plan approval 62-032B.

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

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

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

**39-00042: Chelsea Sandwich, LLC** (P. O. Box 459, Shippers Road, Macungie, PA 18062) for renewal of a State-only Synthetic Minor Operating Permit to operate a Gasoline Loading Rack in Lower Macungie Township, **Lehigh County**. The proposed State-only Operating Permit contains applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards designed to ensure facility compliance with Federal and State air pollution regulations.

**39-00096: Behr Processing Corp.** (7529 Morris Court, Allentown, PA 18106-9226) for operation of a paint and coating manufacturing facility in Upper Macungie Township, **Lehigh County**. The source consists of a raw storage area, processing equipment, and a filter fabric control device for particulate control. The source is considered a minor emission source of particulate and volatile organic compound (VOC) emissions. This is a State-Only operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

*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*

**36-03042: Haines & Kibblehouse, Inc.** (303 Quarry Road, Peach Bottom, PA 17563) for their stone crushing operations at the Spring Quarry in Fulton Township, **Lancaster 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. This is a renewal of the facility's State-only (Natural Minor) operating permit issued in 2007.

The facility's potential annual emissions are estimated at 27.3 tons of Particulate Matter (PM<sub>10</sub>). 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. The facility is also subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

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

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the

address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

Mr. Thomas 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.

**36-03167: Photonis USA Pennsylvania, Inc.** (1000 New Holland Ave., Lancaster, PA 17601) for the electron tube manufacturing facility in Lancaster City, **Lancaster 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 less than 10 tpy of any one HAP and less than 25 tpy of total HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63, Subpart WWW—National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations.

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

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

Mr. Thomas 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.

**22-05052: Pennsylvania Department of Agriculture** (2300 North Cameron Street, Harrisburg, PA 17110) for the operation of the Farm Show Complex in the City of Harrisburg, **Dauphin 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 the potential to emit 11.1 tpy  $PM_{10}$ , 27.3 tpy of CO, 42.5 tpy NO<sub>x</sub>, 23.9 tpy SO<sub>x</sub>, & 2.3 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. Among other items, the conditions include provisions derived from 40 CFR 63, Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources, 40 CFR 60, Subpart Dc—Standards of Performance for Small Industrial—Commercial—Institutional Steam Generating Units, & 40 CFR 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

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

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

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

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.

**21-05040: Valley Quarries, Inc.** (P. O. Box 2009, Chambersburg, PA 17201) for operation of their limestone crushing plant and hot mix asphalt plant at the Shipensburg quarry / blacktop facility in Southampton Township, **Cumberland County**.

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

Actual 2011 emissions at the facility are estimated to be 2.1 tons of  $PM_{10}$ ; 19.3 tons of CO; 4.3 tons of SO<sub>x</sub>; 5.8 tons of NO<sub>x</sub>; 1.5 tons of VOCs; and 0.4 ton HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants and 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

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

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

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

Mr. Daniel C. Husted, New Source Review Chief, may be contacted at 717-705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests or requests for a public hearing.

**67-03027: Pretium Packaging LLC** (1 Devco Drive, Manchester, PA 17345) for their plastic bottle manufacturing facility in East Manchester Township, **York County**.

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

The subject facility has the following potential emissions: 1 TPY VOC and 0.5 TPY hydrofluoric acid (HF). The Operating Permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations. The Operating Permit will also incorporate the requirements of Plan Approval No. 67-03027A.

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

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

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

Daniel C. Husted, P.E., New Source Review Chief, may be contacted at 717-705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

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

**Dominion Transmission, Inc.** (445 West Main Street, Clarksburg, WV 26301-2843) for their Centre Compressor Station in Spring Township, **Centre 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 the following potential emissions: 4.98 TPY of CO; 45.46 TPY of NO<sub>x</sub>; 1.47 TPY of SO<sub>x</sub>; 18.11 TPY of PM/PM<sub>10</sub>; 25.03 TPY of VOC; 9.22 TPY of HAP and 63,649 TPY of CO<sub>2e</sub>. The operating permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations. Both turbine compressor engines (Source IDs P102 and P103) are subject to 40 CFR Part 60, Subpart KKKK—Standards of Performance for New Stationary Source—Stationary Combustion Turbines.

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 Northcentral Regional Office at 208 West Third Street, Suite 101, Williamsport, Pa 17701.

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

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

Muhammad Q. Zaman, Environmental Program Manager, may be contacted at 570-327-3648, or at PA DEP Air Quality Program, 208 West Third Street, Suite 101, Williamsport, Pa 17701, 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*

**11-00436: Penn Cambria School District** (201 6th Street, Cresson, PA, 16630). Synthetic Minor Operating Permit renewal for the Penn Cambria Middle School in Gallitzin Boro, **Cambria County**. Equipment at this facility includes one tri-fuel boiler equipped to burn either coal or fuel oil, a fuel oil-fired boiler, a fuel oil-fired hot water heater and an emergency generator fired on fuel oil. Potential emissions from the facility are based on a limit of burning 1,077 tons of coal per consecutive 12 month period in the tri-fuel boiler and are estimated to be 23.2 tons NO<sub>x</sub>, 7.3 tons CO, 22.4 tons PM<sub>10</sub> and 90.9 tons SO<sub>2</sub>. Actual emissions from the facility are much lower. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

**04-00724: DCP Midstream, LP** (370 17th Street, Suite 2500, Denver, CO 80202) for continued operation at the Midland Propane Terminal in Industry Borough, **Beaver County**. This is a State Only Operating Permit Renewal submittal.

**03-00170: Sylvan America, Inc.** (199 Nolte Drive, Kittanning, PA 16201) for mushroom production at the

West Hills Spawn Plant in East Franklin Township, **Armstrong County**. This is a State Only Operating Permit renewal application submittal.

**11-00241: Pennsylvania Department of Corrections** (1920 Technology Parkway, Mechanicsburg, PA 17050), Synthetic Minor Operating Permit for the operation of a wood, oil, and natural gas-fired boiler house at the SCI-Cresson Prison, located in Cresson Township, **Cambria County**.

The facility contains air contamination sources consisting of four boilers and one 1,490-bhp emergency diesel generator engine. Wood fuel throughput of the facility is limited to 20,000 tons per year. Sulfur throughput contained in fuel oil is limited to 45 tons per year. This facility has the potential to emit the following type and quantity of pollutants: 22.11 tons per year of PM<sub>10</sub>, 93.06 tons per year of NO<sub>x</sub>, 89.50 tons per year of CO, 93.34 tons per year of SO<sub>2</sub>, and 64,057 tons of CO<sub>2e</sub> Green House Gases. The facility is limited to a maximum opacity from any processing equipment of 20 percent. The facility is subject to state requirements as well as 40 CFR 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units and 40 CFR 63, Subpart JJJJJ—National Emission Standards for Industrial, Commercial, and Institutional Boilers. The permit includes emission limitations, and operational, monitoring, testing, reporting and recordkeeping requirements for the facility.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this State Only Operating Permit may submit the information to Martin L. Hochhauser, P.E., Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (specify Operating Permit OP-11-00241) and a 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. In accordance with 25 Pa. Code § 127.428, prior to issuing an operating permit, the Department may hold a fact-finding conference or hearing at which the petitioner, and a person who has properly filed a protest under 25 Pa. Code § 127.426 (relating to filing protests) may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant and other participants will be notified of the time, place and purpose of a conference or hearing, in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, unless the Department determines that notification by telephone will be sufficient.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131*

**10-00335: Penn United Technology, Inc.** (196 Alwine Road, Saxonburg, PA 16056), for a Synthetic Minor Permit to operate a machine tool accessories manufacturing facility located in Jefferson Township, **Butler County**. The updated emitting sources are, 1) C004: Miscellaneous natural gas usage 2) P002: Mill Room 3) P007: Finish Grinding 4) P008: Equipment/ Parts Cleaning, 5) P101: Spray dryer, 6) P102: Debind Furnace #1, 7)

P103: Blue M Furnace, 8) P105: Debind Furnace #2. The facility has taken VOC emission restriction 46 tons per year and became Synthetic Minor. The potential emission of pollutants from the facility are, CO: 0.06 Ton, NO<sub>x</sub>: 0.85 Ton; PM<sub>10</sub>: 0.003 Ton; PM<sub>2.5</sub>: 0.0 Ton; SO<sub>x</sub>: 0.001 Ton and VOC: 46.0 Ton.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

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

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

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

### *Coal Applications Received*

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

**56120109 and NPDES no. PA0269034. Mountaineer Mining Corporation**, 1010 Garrett Shortcut Road, Berlin, PA 15530 commencement, operation and restoration

of a bituminous surface and auger mine in Stonycreek Township, **Somerset County**, affecting 127.1 acres. Receiving stream(s): unnamed tributary to/and Schrock Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: May 30, 2012.

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

**03050103 and NPDES Permit No. PA0250961. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767). Renewal application for continued mining to an existing bituminous surface mine, located in Madison Township, **Armstrong County**, affecting 140.8 acres. Receiving streams: unnamed tributaries to Allegheny River, classified for the following use: WWF. The potable water supply intake within 10 miles downstream from the point of discharge: Allegheny Power. Renewal application received: June 1, 2012.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**10120102 and NPDES Permit No. PA0259036. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Commencement, operation and restoration of a bituminous surface mine in Parker & Perry Townships, **Butler and Armstrong Counties** affecting 132.0 acres. Receiving streams: Unnamed tributaries to the Allegheny River and unnamed tributaries to South Branch Bear Creek, classified for the following uses: WWF & CWF respectively. There are no potable surface water intakes within 10 miles downstream. Application received: June 5, 2012.

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

**14040103 and NPDES No. PA0243876. River Hill Coal Co., Inc.**, (P. O. Box 141, Kylertown, PA 16847). Commencement, operation, and restoration of a bituminous surface mine in Snow Shoe Township, **Centre County**, affecting 46.7 acres. Receiving streams: Unnamed tributaries to North Fork of Beech Creek, classified for the following use: Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: May 30, 2012.

### *Noncoal Applications Received*

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**20020303. Hasbrouck Sand & Gravel, Inc.** (12225 Gresham Road, Titusville, PA 16354) Revision to an existing large industrial minerals mine to mine deeper and revise reclamation plan in Oil Creek Township, **Crawford County** affecting 59.9 acres. Receiving streams: Oil Creek, classified for the following uses: WWF. The first downstream potable water supply intake from the point of discharge is Titusville Municipal Water Authority. Application received: June 5, 2012.

**42120302. HRI, Inc.** (1750 West College Avenue, State College, PA 16801) Commencement, operation and restoration of a large industrial minerals mine in Wetmore Township, **McKean County** affecting 23.3 acres. Receiving streams: Unnamed tributary to Hubert Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: June 4, 2012.

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

**08120302 and NPDES No. PA0237868. Eastern Industries, Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034). Commencement, operation and restoration of a large non-coal surface mine (sand and gravel) operation located in Sheshequin Township, **Bradford County** affecting 79.84 acres. This application will replace existing SMP No. 08100305. Receiving streams: Susquehanna River classified for Cold Water Fisheries. Application received: May 23, 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 accord-

ance 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<br/>Average</i> | <i>Daily<br/>Maximum</i>        | <i>Instantaneous<br/>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<br/>Average</i> | <i>Daily<br/>Maximum</i>        | <i>Instantaneous<br/>Maximum</i> |
|-------------------------------|---------------------------|---------------------------------|----------------------------------|
| Suspended solids              | 35 mg/l                   | 70 mg/l                         | 90 mg/l                          |
| Alkalinity exceeding acidity* |                           | greater than 6.0; less than 9.0 |                                  |
| 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

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

**NPDES No. PA0213535** (Mining Permit No. 30841316), Consol Pennsylvania Coal Company, (PO Box J, 1525 Pleasant Grove Road, Claysville, PA 15323). A renewal to the NPDES and mining activity permit for the Bailey Mine & Prep Plant in Richhill, Aleppo, Gray, and Morris Townships, **Greene County** and East Finley and West Finley Townships, **Washington County**. Surface Acres Affected 1375.91, Underground Acres Affected 35,003.92. Receiving Streams: Talley Run, Unnamed Tributary to Owen's Run, Unnamed Tributary to Crabapple Creek, Unnamed Tributary to Enlow Fork, Unnamed Tributary to Robinson Fork, Unnamed Tributary to Spottedtail Run, Crabapple Creek, and Dunkard Fork, all classified for the following use: WWF and Unnamed Tributaries to South Fork Dunkard Fork, Unnamed Tributary to North Fork Dunkard Fork, Barney's Run, Unnamed Tributary to Barney's Run, and Kent Run, all classified for the following use: TSF. The application was considered administratively complete on January 10, 2012. Application received October 28, 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 proposed average daily discharge rate for Outfall 001 is .252 MGD Outfall 001 discharges to: Talley Run—34081

The proposed effluent limits for Outfall 001 Lat: 39° 57' 59" Long: 80° 24' 36" are:

| Parameter                     | Minimum | 30-Day<br>Average | Daily<br>Maximum | Instant.<br>Maximum |
|-------------------------------|---------|-------------------|------------------|---------------------|
| pH <sup>1</sup> (S.U.)        | 6.0     |                   |                  | 9.0                 |
| Iron (mg/l)                   |         | 1.2               | 2.3              | 2.9                 |
| Manganese (mg/l)              |         | 1.8               | 3.6              | 4.5                 |
| Aluminum (mg/l)               |         | 0.9               | 1.7              | 2.1                 |
| Total Suspended Solids (mg/l) |         | 35                | 70               | 90                  |

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

The proposed average daily discharge rate for Outfall 002 is .0226 MGD Outfall 002 discharges to: Talley Run—34081

The proposed effluent limits for Outfall 002 Lat: 39° 58' 02" Long: 80° 24' 34" are:

| Parameter                     | Minimum | 30-Day<br>Average | Daily<br>Maximum | Instant.<br>Maximum |
|-------------------------------|---------|-------------------|------------------|---------------------|
| pH <sup>1</sup> (S.U.)        | 6.0     |                   |                  | 9.0                 |
| Iron (mg/l)                   |         | 0.5               | 1.0              | 1.3                 |
| Manganese (mg/l)              |         | 1.6               | 3.1              | 3.9                 |
| Aluminum (mg/l)               |         | 1.0               | 1.9              | 2.4                 |
| Total Suspended Solids (mg/l) |         | 35                | 70               | 90                  |

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

The proposed average daily discharge rate for Outfall 003 is 0.028 MGD Outfall 003 discharges to: Talley Run—34081

The proposed effluent limits for Outfall 003 Lat: 39° 58' 13" Long: 80° 24' 42" are:

| Parameter                     | Minimum | 30-Day<br>Average | Daily<br>Maximum | Instant.<br>Maximum |
|-------------------------------|---------|-------------------|------------------|---------------------|
| pH <sup>1</sup> (S.U.)        | 6.0     |                   |                  | 9.0                 |
| Iron (mg/l)                   |         | 0.5               | 1.0              | 1.3                 |
| Manganese (mg/l)              |         | 0.5               | 1.1              | 1.4                 |
| Aluminum (mg/l)               |         | 0.8               | 1.7              | 2.1                 |
| Total Suspended Solids (mg/l) |         | 35                | 70               | 90                  |

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

The proposed average daily discharge rate for Outfall 005 is .016 MGD Outfall 005 discharges to: Talley Run—34081  
The proposed effluent limits for Outfall 005 Lat: 39° 58' 21" Long: 80° 25' 18" are:

| <i>Parameter</i>              | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|-------------------------------|----------------|---------------------------|--------------------------|-----------------------------|
| pH <sup>1</sup> (S.U.)        | 6.0            |                           |                          | 9.0                         |
| Iron (mg/l)                   |                | 3.0                       | 6.0                      | 7.5                         |
| Manganese (mg/l)              |                | 2.0                       | 4.0                      | 5.0                         |
| Aluminum (mg/l)               |                | 2.0                       | 4.0                      | 5.0                         |
| Total Suspended Solids (mg/l) |                | 35                        | 70                       | 90                          |

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

The proposed average daily discharge rate for Outfall 006 is 0 MGD Outfall 006 discharges to: Talley Run—34081  
The proposed effluent limits for Outfall 006 Lat: 39° 57' 49" Long: 80° 24' 18" are:

| <i>Parameter</i> | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|------------------|----------------|---------------------------|--------------------------|-----------------------------|
|------------------|----------------|---------------------------|--------------------------|-----------------------------|

No discharges are permitted from this Outfall

The proposed average daily discharge rate for Outfall 007 is 0.029 MGD Outfall 007 discharges to: Talley Run—34081  
The proposed effluent limits for Outfall 007 Lat: 39° 58' 16" Long: 80° 25' 07" are:

| <i>Parameter</i>              | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|-------------------------------|----------------|---------------------------|--------------------------|-----------------------------|
| pH <sup>1</sup> (S.U.)        | 6.0            |                           |                          | 9.0                         |
| Iron (mg/l)                   |                | 3.0                       | 6.0                      | 7.5                         |
| Manganese (mg/l)              |                | 2.0                       | 4.0                      | 5.0                         |
| Aluminum (mg/l)               |                | 2.0                       | 4.0                      | 5.0                         |
| Total Suspended Solids (mg/l) |                | 35                        | 70                       | 90                          |

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

The proposed average daily discharge rate for Outfall 012 is 0.019 MGD  
Outfall 012 discharges to: Unnamed Tributary to Crabapple Creek—29366

The proposed effluent limits for Outfall 012 Lat: 39° 56' 04" Long: 80° 25' 47" are:

| <i>Parameter</i>             | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|------------------------------|----------------|---------------------------|--------------------------|-----------------------------|
| pH <sup>1</sup> (S.U.)       | 6.0            |                           |                          | 9.0                         |
| Iron (mg/l)                  |                | 3.0                       | 6.0                      | 7.5                         |
| Manganese (mg/l)             |                | 2.0                       | 4.0                      | 5.0                         |
| Aluminum (mg/l)              |                | 1.5                       | 3.0                      | 3.8                         |
| Total Settable Solids (ml/l) |                | 0.2                       | 0.4                      | 0.5                         |

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

The proposed average daily discharge rate for Outfall 013 is 0.005 MGD  
Outfall 013 discharges to: Unnamed Tributary to Enlow Fork—73950

The proposed effluent limits for Outfall 013 Lat: 39° 57' 30" Long: 80° 27' 25" are:

| <i>Parameter</i>             | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|------------------------------|----------------|---------------------------|--------------------------|-----------------------------|
| pH <sup>1</sup> (S.U.)       | 6.0            |                           |                          | 9.0                         |
| Iron (mg/l)                  |                | 3.0                       | 6.0                      | 7.5                         |
| Manganese (mg/l)             |                | 2.0                       | 4.0                      | 5.0                         |
| Aluminum (mg/l)              |                | 2.0                       | 4.0                      | 5.0                         |
| Total Settable Solids (ml/l) |                | 0.2                       | 0.4                      | 0.5                         |

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

The proposed average daily discharge rate for Outfall 014 is 0.010 MGD  
Outfall 014 discharges to: Unnamed Tributary to Robinson Fork—34001

The proposed effluent limits for Outfall 014 Lat: 39° 59' 07" Long: 80° 28' 38" are:

| <i>Parameter</i>              | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|-------------------------------|----------------|---------------------------|--------------------------|-----------------------------|
| pH <sup>1</sup> (S.U.)        | 6.0            |                           |                          | 9.0                         |
| Iron (mg/l)                   |                | 3.0                       | 6.0                      | 7.5                         |
| Manganese (mg/l)              |                | 2.0                       | 4.0                      | 5.0                         |
| Aluminum (mg/l)               |                | 2.0                       | 4.0                      | 5.0                         |
| Total Suspended Solids (mg/l) |                | 35                        | 70                       | 90                          |

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

The proposed average daily discharge rate for Outfall 016 is 0.017 MGD

Outfall 016 discharges to: Unnamed Tributary to Spotted Run—23720

The proposed effluent limits for Outfall 016 Lat: 39° 59' 50" Long: 80° 30' 57" are:

| <i>Parameter</i>             | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|------------------------------|----------------|---------------------------|--------------------------|-----------------------------|
| pH <sup>1</sup> (S.U.)       | 6.0            |                           |                          | 9.0                         |
| Iron (mg/l)                  |                | 3.0                       | 6.0                      | 7.5                         |
| Manganese (mg/l)             |                | 2.0                       | 4.0                      | 5.0                         |
| Aluminum (mg/l)              |                | 2.0                       | 4.0                      | 5.0                         |
| Total Settable Solids (ml/l) |                | 0.2                       | 0.4                      | 0.5                         |

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

The proposed average daily discharge rate for Outfall 017 is 0.049 MGD

Outfall 017 discharges to: Crabapple Creek—26584

The proposed effluent limits for Outfall 017 Lat: 39° 55' 09" Long: 80° 28' 27" are:

| <i>Parameter</i>             | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|------------------------------|----------------|---------------------------|--------------------------|-----------------------------|
| pH <sup>1</sup> (S.U.)       | 6.0            |                           |                          | 9.0                         |
| Iron (mg/l)                  |                | 3.0                       | 6.0                      | 7.5                         |
| Manganese (mg/l)             |                | 2.0                       | 4.0                      | 5.0                         |
| Aluminum (mg/l)              |                | 2.0                       | 4.0                      | 5.0                         |
| Total Settable Solids (ml/l) |                | 0.2                       | 0.4                      | 0.5                         |

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

The proposed average daily discharge rate for Outfall 018 is 0.015 MGD

Outfall 018 discharges to: Dunkard Fork—34298

The proposed effluent limits for Outfall 018 Lat: 39° 53' 56" Long: 80° 28' 57" are:

| <i>Parameter</i>             | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|------------------------------|----------------|---------------------------|--------------------------|-----------------------------|
| pH <sup>1</sup> (S.U.)       | 6.0            |                           |                          | 9.0                         |
| Iron (mg/l)                  |                | 3.0                       | 6.0                      | 7.5                         |
| Manganese (mg/l)             |                | 2.0                       | 4.0                      | 5.0                         |
| Aluminum (mg/l)              |                | 2.0                       | 4.0                      | 5.0                         |
| Total Settable Solids (ml/l) |                | 0.2                       | 0.4                      | 0.5                         |

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

The proposed average daily discharge rate for Outfall 20 is 0.023 MGD

Outfall 020 discharges to: Unnamed Tributary to South Fork Dunkard Fork—52896

The proposed effluent limits for Outfall 020 Lat: 39° 53' 09" Long: 80° 29' 18" are:

| <i>Parameter</i>              | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|-------------------------------|----------------|---------------------------|--------------------------|-----------------------------|
| pH <sup>1</sup> (S.U.)        | 6.0            |                           |                          | 9.0                         |
| Iron (mg/l)                   |                | 3.0                       | 6.0                      | 7.5                         |
| Manganese (mg/l)              |                | 2.0                       | 4.0                      | 5.0                         |
| Aluminum (mg/l)               |                | 1.8                       | 3.6                      | 4.5                         |
| Total Suspended Solids (mg/l) |                | 30                        | 60                       | 75                          |

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

The proposed average daily discharge rate for Outfall 021 is 0.035 MGD

Outfall 021 discharges to: Crabapple Creek—26584

The proposed effluent limits for Outfall 021 Lat: 39° 55' 31" Long: 80° 27' 36" are:

| <i>Parameter</i>              | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|-------------------------------|----------------|---------------------------|--------------------------|-----------------------------|
| pH <sup>1</sup> (S.U.)        | 6.0            |                           |                          | 9.0                         |
| Iron (mg/l)                   |                | 3.0                       | 6.0                      | 7.5                         |
| Manganese (mg/l)              |                | 2.0                       | 4.0                      | 5.0                         |
| Aluminum (mg/l)               |                | 2.0                       | 4.0                      | 5.0                         |
| Total Suspended Solids (mg/l) |                | 0.2                       | 0.4                      | 0.5                         |

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

The proposed average daily discharge rate for Outfall 022 is 0.045 MGD

Outfall 022 discharges to: Crabapple Creek—26584

The proposed effluent limits for Outfall 022 Lat: 39° 55' 24" Long: 80° 29' 18" are:

| <i>Parameter</i>              | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|-------------------------------|----------------|---------------------------|--------------------------|-----------------------------|
| pH <sup>1</sup> (S.U.)        | 6.0            |                           |                          | 9.0                         |
| Iron (mg/l)                   |                | 3.0                       | 6.0                      | 7.5                         |
| Manganese (mg/l)              |                | 2.0                       | 4.0                      | 5.0                         |
| Aluminum (mg/l)               |                | 2.0                       | 4.0                      | 5.0                         |
| Total Suspended Solids (mg/l) |                | 0.2                       | 0.4                      | 0.5                         |

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

The proposed average daily discharge rate for Outfall 023 is 0.012 MGD

Outfall 023 discharges to: Unnamed Tributary to North Fork Dunkard Fork—94521

The proposed effluent limits for Outfall 023 Lat: 39° 52' 19" Long: 80° 26' 48" are:

| <i>Parameter</i>             | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|------------------------------|----------------|---------------------------|--------------------------|-----------------------------|
| pH <sup>1</sup> (S.U.)       | 6.0            |                           |                          | 9.0                         |
| Iron (mg/l)                  |                | 3.0                       | 6.0                      | 7.5                         |
| Manganese (mg/l)             |                | 2.0                       | 4.0                      | 5.0                         |
| Aluminum (mg/l)              |                | 2.0                       | 4.0                      | 5.0                         |
| Total Settable Solids (ml/l) |                | 0.2                       | 0.4                      | 0.5                         |

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

The proposed average daily discharge rate for Outfall 024 is 0.008 MGD

Outfall 024 discharges to: Barney's Run—25849

The proposed effluent limits for Outfall 024 Lat: 39° 52' 23" Long: 80° 29' 24" are:

| <i>Parameter</i>             | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|------------------------------|----------------|---------------------------|--------------------------|-----------------------------|
| pH <sup>1</sup> (S.U.)       | 6.0            |                           |                          | 9.0                         |
| Iron (mg/l)                  |                | 3.0                       | 6.0                      | 7.5                         |
| Manganese (mg/l)             |                | 2.0                       | 4.0                      | 5.0                         |
| Aluminum (mg/l)              |                | 1.6                       | 3.2                      | 4.0                         |
| Total Settable Solids (ml/l) |                | 0.2                       | 0.4                      | 0.5                         |

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

The proposed average daily discharge rate for Outfall 025 is 0.007 MGD

Outfall 025 discharges to: Unnamed Tributary to Barney's Run—35394

The proposed effluent limits for Outfall 025 Lat: 38° 52' 15" Long: 80° 29' 45" are:

| <i>Parameter</i>             | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|------------------------------|----------------|---------------------------|--------------------------|-----------------------------|
| pH <sup>1</sup> (S.U.)       | 6.0            |                           |                          | 9.0                         |
| Iron (mg/l)                  |                | 3.0                       | 6.0                      | 7.5                         |
| Manganese (mg/l)             |                | 2.0                       | 4.0                      | 5.0                         |
| Aluminum (mg/l)              |                | 2.0                       | 4.0                      | 5.0                         |
| Total Settable Solids (ml/l) |                | 0.2                       | 0.4                      | 0.5                         |

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

The proposed average daily discharge rate for Outfall 026 is 0.018 MGD

Outfall 026 discharges to: Kent Run—80661

The proposed effluent limits for Outfall 026 Lat: 39° 53' 52" Long: 80° 25' 53" are:

| <i>Parameter</i>             | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|------------------------------|----------------|---------------------------|--------------------------|-----------------------------|
| pH <sup>1</sup> (S.U.)       | 6.0            |                           |                          | 9.0                         |
| Iron (mg/l)                  |                | 3.0                       | 6.0                      | 7.5                         |
| Manganese (mg/l)             |                | 2.0                       | 4.0                      | 5.0                         |
| Aluminum (mg/l)              |                | 2.0                       | 4.0                      | 5.0                         |
| Total Settable Solids (ml/l) |                | 0.2                       | 0.4                      | 0.5                         |

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

The proposed average daily discharge rate for Outfall 027 is 0.017 MGD

Outfall 027 discharges to: Unnamed Tributary to Enlow Fork—93926

The proposed effluent limits for Outfall 027 Lat: 39° 56' 51" Long: 80° 26' 56" are:

| <i>Parameter</i>             | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|------------------------------|----------------|---------------------------|--------------------------|-----------------------------|
| pH <sup>1</sup> (S.U.)       | 6.0            |                           |                          | 9.0                         |
| Iron (mg/l)                  |                | 3.0                       | 6.0                      | 7.5                         |
| Manganese (mg/l)             |                | 2.0                       | 4.0                      | 5.0                         |
| Aluminum (mg/l)              |                | 2.0                       | 4.0                      | 5.0                         |
| Total Settable Solids (ml/l) |                | 0.2                       | 0.4                      | 0.5                         |

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

The proposed average daily discharge rate for Outfall 028 is 0.039 MGD

Outfall 028 discharges to: Unnamed Tributary to Enlow Fork

The proposed effluent limits for Outfall 028 Lat: 39° 57' 07" Long: 80° 26' 56" are:

| <i>Parameter</i>             | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|------------------------------|----------------|---------------------------|--------------------------|-----------------------------|
| pH <sup>1</sup> (S.U.)       | 6.0            |                           |                          | 9.0                         |
| Iron (mg/l)                  |                | 3.0                       | 6.0                      | 7.5                         |
| Manganese (mg/l)             |                | 2.0                       | 4.0                      | 5.0                         |
| Aluminum (mg/l)              |                | 2.0                       | 4.0                      | 5.0                         |
| Total Settable Solids (ml/l) |                | 0.2                       | 0.4                      | 0.5                         |

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

The proposed average daily discharge rate for Outfall 029 is 0.011 MGD

Outfall 029 discharges to: Unnamed Tributary to Crabapple Creek—73947

The proposed effluent limits for Outfall 029 Lat: 39° 55' 57" Long: 50° 25' 08" are:

| <i>Parameter</i>             | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|------------------------------|----------------|---------------------------|--------------------------|-----------------------------|
| pH <sup>1</sup> (S.U.)       | 6.0            |                           |                          | 9.0                         |
| Iron (mg/l)                  |                | 3.0                       | 6.0                      | 7.5                         |
| Manganese (mg/l)             |                | 2.0                       | 4.0                      | 5.0                         |
| Aluminum (mg/l)              |                | 0.7                       | 1.4                      | 1.8                         |
| Total Settable Solids (ml/l) |                | 0.2                       | 0.4                      | 0.5                         |

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

The proposed average daily discharge rate for Outfall 030 is 0.014 MGD

Outfall 030 discharges to: Unnamed Tributary to Crabapple Creek

The proposed effluent limits for Outfall 030 Lat: 39° 55' 43" Long: 80° 28' 7" are:

| <i>Parameter</i>             | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|------------------------------|----------------|---------------------------|--------------------------|-----------------------------|
| pH <sup>1</sup> (S.U.)       | 6.0            |                           |                          | 9.0                         |
| Iron (mg/l)                  |                | 3.0                       | 6.0                      | 7.5                         |
| Manganese (mg/l)             |                | 2.0                       | 4.0                      | 5.0                         |
| Aluminum (mg/l)              |                | 2.0                       | 4.0                      | 5.0                         |
| Total Settable Solids (ml/l) |                | 0.2                       | 0.4                      | 0.5                         |

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

**NPDES No. PA0235962 (Mining Permit No. 10101301), Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). A new NPDES and mining activity permit for the Donegal Mine in Donegal Township, **Butler County**. Surface Acres Affected 65.0, Underground Acres Affected 2,086.0. Receiving Streams: Buffalo Creek and an Unnamed Tributary to Buffalo Creek, both classified for the following use: HQ-CWF. The application was considered administratively complete on September 29, 2010. Application received May 13, 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 coal mining activities.



The proposed average daily discharge rate for Outfall 001 is 2.2 MGD

Outfall 001 discharges to: Buffalo Creek

The proposed effluent limits for Outfall 001 Lat: 40° 55' 23" Long: 79° 43' 55" are:

| <i>Parameter</i>              | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|-------------------------------|----------------|---------------------------|--------------------------|-----------------------------|
| pH <sup>1</sup> (S.U.)        | 6.0            |                           |                          | 9.0                         |
| Iron (mg/l)                   |                | 0.33                      | 0.66                     | 0.82                        |
| Manganese (mg/l)              |                | 0.45                      | 0.89                     | 1.11                        |
| Aluminum (mg/l)               |                | 0.8                       | 1.6                      | 2.0                         |
| Osmotic Pressure (mOs/kg)     |                |                           |                          | REPORT                      |
| Total Dissolved Solids (mg/l) |                |                           |                          | REPORT                      |
| Sulfates (mg/l)               |                |                           |                          | REPORT                      |

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

The proposed average daily discharge rate for Outfall 002 is 0.38 MGD

Outfall 002 discharges to: Unnamed Tributary to Buffalo Creek

The proposed effluent limits for Outfall 002 Lat: 40° 55' 19" Long: 79° 43' 37" are:

| <i>Parameter</i>              | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|-------------------------------|----------------|---------------------------|--------------------------|-----------------------------|
| pH <sup>1</sup> (S.U.)        | 6.0            |                           |                          | 9.0                         |
| Iron (mg/l)                   |                | 3.0                       | 6.0                      | 7.5                         |
| Manganese (mg/l)              |                | 2.0                       | 4.0                      | 5.0                         |
| Aluminum (mg/l)               |                | 2.0                       | 4.0                      | 5.0                         |
| Osmotic Pressure (mOs/kg)     |                |                           |                          | REPORT                      |
| Total Dissolved Solids (mg/l) |                |                           |                          | REPORT                      |
| Sulfates (mg/l)               |                |                           |                          | REPORT                      |

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

The proposed average daily discharge rate for Outfall 003 is 0.12 MGD

Outfall 003 discharges to: Buffalo Creek

The proposed effluent limits for Outfall 003 Lat: 40° 55' 30" Long: 79° 43' 44" are:

| <i>Parameter</i>              | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|-------------------------------|----------------|---------------------------|--------------------------|-----------------------------|
| pH <sup>1</sup> (S.U.)        | 6.0            |                           |                          | 9.0                         |
| Iron (mg/l)                   |                | 0.33                      | 0.66                     | 0.82                        |
| Manganese (mg/l)              |                | 0.45                      | 0.89                     | 1.11                        |
| Aluminum (mg/l)               |                | 0.8                       | 1.6                      | 2.0                         |
| Osmotic Pressure (mOs/kg)     |                |                           |                          | REPORT                      |
| Total Dissolved Solids (mg/l) |                |                           |                          | REPORT                      |
| Sulfates (mg/l)               |                |                           |                          | REPORT                      |

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

The proposed average daily discharge rate for Outfall 004 is 0.39 MGD

Outfall 004 discharges to: Buffalo Creek

The proposed effluent limits for Outfall 004 Lat: 40° 55' 31" Long: 79° 43' 46" are:

| <i>Parameter</i>              | <i>Minimum</i> | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i> | <i>Instant.<br/>Maximum</i> |
|-------------------------------|----------------|---------------------------|--------------------------|-----------------------------|
| pH <sup>1</sup> (S.U.)        | 6.0            |                           |                          | 9.0                         |
| Iron (mg/l)                   |                | 3.0                       | 6.0                      | 7.5                         |
| Manganese (mg/l)              |                | 2.0                       | 4.0                      | 5.0                         |
| Aluminum (mg/l)               |                | 2.0                       | 4.0                      | 5.0                         |
| Osmotic Pressure (mOs/kg)     |                |                           |                          | REPORT                      |
| Total Dissolved Solids (mg/l) |                |                           |                          | REPORT                      |
| Sulfates (mg/l)               |                |                           |                          | REPORT                      |

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

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

**NPDES No. PA0614611 on Surface Mining Permit No. 54850202. B-D Mining Company**, (10 Gilberton Road, Gilberton, PA 17934), renewal of an NPDES Permit for an anthracite surface mine operation in Mahanoy Township, Gilberton and Shenandoah Boroughs, **Schuylkill County**, affecting 1,590.0 acres. Receiving streams: Mahanoy Creek Watershed, classified for the following uses: warm water and migratory fishes (TMDL for Metals and pH). Application received: April 5, 2012.

Non-discharge BMP's shall be in effect.

**NPDES Permit No. PA0012360 on Surface Mining Permit No. 54733020. BET Associates IV, LLC, 1233 East Broad Street, P. O. Box 150, Tamaqua, PA 18252.**

This facility is located in Tamaqua, Coaldale, Lansford, Summit Hill and Nesquehoning Boroughs affecting 7,594.4 acres. The facility is located in both **Schuylkill** and **Carbon Counties**.

Description of activity: The application is for an amendment of an NPDES permit for the relocation of an existing mine drainage treatment facility.

The receiving stream for all outfalls, Panther Creek, is in Watershed 3A, and classified for CWF (Cold Water Fishes) and MF (Migratory Fishes). The nearest downstream public water supply intake for Pottstown Borough Water Authority is located on the Schuylkill River, approximately 68.5 miles downstream. The discharge is not expected to affect the water supply.

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.

| <i>Outfall No.</i> | <i>New Outfall Y/N</i> | <i>Type</i> |
|--------------------|------------------------|-------------|
| 002                | Yes                    | E&S         |
| 006                | Yes                    | E&S         |

The proposed effluent limits for Outfalls 1, 3, 4 and 5 for a combined maximum design flow of 32 MGD are:

| <i>Parameter</i>       | <i>Average Monthly (mg/l)</i>                                      | <i>Maximum Daily (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> | <i>Mass Units Average Monthly (lbs/day)</i> |
|------------------------|--|-----------------------------|-------------------------------------|---|
| Total Iron             | 1.50   | 3.00                        | 3.75                                | 180.10                                      |
| Total Manganese        | 1.00   | 2.00                        | 2.50                                | 168.00                                      |
| Total Aluminum         | 0.75   | 1.50                        | 1.87                                | 90.10                                       |
| Total Suspended Solids | 35.0   | 70.0                        | 90.0                                | XXXX  |
| pH                     | not less than 6.0 nor greater than 9.0 standard units at all times |                             |                                     |   |
| Alkalinity             | must exceed acidity at all time                                    |                             |                                     |   |
| TDS                    | Monitor and Report   |                             |                                     |   |

In addition to the effluent limits, the permit contains the following major special conditions: Offset provisions will be incorporated into the permit for iron, manganese and aluminum mass loadings, to be utilized after the restoration of the Slum Creek Watershed. Slum Creek Watershed is located within the Panther Creek Watershed.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-621-3118.

The EPA waiver is not in effect.

The Panther Creek Watershed TMDL Schuylkill and Carbon County, originally approved by USEPA in July, 2002, has been revised to reflect the resumed pumping and associated discharge in the Panther Creek watershed.

*Noncoal NPDES Draft Permits*

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**NPDES No. PA0258431 (Permit No. 10072802). Natural Sand Company, Inc.** (4783 Harlansburg Road, Slippery Rock, PA 16057) Renewal of an NPDES permit for a small industrial minerals surface mine in Buffalo Township, **Butler County**, affecting 5.0 acres. Receiving streams: Unnamed tributary to Little Bull Creek, classified for the following uses: CWF. TMDL: None. Application received: May 2, 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 unnamed tributary to Little Bull Creek:

| <i>Outfall No.</i> | <i>New Outfall (Y/N)</i> |
|--------------------|--------------------------|
| 001                | N                        |

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 <sup>1</sup> (S.U.)                       | 6.0            |                       |                      | 9.0                     |
| Alkalinity greater than acidity <sup>1</sup> |                |                       |                      |                         |
| Total Settleable Solids (ml/l)               |                |                       |                      | 0.5                     |

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

**NPDES No. PA0595381 on Surface Mining Permit No. 8275SM5. New Enterprise Stone & Lime Co., Inc. d/b/a Martin Limestone, Inc.**, (PO Box 550, Blue Ball, PA 17506), renewal of an NPDES Permit for a Limestone Quarry operation in East Cocalico Township, **Lancaster County**, affecting 149.5 acres. Receiving stream: Stony Run, classified for the following use: warm water fishes (No TMDL). Application received: April 30, 2012.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to Stony Run.

| <i>Outfall No.</i> | <i>New Outfall Y/N</i> | <i>Type</i> |
|--------------------|------------------------|-------------|
| 001                | No                     | E&S/O.D.    |

**NPDES No. PA0593885 on Surface Mining Permit Nos. 8275SM2, 36970301, 36990301 and 36080302. New Enterprise Stone & Lime Co., Inc. d/b/a Martin Limestone, Inc.**, (PO Box 550, Blue Ball, PA 17506), renewal of an NPDES Permit for a Limestone Quarry operation in Earl and Ephrata Townships, **Lancaster County**, affecting 238.0 acres. Receiving streams: Conestoga River and unnamed tributary to Conestoga River, classified for the following use: warm water fishes (No TMDL). Application received: May 16, 2012.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to Conestoga River and unnamed tributary to Conestoga River:

| <i>Outfall No.</i> | <i>New Outfall Y/N</i> | <i>Type</i>   |
|--------------------|------------------------|---------------|
| 001                | No Pit                 | Discharge     |
| 002                | No                     | Pit Discharge |

**NPDES No. PA0223786 on Surface Mining Permit No. 39970301. Lafarge North America, Inc.**, (5160 Main Street, Whitehall, PA 18052), renewal of an NPDES Permit for a Limestone Quarry operation in Whitehall Township, **Lehigh County**, affecting 211.71 acres. Receiving stream: Coplay Creek Watershed, classified for the following uses: cold water fishes. Application received: May 22, 2012.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to Coplay Creek Watershed.

| <i>Outfall No.</i> | <i>New Outfall Y/N</i> | <i>Type</i> |
|--------------------|------------------------|-------------|
| 1                  | No                     | O.D.        |
| 2                  | No                     | E&S         |
| 3                  | No                     | E&S/O.D.    |
| 4                  | No                     | O.D.        |

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E51-252.** 1515 Arch Street. City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the construction of approximately 2.5 miles of the Baxter walking trail, a segment of Delaware River Heritage Trail, approximately 10 to 14 feet wide, extending from the proposed bridge over the Pennypack Creek to the Pleasant Hill Park:

1. To construct and maintain 13-foot 8-inches long, 180-foot span single span truss bridge across the Pennypack Creek (WWF). The bridge will have an underclearance of approximately 2.97 feet.

2. To construct and maintain approximately 1,658 linear feet of asphalt trail in the floodplain of the Pennypack Creek.

3. To construct and maintain approximately 1,843 linear feet of asphalt trail in the floodplain of the Delaware River.

The project permanently impacts approximately 32 linear feet of stream. The jurisdictional area of the project commences within the floodway near the Pennypack Avenue and runs in the southwesterly direction parallel to the shoreline of the Delaware River for approximately 2,273 feet and terminates at the proposed bridge in the City and County of Philadelphia (Frankford, PA USGS Quadrangle N: 5.92 inches; W: 0.96 inches).

**E15-828. SABIC Innovative Plastics**, 251 S. Bailey Road, Thorndale, PA 19335-2082, Caln Township, Chester County, ACOE Philadelphia District.

To construct and maintain approximately 355-foot long, 6-foot high gabion basket floodwall in and along the 100-year floodway of the unnamed tributary to Valley Run (CWF-MF). This work includes removal of accumulated sediment approximately 40 feet upstream of the existing culvert.

The site is located at 251 South Bailey Road (Coatesville, PA USGS Quadrangle N: 8.9 inches; W: 5.3 inches).

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

**E40-730. Pennsylvania Department of Transportation**, 55 Keystone Industrial Park, Dunmore, PA 18512, in Laffin Borough, Luzerne County, U.S. Army Corps of Engineers, Philadelphia District.

To authorize the following water obstructions and encroachments associated with roadway improvements for SR0081Sec 345:

1. To remove the existing structure and to construct and maintain a 69.9 foot wide roadway crossing for SR 81 Northbound of Gardners Creek (CWF, MF) consisting of a single span pre-stressed concrete bulb-Tee beam bridge with a normal span of 170 feet and an approximate underclearance of 30.8 feet.

2. To remove the existing structure and to construct and maintain a 69.9 foot wide roadway crossing for SR 81 Southbound of Gardners Creek (CWF, MF) consisting of a single span pre-stressed concrete bulb-Tee beam bridge with a normal span of 170 feet and an approximate underclearance of 33.5 feet.

The project is located at S.R. 81 Segment 1734 Offset 0031 Northbound S.R. 81 Segment 1735 Offset 0041 Northbound and in Laffin Township, Luzerne County (Pittston, PA Quadrangle, Latitude: 41°17'31"; Longitude: -75°46'48").

**E48-417. Pennsylvania Department of Transportation, Engineering District 5-0**, 1002 Hamilton Street, Allentown, PA 18103-1013, in Lower Mt. Bethel, Northampton County, U.S. Army Corps of Engineers, Philadelphia District.

To authorize the following water obstructions and encroachments associated with SR 611 Sect04B:

1. To remove the existing structure and to construct and maintain a 24-foot wide road crossing of a tributary to Oughoughton Creek (CWF, MF) consisting of a concrete spread box beam bridge having a normal span of 24 feet and an approximate underclearance of 4.5 feet.

2. To construct and maintain a 116-foot long retaining wall along the left bank of a tributary to Oughoughton Creek.

3. To relocate 39 feet of a tributary to Oughoughton Creek (CWF, MF). The relocation consists of removing the existing structures and to construct and maintain a road crossing consisting of a 42-foot long, 57-inch by 38-inch reinforced concrete elliptical pipes with an R-7 riprap apron. (Bangor, PA Quadrangle, Latitude: 40°50'00"N; Longitude: 75°08'42"W).

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

**E06-680: Union Township**, 1445 East Main Street, Douglassville, Pennsylvania 19518, Center Road Culvert Replacement Project, in Union Township, Berks County, ACOE Philadelphia District

To remove the existing 72.0-inch diameter, 28.0-foot long corrugated metal pipe and construct and maintain: 1) a 66.0-inch diameter, 28.0-foot long HDPE smooth lined corrugated plastic pipe, and 2) an aquatic habitat riprap baffle structure at the outfall of the culvert in an unnamed tributary to the Schuylkill River, which is a perennial stream classified as a Warm Water Fishery (Birdsboro, PA Quadrangle; Latitude: 40°15'18" N, Longitude: -75°47'5" W) in the Manatawny—French Creeks Watershed. The project proposes to directly affect 65.0-linear feet of stream channel.

**E21-431: Todd Robinson, Giant Food Stores, LLC at the Hampden Marketplace**, 1149 Harrisburg Pike, Carlisle, Pennsylvania 17013-0249, in Hampden Township, Cumberland County, ACOE Baltimore District

To remove the existing 60.0-inch Corrugated Metal Pipe (CMP) culvert structure and install and maintain a 97.0-foot long, 12.0-foot wide by 13.8-foot high concrete box culvert in an unnamed tributary to Pine Creek (WWF), and to fill 0.20 acre of Palustrine Emergent (PEM) Wetland in the Pine Creek (WWF) Watershed. The project is located on the northwest quadrant of the intersection of Wertsville Road and Valley Road in Hampden Township, Cumberland County (Harrisburg West, PA Quadrangle; N: 7.62 inches, W: 14.28 inches; Latitude: 40°17'31.1", Longitude: -76°58'38.7"). The purpose of the project is to construct a new Giant Foods grocery store and related infrastructure. The applicant is required to provide a minimum of 0.20 acre of replacement wetland.

**E21-432: Tom Miller, PPL Electric Utilities, Transmission Line**, Two North 9th Street, Allentown, Pennsylvania 18101, in Carlisle Borough, Cumberland County, ACOE Baltimore District

To install and maintain 67.0 feet of reinforced concrete pipe under the Letort Spring Run (EV). The project is located on East North Street (S.R. 2002) just west of the intersection with Porter Avenue in the Borough of Carlisle, Cumberland County (Carlisle, PA Quadrangle; N: 14.3 inches, W: 8.05 inches; Latitude: 40°12'14.60", Longitude: -77°10'56.89"). The purpose of the project is to install two underground 69Kv transmission lines between the Carlisle and the Carlisle West Substations. The project proposes to bore under the Letort Spring Run and encase the conduit in concrete.

**E31-224: Cromwell Township Board of Supervisors**, 10999 Valley Street, Shirleysburg, Pennsylvania 17260, in Cromwell Township, Huntingdon County, ACOE Baltimore District [Cromwell Township Sanitary Sewer Construction, along Wilson Road (T-573) Subbasin 12C (Orbisonia, PA Quadrangle; Latitude: 40°12'49.2" N, Longitude: -77°55'36.9" W)]

To install a sanitary sewer system and to:

1) cross and maintain 501.0 feet of PSS wetlands with 8.0-inch PVC pipe permanently impacting 0.0011 acre and temporarily impacting 0.345 acre (Latitude: 40°14'21" N, Longitude: -77°54'02" W);

2) cross and maintain 489.0 feet of PFO wetlands with 8.0-inch PVC pipe permanently impacting 0.006 acre and temporarily impacting 0.3368 acre (Latitude: 40°14'13.3" N, Longitude: -77°54'02.6" W);

3) cross and maintain 452.0 feet of PEM/PSS wetlands with 8.0-inch PVC pipe permanently impacting 0.0017 acre and temporarily impacting 0.3113 acre (Latitude: 40°14'8.7" N, Longitude: -77°54'01.2" W);

4) cross and maintain 860.0 feet of PSS wetlands with 8.0-inch PVC pipe permanently impacting 0.0017 acre and temporarily impacting 0.5923 acre (Latitude: 40°14'4.1" N, Longitude: -77°54'01" W);

5) cross and maintain 481.0 feet of PEM/PSS wetlands with 8.0-inch PVC pipe permanently impacting 0.0006 acre and temporarily impacting 0.3313 acres (Latitude: 40°13'28.1" N, Longitude: -77°54'09.7" W);

6) cross and maintain 77.0 feet of PEM wetlands with 8.0-inch PVC pipe temporarily impacting 0.053 acre (Latitude: 40°13'19.6" N, Longitude: -77°54'15.2" W);

7) cross and maintain 136.0 feet of PFO wetlands with 8.0-inch PVC pipe temporarily impacting 0.0937 acre (Latitude: 40°12'43.4" N, Longitude: -77°55'33.4" W);

8) install and maintain a 10.0-foot crossing with 8.0-inch PVC pipe under an unnamed tributary to Blacklog Creek (CWF, MF) (Latitude: 40°14'16" N, Longitude: -77°54'1.8" W);

9) install and maintain a 10.0-foot crossing with 8.0-inch PVC pipe under an unnamed tributary to Blacklog Creek (CWF, MF) (Latitude: 40°13'48.1" N, Longitude: -77°54'1.9" W);

10) install and maintain a 15.0-foot crossing with 8.0-inch PVC pipe under an unnamed tributary to Blacklog Creek (CWF, MF) (Latitude: 40°13'41.7" N, Longitude: -77°54'2.7" W);

11) install and maintain a 30.0-foot crossing with 8.0-inch PVC pipe under an unnamed tributary to Blacklog Creek (CWF, MF) (Latitude: 40°13'32.5" N, Longitude: -77°54'5.1" W);

12) install and maintain a 30.0-foot crossing with 8.0-inch PVC pipe under an unnamed tributary to Blacklog Creek (CWF, MF) (Latitude: 40°13'29.1" N, Longitude: -77°54'05" W);

13) install and maintain a 15.0-foot crossing with 8.0-inch PVC pipe under an unnamed tributary to Blacklog Creek (CWF, MF) (Latitude: 40°13'12.9" N, Longitude: -77°54'12.5" W);

14) install and maintain a 10.0-foot crossing with 8.0-inch PVC pipe under an unnamed tributary to Blacklog Creek (CWF, MF) (Latitude: 40°13'09" N, Longitude: -77°54'12.3" W);

15) install and maintain a 10.0-foot crossing with 8.0-inch PVC pipe under an unnamed tributary to Blacklog Creek (CWF, MF) (Latitude: 40°12'56.2" N, Longitude: -77°54'38.9" W);

16) install and maintain a 30.0-foot crossing with 3.0-inch PVC pipe under an unnamed tributary to Aughwick Creek (TSF, MF) (Latitude: 40°13'1.3" N, Longitude: -77°54'38.9" W);

17) install and maintain a 20.0-foot crossing with 3.0-inch PVC pipe under an unnamed tributary to Aughwick Creek (TSF, MF) (Latitude: 40°12'59.2" N, Longitude: -77°54'46.6" W);

18) install and maintain a 20.0-foot crossing with 3.0-inch PVC pipe under an unnamed tributary to Aughwick Creek (TSF, MF) (Latitude: 40°12'58.9" N, Longitude: -77°54'51.2" W);

19) install and maintain a 20.0-foot crossing with 3.0-inch PVC pipe under an unnamed tributary to Aughwick Creek (TSF, MF) (Latitude: 40°12'57.8" N, Longitude: -77°55'01" W);

20) install and maintain a 115.0-foot crossing with 3.0-inch PVC pipe under Aughwick Creek (TSF, MF) (Latitude: 40°12'53.2" N, Longitude: -77°55'31.4" W);

21) install and maintain a 110.0-foot crossing with 8.0-inch PVC pipe under Aughwick Creek (TSF, MF) (Latitude: 40°12'53.2" N, Longitude: -77°55'34.9" W);

22) install and maintain two 50.0-foot crossings with 8.0-inch and 3.0-inch PVC pipe under Three Springs Creek (CWF, MF);

23) construct and maintain a pump station placing fill within the floodway of Three Springs Creek (CWF, MF) on the left side with average dimensions of 7.5 feet wide, 107.0 feet long, and 3.0 feet high with an area of 0.02 acre; and

24) placing fill within the floodplain of Three Springs Creek (CWF, MF) and Aughwick Creek (TSF, MF) on the left side with average dimensions of 15.0 feet wide, 184.0 feet long, and 3.0 feet high with an area of 0.06 acre.

The project proposed to permanently impact 0.0058 acre of wetland and temporarily impact 2.0634 acres of wetlands, 475.0 linear feet of stream, 0.02 acre of floodway, and 0.06 acre of floodplain.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E17-476. Mosquito Creek Sportsmen's Association**, PO Box 218, Frenchville, PA 16836. Mosquito Creek Acid Rain Abatement—Lost Run Vertical Flow Project, Girard Township, **Clearfield County**, ACOE Baltimore District (Devils Elbow, PA Quadrangle Latitude: 41° 11' 51.8"; Longitude: 78° 14' 55.40").

The Mosquito Creek Sportsmen's Association is seeking authorization to construct, operate and maintain a vertical flow limestone bed treatment system for acid rain abatement in Lost Run, requiring the following three (3) encroachments of Lost Run:

| Structure             | Resource          | Latitude      | Longitude      | Span    | Underclearance |
|-----------------------|-------------------|---------------|----------------|---------|----------------|
| Vertical Flow Intake  | Lost Run Channel  | 41° 11' 52.5" | 78° 14' 56.0"  | 43-feet | 4-feet         |
| Vertical Flow Basin   | Lost Run Floodway | 41° 11' 51.8" | 78° 14' 55.40" | 18-feet | 3-feet         |
| Vertical Flow Outfall | Lost Run Channel  | 41° 11' 51.0" | 78° 14' 55.1"  | 18-feet | 3-feet         |

Construction of the in-stream intake and outfall structures shall be performed in dry work conditions by dam and pumping, diverting or fluming stream flow around the work areas. Lost Run is protected as High Quality—Cold Water Fishery and wild trout fishery; no in-stream construction or future maintenance work shall be performed in or along the stream channels between October 1 and December 31 without prior written approval from the Pennsylvania Fish and Boat Commission. As proposed, construction of the vertical flow intake and outfall structures poses maximum 75-feet of permanent stream impact. The project terminus is located within the Moshannon State Forest along the western right-of-way of Lost Run Road approximately 2.9-miles north of Caledonia Pike and Lost Run Road intersection. Permanent stream impacts incurred by the project shall be mitigated by improved water quality through increased total alkalinity.

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

**E42-358, NiSource/Columbia Gas Transmission**, 1700 MacCorkle Avenue, SE, Charleston, WV 25314, Line 4226 Pipeline Replacement Project in Lewis Run Borough, **McKean County**, ACOE Pittsburgh District (Lewis Run, PA Quadrangle N: 41°, 52', 22.3"; W: 78°, 39', 21.1" Access Road).

Applicant proposes to replace an approximately 1,525' section of existing 8" diameter natural gas pipeline with a new 8" diameter line between the location points N: 41°, 52', 7.72"; W: 78°, 39', 26.89" and N: 41°, 52', 19.95"; W: 78°, 39', 16.37". All disturbances are temporary and will occur within the existing right-of-way.

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

**E6629-012: Chesapeake Appalachia, LLC**, 101 North Main Street, Athens, PA 18810, Meshoppen Township, **Wyoming County**, ACOE Baltimore District.

To construct, operate and maintain two 16-inch, aboveground, temporary waterlines and temporary construction access utilizing timber matting, with impacts as follows:

1. 1,419 square feet of Palustrine Emergent/Palustrine Forested (PEM/PFO) Wetlands (Auburn Center, PA Quadrangle, Latitude: N41°37'41.52", Longitude: W76°04'18.77");

2. 3.0 linear feet of a UNT to Susquehanna River (CWF, MF) (Auburn Center, PA Quadrangle, Latitude: N41°37'42.49", Longitude: W76°04'18.85");

3. 3.0 linear feet of a UNT to Susquehanna River (CWF, MF) (Auburn Center, PA Quadrangle, Latitude: N41°37'38.76", Longitude: W76°04'10.42"); and

4. 4,800 square feet of Palustrine Emergent/Palustrine Forested/Palustrine Scrub-Shrub (PEM/PFO/PSS) Wetlands (Auburn Center, PA Quadrangle, Latitude: N41°37'42.54", Longitude: W76°03'57.60").

The project will result in 6.0 linear feet of temporary stream impacts and 6,219 square feet (0.14 acre) of temporary wetland impacts all for the purpose of installing two temporary, aboveground waterlines, and associated construction access for Marcellus shale development.

**E6629-005. Chesapeake Appalachia, LLC**, 101 N. Main Street, Athens, PA 18810. EDF-DPH Temporary Waterlines, in Forkston, Mehoopany, and Windham Townships, **Wyoming County**, ACOE Baltimore District.

To construct, operate, and maintain two 16-inch, aboveground, temporary waterlines impacting:

(1) 22.0 linear feet (123 square feet) of Fox Hollow (CWF, MF), (Meshoppen, PA Quadrangle, Latitude: N41°33'39.32", Longitude: W76°06'40.26");

(2) 607 square feet of Palustrine Emergent/Scrub Shrub (PEM/PSS) Wetland, (Meshoppen, PA Quadrangle, Latitude: N41°33'34.24", Longitude: W76°06'49.32");

(3) 1,808 square feet of Palustrine Emergent/Forested (PEM/PFO) Wetland, (Meshoppen, PA Quadrangle, Latitude: N41°33'25.75", Longitude: W76°07'10.71");

(4) 54.0 linear feet (545 square feet) of a UNT to Fox Hollow (CWF, MF), (Meshoppen, PA Quadrangle, Latitude: N41°33'25.62", Longitude: W76°07'12.30"); and

(5) 31.0 linear feet (83 square feet) of a UNT to Fox Hollow (CWF, MF) and 3,279 square feet of adjacent Palustrine Emergent/Forested (PEM/PFO) Wetland, (Meshoppen, PA Quadrangle, Latitude: N41°33'25.49", Longitude: W76°07'13.36").

The project will result in 107.0 linear feet (751 square feet) of temporary stream impacts and 5,694 square feet (0.13 acre) of temporary wetland impacts, all for the purpose of providing water for Marcellus Shale wellsite development.

**95-29-65420-019: EQT Production Company**, 455 Racetrack Road, Washington, PA 15301.

Project proposes to construct, operate, and maintain the Phoenix Pad S Centralized Impoundment as a centralized impoundment to collect and store flow-back water in Duncan Township, **Tioga County**, for the use and re-use of hydraulic fracturing water, from wells in the area (Antrim, PA Quadrangle; Latitude 41°38'43" N, Longitude 77°15'26" W).

**E0829-048: Angelina Gathering Company, LLC**, 2350 N. Sam Houston Parkway Houston, TX 77032, Herrick Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. Two 12 inch diameter natural gas lines, a 16 inch diameter water line and a timber mat bridge impacting 51 linear feet of an unnamed tributary to Camps Creek (WWF, MF) and impacting 1,781 square feet of a Palustrine Emergent Wetland (Le Raysville, PA Quadrangle, Latitude: 41°46'16", Longitude: -76°13'48");

2. Two 12 inch diameter natural gas lines, a 16 inch diameter water line and a timber mat bridge impacting 51 linear feet of an unnamed tributary to Camps Creek (WWF, MF) and impacting 1,059 square feet of a Palustrine Scrub-Shrub Wetland (Le Raysville, PA Quadrangle, Latitude: 41°46'15", Longitude: -76°14'09");

3. Two 12 inch diameter natural gas lines, a 16 inch diameter water line and a timber mat bridge impacting 38 linear feet of Camps Creek (WWF, MF) and impacting 17,472 square feet of a Palustrine Emergent Wetland (Le Raysville, PA Quadrangle, Latitude: 41°46'18", Longitude: -76°14'31");

4. Two 12 inch diameter natural gas lines, a 16 inch diameter water line and a timber mat bridge impacting 51 linear feet of an unnamed tributary to Camps Creek (WWF, MF) (Le Raysville, PA Quadrangle, Latitude: 41°46'26", Longitude: -76°14'40");

5. Two 12 inch diameter natural gas lines, a 16 inch diameter water line and a timber mat bridge impacting 92 linear feet of an unnamed tributary to Camps Creek

(WWF, MF) and impacting 180 square feet of a Palustrine Emergent Wetland (Rome, PA Quadrangle, Latitude: 41°46'16", Longitude: -76°13'48");

6. Two 12 inch diameter natural gas lines, a 16 inch diameter water line and a timber mat bridge impacting 1,406 square feet of a Palustrine Emergent Wetland (PEM) (Rome, PA Quadrangle, Latitude: 41° 46'43", Longitude: -76° 15'03");

7. Two 12 inch diameter natural gas lines, a 16 inch diameter water line and a timber mat bridge impacting 52 linear feet of an unnamed tributary to Camps Creek (WWF, MF) and impacting 2,782 square feet of a Palustrine Emergent Wetland (Rome, PA Quadrangle, Latitude: 41°46'45", Longitude: -76°15'07");

8. Two 12 inch diameter natural gas lines, a 16 inch diameter water line and a timber mat bridge impacting 802 square feet of a Palustrine Emergent Wetland (PEM) (Rome, PA Quadrangle, Latitude: 41° 46'49", Longitude: -76° 15'15");

9. Two 12 inch diameter natural gas lines, a 16 inch diameter water line and a timber mat bridge impacting 51 linear feet of an unnamed tributary to Camps Creek (WWF, MF) (Rome, PA Quadrangle, Latitude: 41°46'52", Longitude: -76°15'32");

10. Two 12 inch diameter natural gas lines, a 16 inch diameter water line and a timber mat bridge impacting 50 linear feet of an unnamed tributary to Camps Creek (WWF, MF) and impacting 5,483 square feet of a Palustrine Emergent Wetland (Rome, PA Quadrangle, Latitude: 41°46'59", Longitude: -76°15'34");

11. Two 12 inch diameter natural gas lines, a 16 inch diameter water line and a timber mat bridge impacting 290 linear feet of an unnamed tributary to Camps Creek (WWF, MF) (Rome, PA Quadrangle, Latitude: 41°47'01", Longitude: -76°15'33");

12. Two 12 inch diameter natural gas lines, a 16 inch diameter water line and a timber mat bridge impacting

20 linear feet of an unnamed tributary to Camps Creek (WWF, MF) and impacting 6,909 square feet of a Palustrine Emergent Wetland (Rome, PA Quadrangle, Latitude: 41°47'08", Longitude: -76°15'34");

The project will result in 746 linear feet and 3,582 square feet of temporary stream impacts, and 36,815 square feet (0.85 acre) of temporary PEM, PSS and PFO wetland impacts all for the purpose of installing a natural gas pipeline and a water line with associated access roadways for Marcellus shale development.

#### ENVIRONMENTAL ASSESSMENT

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

**EA1829-001. Dominion Transmission, Inc.**, 91 Gas Plant Lane, Renovo, PA 17764. LP-301 Pipeline, in Leidy Township, **Clinton County**, ACOE Baltimore District. (Hammersley Fork, PA Quadrangle, Latitude: N41°24'06.48", Longitude: W77°54'53.78").

To remove 100.0 linear feet of an existing, abandoned 4-inch underground natural gas pipeline and associated components located beneath Spicewood Run (EV) and adjacent wetlands. The project will result in temporary impacts to 50.0 linear feet of Spicewood Run and 1000 square feet (0.02 acre) of EV Wetlands, all for the purpose of the removal of an abandoned natural gas pipeline.

**EA1829-002. Dominion Transmission, Inc.**, 91 Gas Plant Lane, Renovo, PA 17764. LP-302 Pipeline, in Leidy Township, **Clinton County**, ACOE Baltimore District. (Hammersley Fork, PA Quadrangle, Latitude: N41°23'55.95", Longitude: W77°55'27.50").

To remove 150.0 linear feet of an existing, abandoned 4-inch underground natural gas pipeline and associated components located beneath EV wetlands located within the floodplain of Kettle Creek. The project will result in temporary impacts to 8,000 square feet (0.18 acre) of EV Wetlands, all for the purpose of the removal of an abandoned natural gas pipeline.

## ACTIONS

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

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

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

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective

permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

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

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

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

### I. NPDES Renewal Permit Actions

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2553.*

| <i>NPDES No.<br/>(Type)</i>        | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed No.)</i>   | <i>EPA Waived<br/>Y/N?</i> |
|------------------------------------|--|--------------------------------------|--|----------------------------|
| PA0060984<br>(Sewage)              | Outhouse Springs LLC<br>PO Box 74<br>Dalton, PA 18440  | Lackawanna County<br>Benton Township | Unnamed<br>Tributary of South<br>Branch<br>Tunkhannock<br>Creek Cold Water<br>Fishes (4-F) | Y                          |
| PA0061336<br>(Industrial<br>Waste) | Pennsylvania American Water<br>Nesbitt Water Treatment Plant<br>83 Aston Mountain Road<br>Pittston, PA 18640 | Luzerne County<br>Pittston Township  | Trout Creek (5-A)  | Y                          |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i>      | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|--|---|--------------------------------------|-----------------------------|
| PA0087696<br>(Sew)          | GSP Management<br>Company—Shadyback Acres MHP<br>PO Box 677<br>Morgantown, PA 19543-0677 | Dauphin County /<br>East Hanover Township | UNT Manada<br>Creek / 7-D            | Y                           |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>  | <i>County &amp;<br/>Municipality</i>                | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N</i> |
|-----------------------------|---|---|--------------------------------------|---------------------------|
| PA0029971<br>Sewage         | Avella Area School District<br>1000 Avella Road<br>Avella, PA 15312-9699          | Washington County<br>Cross Creek Township           | UNT of South Fork<br>Cross Creek     | Y                         |
| PA0029971<br>Sewage         | New Stanton Mack Volvo, Inc.<br>2141 Mount Pleasant Road<br>West Newton, PA 15089 | Westmoreland County<br>South Huntingdon<br>Township | Hunters Run                          | Y                         |

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

| <i>NPDES No.<br/>(Type)</i>        | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed No.)</i>              | <i>EPA Waived<br/>Y/N?</i> |
|------------------------------------|--|--------------------------------------|---|----------------------------|
| PA0221902<br>(Industrial<br>Waste) | Matson Lumber Corsica Plant<br>State Route 332<br>Brookville, PA 15825                       | Jefferson County<br>Union Township   | UNT to Little Mill<br>Creek and Coder<br>Run (17-C) | Y                          |
| PA0028398<br>(Sewage)              | Whitehall Village Sewage Treatment<br>Facility,<br>P. O. Box 927,<br>Fairview, PA 16415-0927 | Erie County<br>Fairview Township     | UNT to Trout Run<br>(15)                            | Y                          |
| PA0238431<br>(Sewage)              | Charles A. Betts SFTF<br>1800 Weiler Road,<br>Warren, PA 16365-3759                          | Warren County<br>Conewango Township  | UNT to Morse Run<br>(16-B)                          | Y                          |



| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>  | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed No.)</i> | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|---|--------------------------------------|--|----------------------------|
| PA0210013<br>(Sewage)       | Cathleen M. & Edward W. Fisher<br>SRSTP<br>72 Birchwood Drive,<br>Transfer, PA 16154-2418 | Mercer County<br>Pymatuning Township | UNT to Shenango<br>River (20-A)        | Y                          |

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

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

**NPDES Permit No. PA0052515**, IW, **Ambler Borough Water Department**, 122 East Butler Avenue, Ambler, PA 19002-4476.

This proposed facility is located in Whitemarsh Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated groundwater from a public water supply well from a facility known as Ambler Borough Water Filtration Plant to Wissahickon Creek in Watershed 3-F.

**NPDES Permit No. PA0050326**, IW, **ArcelorMittal Plate, LLC**, 900 Conshohocken Road, Conshohocken, PA 19428.

This proposed facility is located in Plymouth Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated process wastewater and Stormwater from a facility known as ArcelorMittal Plate Conshohocken Plant to Schuylkill River in Watershed 3-F.

**NPDES Permit No. PA0046868**, SEW, **Lower Moreland Township Municipal Authority**, 640 Red Lion Road, Huntingdon Valley, PA 19006-6217.

This proposed facility is located in Lower Moreland Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 0.279 MGD of treated sewage from a facility known as Chapel Hill STP to Unnamed Tributary to Southampton Creek in Watershed 3-J.

**NPDES Permit No. PA0052647**, IW, **Pottstown borough Water Authority**, 100 E. High Street, Pottstown, PA 19464-5438.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 0.22 MGD of treated filter back wash and sedimentation basins cleaning water from a facility known as Pottstown Borough Water Treatment Plant to Schuylkill River (Outfall 001) and Unnamed Tributary to Schuylkill River in Watershed 3-D.

**NPDES Permit No. PA0023256**, SEW, **Upper Gwynedd Township**, PO Box 1, West Point, PA 19486.

This proposed facility is located in Upper Gwynedd Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as Upper Gwynedd Township WWTP to Wissahickon Creek in Watershed 3F—Lower Schuylkill.

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

**NPDES Permit No. PA0031127**, Sewage, SIC Code 4952, **Borough of Northampton**, 1401 Laubach Avenue, Northampton, PA 18067-1677.

This existing facility is located in Northampton Borough, **Northampton County**.

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

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

**NPDES Permit No. PA0248207**, Transfer, Sewage, **Kevin & Melissa Nelson**, 12 Chestnut Grove Lane, Newville, PA 17241.

This proposed facility is located in Upper Frankford Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Conodoguinet Creek in Watershed 7-B.

**NPDES Permit No. PAS503501**, Stormwater, **Covanta Harrisburg, Inc.**, Harrisburg Resource Recovery Facility, 1670 South 19th Street, Harrisburg, PA 17104.

This proposed facility is located in Harrisburg City, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to Spring Creek in Watershed 7-C.

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

**NPDES Permit No. PA0234028**, Sewage, SIC Code 4952, **University Area Joint Authority**, 1576 Spring Valley Road, State College, PA 16801-8499.

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

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Class A reclaimed water.

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

**NPDES Permit No. PA0253723-A1**, Industrial Waste, **Shallenberger Construction, Inc.**, 195 Enterprise Lane, Connellsville, PA 15425

This existing facility is located in Masontown Borough, **Fayette County**

Description of Proposed Action/Activity: Permit amendment issuance for discharge of treated oil and gas well-drilling wastewater.

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

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

**WQM Permit No. 1505420**, Sewage, A1, **Renewal, West Vincent Township**, 729 St. Matthews Road, Chester Springs, PA 19425-3301.

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

Description of Action/Activity: Approval to renew the existing WQM permit.

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

**WQM Permit No. 2106402, Transfer #1**, Sewerage, **Kevin and Melissa Nelson**, 12 Chestnut Grove Lane, Newville, PA 17241.

This proposed facility is located in Upper Frankford Township, **Cumberland County**.

Description of Proposed Action/Activity: Transfer of Permit.

**WQM Permit No. 0712201**, CAFO, **James Biddle**, 164 Mill Hill Road Williamsburg, PA 16693.

This proposed facility is located in Woodbury Township, **Blair County**.

Description of Proposed Action/Activity: The construction of a new 16' x 100' circular concrete manure storage structure at Mill Hill Farms.

**WQM Permit No. 3612202**, CAFO, **Star Rock Dairy**.

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

Description of Proposed Action/Activity: Seeking permit approval for the construction of an HDPE lined manure storage with related access drives and Stormwater facilities.

**WQM Permit No. 3612201**, CAFO, **Arlin Benner**, 880 Pinkerton Road Mount Joy, PA 17552.

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

Description of Proposed Action/Activity: The construction / operation of a digester, solids separator, and an HDPE lined manure storage pond at Yippee Farms.

*Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570-327-3664.*

**WQM Permit No. 4912401**, Sewage, SIC Code 4952, **Shamokin & Coal Township Joint Sewer Authority Northumberland County**, 114 Bridge Street, Shamokin, PA 17872-7690.

This proposed facility is located in Ralpho Township, **Northumberland County**.

Description of Proposed Action/Activity: Permit issued authorizing the Phase 3A sewer separation project.

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

**WQM Permit No. WQG016192**, Sewerage, **Dorothy J. Shotts**, 195 White Road, Dayton, PA 16222

This proposed facility is located in Cowanshannock Township, **Armstrong County**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single residence sewage treatment facility.

**WQM Permit No. 5610402-A1**, Sewerage, **Somerset Township Municipal Authority**, PO Box 247, Somerset, PA 15501

This existing facility is located in Somerset Township, **Somerset County**

Description of Proposed Action/Activity: Permit amendment issuance.

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

**WQM Permit No. 2511404**, Sewage, **Fairview Sanitation Company**, P. O. Box 927, Fairview, PA 16415-0927.

This existing facility is located in Fairview Township, **Erie County**.

Description of Proposed Action/Activity: Permit for a new sludge holding tank and alum feeder for phosphorous control at the Whitehall Village Sewage Treatment Facility.

**WQM Permit No. WQG018842**, Sewage, **David A. Bednez**, 158 Grass Flats Road, Warren, PA 16365.

This proposed facility is located in Conewango Township, **Warren County**.

Description of Proposed Action/Activity: Permit approving the construction and operation of a Single Residence Sewage Treatment Plant.

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

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

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#### VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>County</i> | <i>Municipality</i>  | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|----------------------|----------------------------|
| PAI01<br>231201         | Paul Mastropieri<br>137 St. Andrews Drive<br>Egg Harbor Township, NJ 08234 | Delaware      | Radnor Township      | Ithan Creek (CWF)          |
| PAI01<br>511103         | Toll Pa, IX, LP<br>Gibraltar Road<br>Horsham, PA 19044                     | Philadelphia  | City of Philadelphia | Schuylkill River (WWF)     |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>                              | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i>                         |
|-------------------------|--|---------------|---------------------|--|
| PAI056509007            | James & Lori Thomas<br>P. O. Box 968<br>Pleasant Unity, PA 15676 | Westmoreland  | Derry Township      | UNT to Saxman Run (WWF) & UNT to Millers Run (HQ). |

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

*Jefferson County Conservation District, 1514 Route 28, Brookville PA 15825*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>                                  | <i>County</i> | <i>Municipality</i>  | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|----------------------|----------------------------|
| PAI063311003            | Graystone Court Punxsutawney<br>1916 Hileman Road<br>Tyrone PA 16686 | Jefferson     | Punxsutawney Borough | Mahoning Creek WWF         |

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#### VII. Approvals to Use NPDES and/or Other General Permits

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The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

#### List of NPDES and/or Other General Permit Types

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|             |   |
|-------------|---|
| PAG-1       | General Permit for Discharges From Stripper Oil Well Facilities   |
| PAG-2       | General Permit for Discharges of Stormwater Associated With Construction Activities   |
| PAG-3       | General Permit for Discharges of Stormwater From Industrial Activities  |
| PAG-4       | General Permit for Discharges From Small Flow Treatment Facilities  |
| PAG-5       | General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems   |
| PAG-6       | General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)  |
| PAG-7       | General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application  |
| PAG-8       | General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site |
| PAG-8 (SSN) | Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage   |
| PAG-9       | General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site   |
| PAG-9 (SSN) | Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage   |
| PAG-10      | General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines  |
| PAG-11      | (To Be Announced)   |
| PAG-12      | Concentrated Animal Feeding Operations (CAFOs)  |
| PAG-13      | Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)   |
| PAG-14      | (To Be Announced)   |
| PAG-15      | General Permit for Discharges From the Application of Pesticides  |

*General Permit Type—PAG-02**Facility Location:*

| <i>Municipality &amp; County</i>               | <i>Permit No.</i>    | <i>Applicant Name &amp; Address</i>   | <i>Receiving Water/Use</i>                         | <i>Contact Office &amp; Phone No.</i>   |
|--|----------------------|---|--|---|
| Lower Providence Township<br>Montgomery County | PAG0200<br>4612007   | Geraldine Golas<br>100 Parklane Drive<br>Norristown, PA 19403   | Perkiomen Creek<br>(TSF-MF)                        | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900 |
| Lower Gwynedd Township<br>Montgomery County    | PAG0200<br>4611036-1 | Stephen Grass<br>Welsh & McKean Roads<br>PO Box 776<br>Spring House, PA 19477   | Oak Terrace<br>(WWF-TSF)                           | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900 |
| Upper Gwynedd Township<br>Montgomery County    | PAG0200<br>4610089   | Donald E. Dion, Jr.<br>937 Morris Road<br>Lansdale, PA 19446  | Tributary<br>Towamencin Creek<br>(TSF-MF)          | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900 |
| Lower Merion Township<br>Montgomery County     | PAG0200<br>4610057-1 | Alan Zheng<br>1020 West 8th Avenue<br>King of Prussia, PA 19406   | Barclay Basin<br>(WWF-MF)                          | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900 |
| East Stroudsburg Borough,<br>Monroe County     | PAG02004512003       | East Stroudsburg University<br>Richard A. Staneski<br>and<br>University Properties Inc.<br>William C. Hibschman<br>200 Prospect St.<br>East Stroudsburg, PA 18301 | Brodhead Creek,<br>TSF, MF                         | Monroe Co.<br>Cons. Dist.<br>570-629-3060   |
| West Penn Township,<br>Schuylkill County       | PAG02005409008R      | Jim Hower<br>249 School Drive<br>New Ringgold, PA 17960<br>and<br>Slayton Altenburg<br>847 Dairy Road<br>Tamaqua, PA 18252  | Unnamed Tributary<br>to Mahoning Creek,<br>CWF, MF | Schuylkill Co.<br>Cons. Dist.<br>570-622-3742   |
| Chestnuthill Township,<br>Monroe County        | PAG02004512001       | AutoZone, Inc.<br>123 South Front St.<br>3rd Floor<br>Memphis, TN 38103   | Weir Creek, CWF,<br>MF                             | Monroe Co.<br>Cons. Dist.<br>570-629-3060   |
| City of Bethlehem,<br>Northampton County       | PAG02154809001(1)    | Lehigh Valley Industrial Park,<br>Inc.<br>1720 Spillman Drive<br>Suite 150<br>Bethlehem, PA 18015   | Lehigh River, WWF,<br>MF                           | Northampton Co.<br>Cons. Dist.<br>610-746-1971  |

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

| <i>Municipality &amp; County</i> | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>Receiving Water/Use</i> | <i>Contact Office &amp; Phone No.</i>  |
|----------------------------------|-------------------|--|----------------------------|--|
| Germany Township<br>Adams County | PAG02000110010R   | James A. Smith<br>Kingsdale Adventure, LLC<br>201 Ulricktown Road<br>Littlestown, PA 17340 | Piney Creek/ WWF           | Adams Co.<br>Conservation District<br>670 Old Harrisburg Rd, Suite 201<br>Gettysburg, PA 17325<br>717.334.0636 |

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| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>  | <i>Receiving<br/>Water / Use</i> | <i>Contact Office &amp;<br/>Phone No.</i>   |
|---|-------------------|--|----------------------------------|---|
| Richmond Township<br>Berks County                           | PAI030612002      | Daniel Dellicker<br>East Penn Manufacturing<br>Deka Road<br>Lyon Station, PA 19536           | Moselem<br>Creek/HQ-CWF, MF      | Berks County<br>Conservation Dist.<br>1238 County Welfare<br>Rd, Ste 200<br>Leesport, PA<br>19533-9710<br>610.372.4657,<br>Ext. 142 |
| Antis Township<br>Blair County                              | PAG02000712003    | Donald Houtz<br>Freedom Property Holdings,<br>LLC<br>26 TLD Circle Port<br>Matilda, PA 16870 | UNT Little Juniata<br>River/ WWF | Blair Co<br>Conservation<br>District<br>1407 Blair St<br>Hollidaysburg, PA<br>16648<br>814.696.0877                                 |
| Allegheny Township<br>Blair County                          | PAG02000712008    | Richard Curry<br>Curry Excavating<br>3403 Mill Road<br>Duncansville, PA 16635                | UNT Blair Gap<br>Run/CWF         | Blair Co<br>Conservation<br>District<br>1407 Blair St<br>Hollidaysburg, PA<br>16648<br>814.696.0877                                 |

*Northcentral Region: Waterways & Wetlands Program Manager; 208 W Third Street, Williamsport, Pa 17701  
570.327.3636*

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>   | <i>Receiving<br/>Water / Use</i>                   | <i>Contact Office &amp;<br/>Phone No.</i>   |
|---|-------------------|---|--|---|
| Boggs Township<br>Clearfield County                         | PAG02001710002R   | Tom Dixon<br>Dixon contracting & Supply<br>740 Laurel Run Rd<br>West Decatur PA 16878 | Laurel Run CWF                                     | Clearfield County<br>Conservation<br>District<br>511 Spruce St Ste 6<br>Clearfield PA 16830<br>Phone: (814)<br>765-2629       |
| Chest Township<br>Clearfield County                         | PAG02001712001    | TH Port-A-Johns<br>c/o Tony Hugill<br>358 Front St<br>Mahaffey PA 15757               | Chest Creek CWF                                    | Clearfield County<br>Conservation<br>District<br>511 Spruce St Ste 6<br>Clearfield PA 16830<br>Phone: (814)<br>765-2629       |
| Gulich & Woodward<br>Townships<br>Clearfield County         | PAG02001712010    | Houtzdale Municipal Auth<br>561 Kirk St<br>Houtzdale PA 16651                         | Beaver Run CWF                                     | Clearfield County<br>Conservation<br>District<br>511 Spruce St Ste 6<br>Clearfield PA 16830<br>Phone: (814)<br>765-2629       |
| Hemlock Township<br>Columbia County                         | PAG02001908003(3) | Geisinger Health System<br>Richard T Hardy<br>100 N Academy Ave<br>Danville PA 17822  | Hemlock Creek<br>Little Fishing Creek<br>CWFs, MFs | Columbia County<br>Conservation<br>District<br>702 Sawmill Rd<br>Ste 204<br>Bloomsburg PA<br>17815<br>(570) 784-1310<br>X 102 |

*Facility Location:  
Municipality &  
County*

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>  | <i>Receiving<br/>Water / Use</i> | <i>Contact Office &amp;<br/>Phone No.</i>   |
|---|-------------------|--|----------------------------------|---|
| Bloomsburg<br>Columbia County                               | PAG02001912002    | Steven H Shannon<br>PO Box 803<br>Bloomsburg PA 17815                                | Trib to Fishing<br>Creek CWF, MF | Columbia County<br>Conservation<br>District<br>702 Sawmill Rd<br>Ste 204<br>Bloomsburg PA<br>17815<br>(570) 784-1310<br>X 102 |
| Hemlock Township<br>Columbia County                         | PAG02001912006    | GMR Restaurants of PA<br>Brett Meshchak<br>1000 Darden Center Dr<br>Orlando FL 32837 | Fishing Creek<br>WWF             | Columbia County<br>Conservation<br>District<br>702 Sawmill Rd<br>Ste 204<br>Bloomsburg PA<br>17815<br>(570) 784-1310<br>X 102 |
| City of Williamsport<br>Lycoming County                     | PAG02004112006    | Dan Ertel<br>419 Second St<br>Williamsport PA 17701                                  | W B Susquehanna<br>River WWF     | Lycoming County<br>Conservation<br>District<br>542 County Farm Rd<br>Suite 202<br>Montoursville PA<br>17754<br>(570) 433-3003 |
| City of Williamsport<br>Lycoming County                     | PAG02004112015    | Williamsport Municipal Water<br>Authority<br>253 W 4th St<br>Williamsport PA 17701   | Susquehanna River<br>WWF         | Lycoming County<br>Conservation<br>District<br>542 County Farm Rd<br>Suite 202<br>Montoursville PA<br>17754<br>(570) 433-3003 |

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

*Facility Location:  
Municipality &  
County*

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name and<br/>Address</i>                               | <i>Receiving<br/>Water / Use</i> | <i>Contact Office and<br/>Phone No.</i>   |
|---|-------------------|---|----------------------------------|---|
| O'Hara Township<br>Allegheny County                         | PAG02000206198R   | Windmill Associates, LLC<br>119 Gamma Drive<br>Pittsburgh, PA 15238 | UNT to Powers Run<br>(WWF)       | Allegheny County<br>CD<br>Lexington<br>Technology Park<br>Building 1 Suite 102<br>400 North Lexington<br>Ave<br>Pittsburgh, PA<br>15208<br>(412) 241-7645 |
| Borough of Plum<br>Allegheny County                         | PAG02000210042R   | Plum Borough<br>4575 New Texas Road<br>Pittsburgh, PA 15239         | Little Plum Creek<br>(WWF)       | Allegheny County<br>CD<br>Lexington<br>Technology Park<br>Building 1 Suite 102<br>400 North Lexington<br>Ave<br>Pittsburgh, PA<br>15208<br>(412) 241-7645 |

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| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name and<br/>Address</i>   | <i>Receiving<br/>Water / Use</i>  | <i>Contact Office and<br/>Phone No.</i>   |
|---|-------------------|---|-----------------------------------|---|
| Hampton Township<br>Allegheny County                        | PAG02000206108-1R | Wickline Development, LLC<br>1272 Mars-Evans City Rd<br>Evans City, PA 16033        | McCaslin Run<br>(TSF)             | Allegheny County<br>CD<br>Lexington<br>Technology Park<br>Building 1 Suite 102<br>400 North Lexington<br>Ave<br>Pittsburgh, PA<br>15208<br>(412) 241-7645 |
| Ross Township<br>Allegheny County                           | PAG02000210003R   | Minnock Land & Development<br>Co.<br>7202 Old McKnight Road<br>Pittsburgh, PA 15237 | UNT to Pine Creek<br>(CWF)        | Allegheny County<br>CD<br>Lexington<br>Technology Park<br>Building 1 Suite 102<br>400 North Lexington<br>Ave<br>Pittsburgh, PA<br>15208<br>(412) 241-7645 |
| Pine Township<br>Allegheny County                           | PAG02000206065R   | Pine Ridge Commons, LP<br>3468 Broadhead Road<br>Suite 7<br>Monaca, PA 15061-3149   | Kaufman Run<br>(WWF)              | Allegheny County<br>CD<br>Lexington<br>Technology Park<br>Building 1 Suite 102<br>400 North Lexington<br>Ave<br>Pittsburgh, PA<br>15208<br>(412) 241-7645 |
| North Fayette<br>Township<br>Allegheny County               | PAG02000211016-1  | Cicko Co., LLC<br>4200 Casteel Drive<br>Coraoplois, PA 15108                        | Montour Run (TSF)                 | Allegheny County<br>CD<br>Lexington<br>Technology Park<br>Building 1 Suite 102<br>400 North Lexington<br>Ave<br>Pittsburgh, PA<br>15208<br>(412) 241-7645 |
| Indiana Township<br>Allegheny County                        | PAG02000207018R   | Chapelier, LP<br>3560 Harts Run Road<br>Pittsburgh, PA 15238                        | Little Pine Creek<br>(TSF)        | Allegheny County<br>CD<br>Lexington<br>Technology Park<br>Building 1 Suite 102<br>400 North Lexington<br>Ave<br>Pittsburgh, PA<br>15208<br>(412) 241-7645 |
| Plum Borough<br>Allegheny County                            | PAG02000205073R   | Old Leechburg Associates, LP<br>772 Pine Valley Drive<br>Pittsburgh, PA 15239       | UNT to Little Plum<br>Creek (WWF) | Allegheny County<br>CD<br>Lexington<br>Technology Park<br>Building 1 Suite 102<br>400 North Lexington<br>Ave<br>Pittsburgh, PA<br>15208<br>(412) 241-7645 |

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i>   | <i>Permit No.</i> | <i>Applicant Name and<br/>Address</i>  | <i>Receiving<br/>Water/Use</i>   | <i>Contact Office and<br/>Phone No.</i>   |
|---|-------------------|--|--|---|
| Findlay Township<br>Allegheny County  | PAG02000212015    | Imperial Land Corporation<br>4955 Stuebenville Pike<br>Suite 245<br>Pittsburgh, PA 15205         | Potato Garden Run<br>(WWF)   | Allegheny County<br>CD<br>Lexington<br>Technology Park<br>Building 1 Suite 102<br>400 North Lexington<br>Ave<br>Pittsburgh, PA<br>15208<br>(412) 241-7645 |
| City of Pittsburgh<br>Allegheny County  | PAG02000211022R   | The Urban Redevelopment<br>Authority of Pittsburgh<br>200 Ross Street<br>Pittsburgh, PA 15219    | Allegheny River<br>(WWF-NV)  | Allegheny County<br>CD<br>Lexington<br>Technology Park<br>Building 1 Suite 102<br>400 North Lexington<br>Ave<br>Pittsburgh, PA<br>15208<br>(412) 241-7645 |
| Pine Township<br>Allegheny County   | PAR10A590R1       | Dominic Gigliotti<br>Village of Pine LP<br>11279 Perry Highway<br>Suite 509<br>Wexford, PA 15090 | Pine Creek (CWF)   | Allegheny County<br>CD<br>Lexington<br>Technology Park<br>Building 1 Suite 102<br>400 North Lexington<br>Ave<br>Pittsburgh, PA<br>15208<br>(412) 241-7645 |
| Plum Borough<br>Allegheny County  | PAG02000212021    | Matt Massarelli<br>Massarelli Demolition<br>3404 Universal Rd.<br>Pittsburgh, PA 15235           | UNT to Little Plum<br>Creek (WWF)  | Allegheny County<br>CD<br>Lexington<br>Technology Park<br>Building 1 Suite 102<br>400 North Lexington<br>Ave<br>Pittsburgh, PA<br>15208<br>(412) 241-7645 |
| Collier Township<br>Allegheny County  | PAG02000212012    | Eric Vaccarello<br>Wood Waste Recycling, Inc.<br>111 Kelso Road<br>McDonald, PA 15057            | UNT to Chartiers<br>Creek (WWF)  | Allegheny County<br>CD<br>Lexington<br>Technology Park<br>Building 1 Suite 102<br>400 North Lexington<br>Ave<br>Pittsburgh, PA<br>15208<br>(412) 241-7645 |
| City of Johnstown<br>Conemaugh<br>Township<br>Stonycreek<br>Township<br>Daisytown Borough<br>Cambria County | PAG02001112004    | Pegasus Sewer Authority<br>1296 Clapboard Run Rd.<br>Johnstown, PA 15904                         | Solomon Run<br>(WWF)<br>Conemaugh River<br>(WWF)<br>UNT to Stony<br>Creek (CWF)              | Cambria County CD<br>401 Candlelight<br>Drive, Suite 221<br>Ebensburg, PA<br>15931<br>(814) 472-2120  |
| Barr Township<br>Cambria County   | PAG02001112006    | Northern Cambria Municipal<br>Authority<br>1202 Philadelphia Ave.<br>Northern Cambria, PA 15714  | UNT to North<br>Branch Blacklick<br>Creek (CWF),<br>North Branch<br>Blacklick Creek<br>(CWF) | Cambria County CD<br>401 Candlelight<br>Drive, Suite 221<br>Ebensburg, PA<br>15931<br>(814) 472-2120  |



## NOTICES

3671

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i>  | <i>Applicant Name and<br/>Address</i>  | <i>Receiving<br/>Water / Use</i> | <i>Contact Office and<br/>Phone No.</i>  |
|---|--------------------|--|----------------------------------|--|
| South Union<br>Township<br>Fayette County                   | PAG02002612009     | GMR Restaurants of<br>Pennsylvania<br>Brett Maschak<br>Darden Restaurants, Inc.<br>1000 Darden Center Dr.<br>Orlando, FL 32837 | Redstone Creek<br>(WWF)          | Fayette County CD<br>10 Nickman Plaza<br>Lemont Furnace, PA<br>15456<br>(724) 438-4497 |
| Muddy Creek &<br>Worth Townships<br>Butler County           | PAG02001012017     | PADOT District 10-0<br>Attn: Brian N. Allen<br>PO Box 429<br>Indiana PA 16701  | Muddy Creek WWF                  | Butler County<br>Conservation<br>District<br>724-284-5270                              |
| Cranberry Township  | PAG02001008025(1)R | FRA Development LP<br>Attn: Eric Lamm<br>215 Executive Dr. Ste 300<br>Cranberry Township PA 15238                              | UNT Brush Creek<br>WWF           | Butler County<br>Conservation<br>District<br>724-284-5270                              |
| Harborcreek<br>Township                                     | PAG02002511007(1)  | Penn State Erie<br>4701 College Drive<br>Erie PA 16563   | Fourmile Creek<br>WWF; MF        | Erie County<br>Conservation<br>District<br>814-825-6403                                |

*General Permit Type—PAG-03*

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant's Name &amp;<br/>Address</i>  | <i>Receiving<br/>Water / Use</i>                     | <i>Contact Office &amp;<br/>Telephone No.</i>                                      |
|---|-------------------|--|--|--|
| Northampton<br>Township<br>Bucks County                     | PAR230093         | Donaldson Co., Inc.<br>85 Railroad Drive<br>Ivyland, PA 18974-1478   | Unnamed Tributary<br>of Little Neshaminy<br>Creek—2F | Southeast Region<br>Clean Water<br>Program<br>484.250.5970                         |
| Delaware Township<br>Juniata County                         | PAR223528         | Armstrong Cabinet Products<br>12393 Williams Penn Highway<br>Thompsontown, PA 17094                        | UNT of Locust Run<br>/ CWF                           | DEP-SCRO<br>909 Elmerton<br>Avenue<br>Harrisburg, PA<br>17110-8200<br>717-705-4707 |
| Mount Joy Borough<br>Lancaster County                       | PAR203587         | Donsco, Inc.<br>100 South Jacob Street<br>Mount Joy, PA 17552  | Little Chickies<br>Creek / TSF                       | DEP-SCRO<br>909 Elmerton<br>Avenue<br>Harrisburg, PA<br>17110-8200<br>717-705-4707 |
| East Hempfield<br>York County                               | PAR803699         | Republic Services, LLC<br>York Waste Disposal-East<br>Petersburg<br>3730 Sandhurst Drive<br>York, PA 17406 | UNT of Little<br>Conestoga Creek /<br>TSF, MF        | DEP-SCRO<br>909 Elmerton<br>Avenue<br>Harrisburg, PA<br>17110-8200<br>717-705-4707 |
| Manchester<br>Township<br>York County                       | PAR803698         | Republic Services, LLC<br>York Waste Disposal<br>3730 Sandhurst Drive<br>York, PA 17406                    | UNT of Codorus<br>Creek / WWF, MF                    | DEP-SCRO<br>909 Elmerton<br>Avenue<br>Harrisburg, PA<br>17110-8200<br>717-705-4707 |

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

*Facility Location:  
Municipality &  
County*

| <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>  | <i>Receiving<br/>Water / Use</i>                            | <i>Contact Office &amp;<br/>Phone No.</i>   |
|-------------------|--|---|---|
| PAR208368         | Erie Press Systems<br>P. O. Box 4061<br>Erie, PA 16512-4061  | East Branch<br>Cascade Creek 15                             | DEP<br>NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA<br>16335-3481<br>814/332-6942 |
| PAR238315         | General Chemical LLC<br>P. O. Box G Ridgway Road,<br>Johnsonburg, PA 15845-0196                    | Powers Run 17-A   | DEP<br>NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA<br>16335-3481<br>814/332-6942 |
| PAR208351         | Young Galvanizing, Inc.<br>8281 Mercer Street,<br>P. O. Box 334,<br>Pulaski, PA 16143-0334         | Unnamed Tributary<br>to Shenango River<br>20-A              | DEP<br>NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA<br>16335-3481<br>814/332-6942 |
| PAR118309         | Joy Mining Machinery,<br>Box 791, Franklin, PA<br>16323-1040                                       | Municipal Storm<br>Sewers to the<br>Allegheny River<br>16-G | DEP<br>NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA<br>16335-3481<br>814/332-6942 |
| PAR808321         | Superior Carriers Inc.<br>711 Jorie Boulevard,<br>Suite 101 North,<br>Oakbrook, IL 60523           | Unnamed Tributary<br>to South Branch<br>Bear Creek 17-C     | DEP<br>NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA<br>16335-3481<br>814/332-6942 |
| PAR808325         | Buffalo & Pittsburgh Railroad,<br>Inc.<br>Junction of Route 422 &<br>Route 68,<br>Butler, PA 16001 | Sandy Lick Creek<br>17-C                                    | DEP<br>NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA<br>16335-3481<br>814/332-6942 |

*General Permit Type—PAG-4*

*Facility Location:  
Municipality &  
County*

| <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>  | <i>Receiving<br/>Water / Use</i>               | <i>Contact Office &amp;<br/>Phone No.</i>                  |
|-------------------|--|--|--|
| PAG040180         | Marilynne S. Rosen and<br>Thomas E. Duffy<br>7 Byron Road<br>Chadds Ford, PA 19317 | Ring Run—3-H                                   | Southeast Region<br>Clean Water<br>Program<br>484-250-5970 |
| PAG040177         | Swartz David<br>35 Valley Green Drive<br>Doylestown, PA 18901-3237                 | Unnamed Tributary<br>of Neshaminy<br>Creek—2-F | Southeast Region<br>Clean Water<br>Program<br>484-250-5970 |

*Facility Location:  
Municipality &  
County*Cowanshannock  
Township  
Armstrong County*Permit No.*

PAG046436

*Applicant Name &  
Address*Dorothy J. Shotts  
195 White Road  
Dayton, PA 16222*Receiving  
Water / Use*South Branch  
Cowanshannock  
Creek*Contact Office &  
Phone No.*Southwest Regional  
Office:  
Clean Water  
Program Manager  
400 Waterfront  
Drive  
Pittsburgh, PA  
15222-4745  
(412) 442-4000*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481**Facility Location:  
Municipality &  
County*Conewango  
Township  
Warren County*Permit No.*

PAG041075

*Applicant Name &  
Address*David A. Bednez  
158 Grass Flats Road,  
Warren, PA 16365*Receiving  
Water / Use*Unnamed Tributary  
to Scott Run 16-B*Contact Office &  
Phone No.*DEP  
NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
814/332-6942*General Permit Type—PAG-9**Facility Location:  
Municipality &  
County*Hempfield Township  
Westmoreland  
County*Permit No.*

PAG096102

*Applicant Name &  
Address*A Septic Tank Service  
1406 Rolling Acres Road  
Latrobe, PA 15650*Site Name*

Hillis Farm

*Contact Office &  
Phone No.*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:  
Municipality &  
County*Perry Township  
Mercer County*Permit No.*

PAG098308

*Applicant Name &  
Address*Peterman Septic Services, Corp.  
26 Everbreeze Drive,  
Hadley, PA 16130*Site Name &  
Location*Peterman Septic  
Services  
2495 Perry  
Highway,  
Hadley, PA 16130*Contact Office &  
Phone No.*DEP  
NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
814/332-6942*General Permit Type—PAG-12**Facility Location:  
Municipality &  
County*Tulpehocken  
Township  
Berks County*Permit No.*

PAG123629

*Applicant Name &  
Address*King Farms LLC  
3382B West Newport Road  
Ronks, PA 17572*Receiving  
Water / Use*Mill Creek / CWF /  
3-Ca*Contact Office &  
Phone No.*DEP-SCRO  
909 Elmerton  
Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707Washington  
Township  
Franklin County*Permit No.*

PAG123610

Martin's Pine Lane Farm  
11441 Gehr Road  
Waynesboro, PA 17268UNT East Branch  
Antietam Creek /  
CWFDEP-SCRO  
909 Elmerton  
Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707

|   |                   |   |                                       |   |
|---|-------------------|---|---------------------------------------|---|
| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>                               | <i>Receiving<br/>Water / Use</i>      | <i>Contact Office &amp;<br/>Phone No.</i>   |
| Granville Township,<br>Bradford County                      | PAG124823         | Keith Heimbach<br>129 Don Packard Road,<br>Granville Summit, PA 16926 | North Branch<br>Towanda Creek,<br>CWF | DEP Northcentral<br>Regional Office<br>Clean Water<br>Program<br>208 W Third Street<br>Suite 101,<br>Williamsport, PA<br>17701-6448<br>570.327.3636 |

*General Permit Type—PAG-15*

|   |                           |   |   |  |
|---|---------------------------|---|---|--|
| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i>         | <i>Applicant Name &amp;<br/>Address</i>   | <i>Receiving Water /<br/>Use</i>          | <i>Contact Office &amp;<br/>Phone No.</i>  |
| Ross Township<br>Luzerne County                             | PAG152201<br>(Pesticides) | Sylvan Lake Property Owners<br>Association<br>55 Sylvan Avenue<br>Hunlock Creek, PA 18621 | Sylvan Lake<br>(CWF, MF)<br>Watershed 05B | DEP Northeast<br>Regional Office<br>Clean Water<br>Program<br>2 Public Square,<br>Wilkes-Barre, PA<br>18701-1915<br>570.826.2553 |

**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.

**NUTRIENT MANAGEMENT PLAN PUBLIC NOTICE SPREADSHEET**

| <i>Agricultural Operation<br/>Name and Address</i>                  | <i>County</i> | <i>Total<br/>Acres</i> | <i>Animal<br/>Equivalent<br/>Units</i> | <i>Animal<br/>Type</i> | <i>Special<br/>Protection<br/>Waters (HQ<br/>or EV or NA)</i> | <i>Approved or<br/>Disapproved</i> |
|---|---------------|------------------------|--|------------------------|---|------------------------------------|
| Steven R. Hershey<br>2024 Donegal Springs Rd<br>Mount Joy, PA 17552 | Lancaster     | 200.5                  | 465.97                                 | Layers/Steer           | HQ  | A                                  |
| Andrews Sow Farm<br>1050 Shiprock Rd<br>Willow St. Pa 17548         | Lancaster     | 7.4                    | 576.5                                  | Swine                  | NA  | A                                  |
| Kenneth Buckwalter<br>765 Glenwood Drive<br>Ephrata, PA 17522       | Lancaster     | 67                     | 245.1                                  | Broilers               | NA  | A                                  |

| <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> |
|--|----------------|--------------------|--------------------------------|-----------------------|---|--------------------------------|
| Leroy Zimmerman<br>327 Stackstown Rd<br>Marietta, PA 17547   | Lancaster      | 156.6              | 340.1                          | Swine/Steer           | NA  | A                              |
| Steve Hykes<br>1239 Hykes Rd.<br>Greencastle, PA 17225       | Franklin       | 646.6              | 657.29                         | Swine/Heifers         | NA  | Approved                       |
| Cotner Farms, Inc<br>127 Rushtown Road<br>Danville, PA 17821 | Northumberland | 753                | 1403.5                         | Poultry (Laying Hens) | NA  | Approved                       |

**PUBLIC WATER SUPPLY PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

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

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act**

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

**Operations Permit** issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, PSWID 1460073 Newtown Township, **Delaware County** on June 8, 2012 for the operation facilities approved under construction permit # 2311503 for New Pumps at Mitchell Booster Pump Station.

**Permit No. 1512502**, Public Water Supply.  
Applicant **Borough of Phoenixville**  
140 Church Street  
Phoenixville, PA 19460

|  |  |
|--|--|
| Borough  | Borough of Phoenixville  |
| County   | <b>Chester</b>   |
| Type of Facility   | PWS  |
| Consulting Engineer  | Pennoni Associates<br>62 Rockford Road<br>Wilmington, Delaware 19806               |
| Permit to Construct Issued   | June 8, 2012   |
| <b>Permit No. 1512503</b> , Public Water Supply.   |  |
| Applicant  | <b>Spring Run Estates</b><br>628 Telegraph Road<br>Coatesville, PA 19320           |
| Township   | West Caln  |
| County   | <b>Chester</b>   |
| Type of Facility   | PWS  |
| Consulting Engineer  | Cawley Environmental Services, Inc.<br>637 Jeffers Circle<br>Exton, PA 19341       |
| Permit to Construct Issued   | June 8, 2012   |
| <b>Permit No. 1511528</b> , Public Water Supply.   |  |
| Applicant  | <b>Lincoln Crest Mobile Home Park</b><br>P. O. Box 677<br>Morgantown, PA 19543     |
| Township   | Sadsbury   |
| County   | <b>Chester</b>   |
| Type of Facility   | PWS  |
| Consulting Engineer  | ACT ONE Consultants, Inc.<br>200 S. 41st Street<br>Suite A<br>Harrisburg, PA 17111 |
| Permit to Construct Issued   | June 8, 2012   |
| <i>Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448</i> |  |

**Permit No. 4711501—Construction** Public Water Supply.  
Applicant **Cooper Township Municipal Authority**

[Township or Borough] Cooper Township  
 County **Montour**  
 Responsible Official Mr. Daniel Jenkins  
 Cooper Township Municipal Authority  
 19 Steltz Road  
 Danville, PA 17821  
 Type of Facility Public Water Supply  
 Consulting Engineer Mark Glenn, P.E.  
 GDF Consulting Engineers  
 3121 Fairway Drive  
 Altoona, PA 16602  
 Permit Issued June 7, 2012  
 Description of Action Construction of a transmission line, distribution system, 250,000 gallon finished water storage tank, and booster pump station to convey finished water from Danville Municipal Authority water system to Cooper Township Municipal Authority water system.

**Permit No. Minor Amendment—Construction Public Water Supply.**

Applicant **Williamsport Municipal Water Authority**  
 [Township or Borough] City of Williamsport  
 County **Lycoming**  
 Responsible Official Mr. Charles Hauser  
 Williamsport Municipal Water Authority  
 253 West Fourth Street  
 Williamsport, PA 17701  
 Type of Facility Public Water Supply  
 Consulting Engineer Chris Bidler, P.E.  
 Larson Design Group  
 P. O. Box 487  
 Williamsport, PA 17703  
 Permit Issued June 8, 2012  
 Description of Action Construction of transmission mains along West Third Street and Arch Street.

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

**Permit No. 0212508, Public Water Supply.**

Applicant **Pennsylvania American Water Company**  
 800 West Hersheypark Drive  
 PO Box 888  
 Hershey, PA 17033  
 [Borough or Township] Robinson Township  
 County **Washington**  
 Type of Facility Valley Street and Bordo Lane extension; booster pump station  
 Consulting Engineer Bankson Engineers, Inc.  
 267 Blue Run Road  
 PO Box 200  
 Indianola, PA 15051

Permit to Construct May 16, 2012  
 Issued

**Operations Permit** issued to: **Authority of the Borough of Charleroi**, 3 McKean Avenue, PO Box 211, Charleroi, PA 15022, (PWSID #5630039) Fallowfield Township, **Washington County** on May 18, 2012 for the operation of facilities approved under Construction Permit # 6309501.

**Operations Permit** issued to: **The Borough of Ambridge Water Authority**, 600 Eleventh Street, Ambridge, PA 15003, (PWSID #5040008) Independence Township, **Beaver County** on May 18, 2012 for the operation of facilities approved under Construction Permit # 0410509.

**Permit No. 1112501MA, Minor Amendment. Public Water Supply.**

Applicant **Cresson Township Municipal Authority**  
 717 Portage Road  
 Cresson, PA 16630  
 [Borough or Township] Cresson and Munster Townships  
 County **Cambria**  
 Type of Facility Water system  
 Consulting Engineer Hegemann and Wray Consulting Engineers  
 429 Park Avenue  
 Cresson, PA 16630  
 Permit to Construct May 16, 2012  
 Issued

**Permit No. 0212509MA, Minor Amendment. Public Water Supply.**

Applicant **Pennsylvania American Water Company**  
 800 West Hersheypark Drive  
 PO Box 888  
 Hershey, PA 17033  
 [Borough or Township] Independence Township  
 County **Washington**  
 Type of Facility First Street extension  
 Consulting Engineer Bankson Engineers, Inc.  
 267 Blue Run Road  
 PO Box 200  
 Indianola, PA 15051  
 Permit to Construct May 16, 2012  
 Issued

**Permit No. 0212510MA, Minor Amendment. Public Water Supply.**

Applicant **Pennsylvania American Water Company**  
 800 West Hersheypark Drive  
 PO Box 888  
 Hershey, PA 17033  
 [Borough or Township] Cecil Township  
 County **Washington**

Type of Facility Reissing Road extension  
 Consulting Engineer Bankson Engineers, Inc.  
 267 Blue Run Road  
 PO Box 200  
 Indianola, PA 15051

Permit to Construct May 16, 2012  
 Issued

**Permit No. 0212511MA, Minor Amendment.** Public Water Supply.

Applicant **Pennsylvania American Water Company**  
 800 West Hersheypark Drive  
 PO Box 888  
 Hershey, PA 17033

[Borough or Township] Mount Pleasant Township

County **Washington**

Type of Facility McCarrell Road extension

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

Permit to Construct May 16, 2012  
 Issued

**Permit No. 0212512MA, Minor Amendment.** Public Water Supply.

Applicant **Pennsylvania American Water Company**  
 800 West Hersheypark Drive  
 PO Box 888  
 Hershey, PA 17033

[Borough or Township] North Franklin Township

County **Washington**

Type of Facility Scenic Drive extension

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

Permit to Construct May 16, 2012  
 Issued

**Permit No. 0212513MA, Minor Amendment.** Public Water Supply.

Applicant **Pennsylvania American Water Company**  
 800 West Hersheypark Drive  
 PO Box 888  
 Hershey, PA 17033

[Borough or Township] Mount Pleasant Township

County **Washington**

Type of Facility Washington Avenue extension

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

Permit to Construct May 16, 2012  
 Issued

**Permit No. 0212514MA, Minor Amendment.** Public Water Supply.

Applicant **Pennsylvania American Water Company**  
 800 West Hersheypark Drive  
 PO Box 888  
 Hershey, PA 17033

[Borough or Township] Jefferson Township

County **Washington**

Type of Facility Cole School Road and Campbell Road extension

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

Permit to Construct May 16, 2012  
 Issued

**Permit No. 3012501MA, Minor Amendment.** Public Water Supply.

Applicant **Southwestern Pennsylvania Water Authority**  
 PO Box 187  
 1442 Jefferson Road  
 Jefferson, PA 15344

[Borough or Township] Franklin and Center Townships

County **Greene**

Type of Facility Water system

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

Permit to Construct May 18, 2012  
 Issued

**Permit No. 0409508GWR, Minor Amendment.** Public Water Supply.

Applicant **Beaver Borough Municipal Authority**  
 469 Third Street  
 Beaver, PA 15009

[Borough or Township] Beaver Borough

County **Beaver**

Type of Facility Water system

Consulting Engineer Chas. F. Etta Consulting Engineering  
 PO Box 407  
 Sewickley, PA 15143-0407

Permit to Operate May 19, 2012  
 Issued

**Permit No. 1110508GWR, Minor Amendment.** Public Water Supply.

Applicant **Spangler Municipal Authority**  
 1202 Philadelphia Street  
 Northern Cambria, PA 15714

[Borough or Township] Barr Township

County **Cambria**

|                          |  |
|--------------------------|--|
| Type of Facility         | Water system   |
| Consulting Engineer      | Stiffler McGraw and Associates<br>1731 North Juniata Street<br>Hollidaysburg, PA 16648 |
| Permit to Operate Issued | May 18, 2012   |

## 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, Regional Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Zaboy Property**, 1755 Old Franklin Hill Road, Lower Mount Bethel Township, **Northampton County**. Ryan Winnan, Storb Environmental, Inc. 410 Easton Road, Willow Grove, PA 19090 has submitted a Final Report on behalf of his client, Bonnie Zaboy, 1755 Old Franklin Hill Road, Bangor, PA 18013, concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a spill during fuel oil delivery to an aboveground

storage tank. The report was submitted to document attainment of the Statewide Health Standard for soil and groundwater. A public notice regarding the submission of the Final Report was published in *The Express-Times* on May 23, 2012.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Former Defense Logistics Agency Strategic Materials Stockpile Site**, Peters Creek Road, Large, PA **Allegheny County**. CH2M Hill, 1717 Arch Street, Suite 4400 Philadelphia, PA 19103 on behalf of U.S. Army Corps of Engineers, Louisville District, 600 Dr. Martin Luther King Jr. Place, Louisville, KY 40202-2232 has submitted a Remedial Investigation Report concerning the remediation of site soil, groundwater and surface water contaminated with constituents of potential concern.

## 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 and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**LSI Corporation Allentown Union Boulevard Facility (aka Agere Systems, Lucent Technologies, AT&T), 555 Union Boulevard, Allentown City, Lehigh County.** Peter Beyer, ERM, Inc., 350 Eagleview Boulevard, Suite 200, Exton, PA 19341 submitted a combined Remedial Investigation Report/Risk Assessment Report/Cleanup Plan on behalf of his client, LSI Corporation, 1110 American Parkway NE, Room 12K-305, Allentown, PA 18109, concerning the remediation of soil and groundwater found to have been impacted by TCE and breakdown products as a result of the discovery of a former waste solvent underground storage tank during the plant's decommissioning/demolition activities. The combined report documented partial fulfillment of the Site-Specific Standard for soil and groundwater and was approved on June 6, 2012.

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

**I-80 Eastbound MM 94 Diesel Fuel Spill Site, Washington Township, Jefferson County.** Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403 has submitted a Final Report concerning the remediation of site soil contaminated with Benzene, Ethylbenzene, Cumene, MTBE, Naphthalene, Toluene, 1,2,4-TMB, and 1,3,5-TMB. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 30, 2012.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Buckeye Pipeline Shippingport Release, Shippingport Borough, Beaver County.** Groundwater & Environmental Services, Inc., 444 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Buckeye Partners, L.P., Tek Park Five, 9999 Hamilton Boulevard, Breinigsville, PA 18031 and National Gypsum Company, P. O. Box 346, 168 Shippingport Hill Road, Shippingport, Pa 15077 has submitted a Final Report concerning the remediation of site soil contaminated with ultra-low sulfur diesel fuel. The Final report demonstrated attainment of the Non-Residential Statewide Health Standard and was approved by the Department on May 30, 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.**

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

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*

**GP14-23-0125: Leonetti-O'Leary Funeral Home—dba Delaware County Crematory** (52 South 3rd Street, Upper Darby, PA 19082) on June 1, 2012, to operate one (1) human crematory unit in Upper Darby Township, Delaware County.

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

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

**40-310-091GP3: Haines & Kibblehouse** (PO BOX 196, 2052 Lucon Road, Skippack, PA 19474) on June 7, 2012, to construct and operate a Portable Crushing Operation with watersprays at their Wilkes-Barre Materials site in Plains Township, Luzerne County.

**40-329-016GP9: Haines & Kibblehouse** (PO BOX 196, 2052 Lucon Road, Skippack, PA 19474) on June 7, 2012, to install and operate a Diesel I/C Engine at their Wilkes-Barre Materials site in Plains Township, Luzerne County.

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

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**GP9-63-00962: MarkWest Liberty Midstream and Resources, LLC** (1515 Arapahoe Street Tower 2, Suite 700, Denver, CO 80202-2126) on June 5, 2012, to install and operate one (1) generator driven by a diesel-fired engine rated at 197 bhp at their Redd Compressor Station, in Amwell Township, Washington County.

**GP5-32-00338B: Fairman Corp.** (3497 Stanley Road, P. O. Box 288, Dubois, PA 15108) on June 5, 2012, to install and operate one (1) Caterpillar G3306 TA natural gas-fired engine, controlled by a non-selective catalytic reduction (NSCR) oxidation catalyst at their Himes Compressor Station in North Mahoning Township, Indiana County.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*

**15-0027K: Johnson Matthey, Inc.—Catalytic Systems Division** (456 Devon Park Drive, Wayne, PA 19087) on June 1, 2012, to establish a plant-wide applicability limit (PAL) for nitrogen oxide (NO<sub>x</sub>) emissions from their facility in Atglen Township, Chester County. As a result of potential emissions of NO<sub>x</sub> and VOC, the facility is a Title V facility. The Plan Approval will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements

**09-0184: Doylestown Hospital** (595 West State Street, Doylestown, PA 18901) on June 1, 2012, to install a Selective Catalytic Reduction (SCR) system and Oxidation Catalyst to an existing natural-gas fired electric generator in Doylestown Township, Bucks County. The facility has proposed to increase the use of this generator

up to a maximum of 5,500 hours per year for peak shaving purposes. This project will not cause the facility to exceed any major source thresholds and the facility will continue to maintain its synthetic minor operating status. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

**09-0142B: ML 35, LLC** (35 Runway Road, Levittown, PA 19057) on June 1, 2012, to install five (5) 2 MW electric generators with the associated storage tanks and air pollution control devices; conversion of six (6) existing emergency generators to peak shaving generators; and a Federally Enforceable Emissions Cap, a limit of 24.9 tons/year for the facility NO<sub>x</sub> emissions at their ML 35 LLC data center facility at 35 Runway Road, Levittown, Bristol Township, **Bucks County**. The control devices would include Selective Catalytic Reduction (SCR) system and oxidation catalysts.

**46-0049A: International Business Systems, Inc.** (431 Yerkes Road, King of Prussia, PA 19406-3523) on June 5, 2012, to install three (3) heat-set web offset presses and a control device at an existing facility in Upper Merion Township, **Montgomery County**. This facility is a synthetic minor facility for VOC emissions. The facility wide VOC emissions will stay below 25 tons per year. The VOC emissions from the three (3) presses will be directed to a regenerative thermal oxidizer. The regenerative thermal oxidizer will be required to maintain 98% destruction and removal efficiency. The Plan Approval will contain testing, monitoring and recordkeeping requirements and operating restrictions designed to keep the sources and facility operating within all applicable air quality requirements.

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

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

**40-309-042: Certech, Inc.** (550 Stewart Road, Hanover Industrial Estates, Wilkes-Barre, PA 18706-1455) on June 5, 2012, to install periodic kilns at their facility in Hanover Township, **Luzerne County**.

**40-399-075: Eastern Metal Recycling Terminal LLC** (143 Harding Avenue, Bellmawr, NJ 08031) on May 30, 2012, to construct a metal shredding operation with cyclone for their facility in Hazle Township, **Luzerne 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*

**11-00423A: Johnstown Wire Technologies, Inc.** (124 Laurel Avenue, Johnstown, **Cambria County**, PA 15906-2246) on June 08, 2012, to allow the replacement of an existing uncontrolled manual Cleaning House at their Facility in City of Johnstown, **Cambria County**.

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

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

**24-123G: Veolia ES Greentree Landfill, LLC** (635 Toby Road, Kersey, PA 15846) on June 7, 2012, to modify NSPS requirements and flare capacity requirements in Fox Township, **Elk County**. This is a Title V facility.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*

**46-0262A: Penn Color, Inc.** (2755 Bergey Road, Hatfield, PA 19440) on June 6, 2012, to operate the pigment mixing operations in Hatfield Township, **Montgomery County**.

*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*

**06-05025C: Morgan Truck Body, LLC** (35 Thousand Oaks Boulevard, Morgantown, PA 19543-8838) on June 6, 2012, for construction and temporary operation of a spray paint booth at their truck body manufacturing facility in Caernarvon Township, **Berks County**. The plan approval was extended.

**67-05083: Calpine Mid Merit LLC** (PO Box 6066 92 DC 72, Newark, DE 19714-6066) on June 6, 2012, for continued construction and temporary operation of a natural gas/ULSD-fired electric generating plant, with a nominal output of 1100 MW, including combustion turbines and heat recovery steam generators, in Peach Bottom Township, **York County**. The plan approval was extended.

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

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

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

**46-00011: ArcelorMittal Plate, LLC** (900 Conshohocken Stare Road, Conshohocken, PA 19428) on June 1, 2012, 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 6/8/2001. 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 NO<sub>x</sub>, 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.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

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

**54-00007: Department of Corrections—Frackville SCI** (1920 Technology Parkway, Mechanicsburg, PA 17050) on June 7, 2012, to operate two (2) boilers at the institution in Ryan Township, **Schuylkill County**. The source consists of two (2) #2 oil fired boilers. The facility is considered a minor source of nitrogen oxide (NO<sub>x</sub>) and sulfur oxide (SO<sub>x</sub>) emissions. This is a renewal of the State-Only Operating Permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**35-00056: P.A. Hutchison Co.** (400 Penn Avenue, Mayfield, PA 18433) on June 8, 2012, for a commercial printing facility in Mayfield Borough, **Lackawanna County**.

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

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

**49-00013: Power Plant Greenhouses LLC** (225 Arcos Road, Mount Carmel, PA 17851) on June 5, 2012, for their Marion Heights greenhouse facility Mount Carmel, **Northumberland County**. The facility is a greenhouse, which produces flowers for commercial suppliers. The sources include two boilers used to produce steam for the greenhouses. The facility has the potential to emit major quantities of SO<sub>x</sub>. The facility has taken a synthetic minor restriction not to exceed the major emission threshold for SO<sub>x</sub>. The facility has the potential to emit particulate matter (PM<sub>10</sub>), NO<sub>x</sub>, VOC, CO, and HAPs below the major thresholds. The operating permit contains applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

**59-00008: Tennessee Gas Pipeline Co., LLC** (197 Tennessee Road, Coudersport, PA 16915) on May 29, 2012, for their facility located in Charleston Township, **Tioga County**. The state only operating permit contains monitoring, recordkeeping and reporting conditions to ensure compliance with applicable Federal and State regulatory requirements.

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

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

**04-00600: Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201) on May 22, 2012, to operate their Beaver Valley Mine Coal Preparation Plant. The 500,000 ton per year facility contains air contamination sources, consisting of one vibrating screen, conveyers, truck loading, radial stackers, storage piles, and a 350-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 testing requirements, recordkeeping requirements, and reporting requirements for the facility located in Greene Township, **Beaver County**.

**11-00507: Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201) on May 22, 2012, to operate their

Twin Rocks Facility. The 1,000,000 ton per year facility contains air contamination sources, consisting of one vibrating screen, conveyers, truck loading, radial stackers, storage piles, and a 755-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 testing requirements, recordkeeping requirements, and reporting requirements for the facility located in Blacklick Township, **Cambria County**.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636*

**61-00007: IA Construction Corp.—Franklin Plant** (24 Gibb Road, Franklin, PA 16323) on June 5, 2012, to operate a hot mix asphalt plant Sugar creek Borough, **Venango County**. The significant sources are hot mix batch plant (180 TPH) and portable crusher, screen and diesel generator. The facility has taken a restriction on production not exceeding 495,000 tons per year to qualify as a Synthetic Minor facility.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).**

### Coal Permits Actions

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**30841316. Consol Pennsylvania Coal Company, LLC**, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323). To revise the permit for the Bailey Mine & Prep Plant in Morris Township, **Greene County** to construct the 7 North 1 Shaft and Portal. Surface Acres Proposed 52.9. No additional discharges. The application was considered administratively complete on January 12, 2012. Application received: November 20, 2010. Permit issued: June 5, 2012.

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

**56100104 and NPDES No. PA0263117. Fieg Brothers**, 3070 Stoystown Road, Stoystown, PA 15563, commencement, operation and restoration of a bituminous surface and auger mine in Southampton and Fairhope Townships, **Somerset County**, affecting 169.1 acres. Receiving stream(s): unnamed tributaries to Wills Creek

classified for the following use(s): high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 20, 2010. Permit issued: May 29, 2012.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**33110104 and NPDES Permit No. PA0259144. P. and N. Coal Co., Inc.** (P. O. Box 322, Punxsutawney, PA 15767). Commencement, operation and restoration of a bituminous surface mine in Union Township, **Jefferson County** affecting 73.2 acres. Receiving streams: Unnamed tributaries to Little Mill Creek. Application received: August 25, 2011. Permit Issued: June 4, 2012.

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

**14090103 and NPDES No. PA0257176. River Hill Coal Company, Inc.** (P. O. Box 141, Kylertown, PA 16847). Commencement, operation, and restoration of a bituminous surface mine in Snow Shoe Township, **Centre County**, affecting 224.5 acres. Receiving stream: North Fork Beech Creek, classified for the following use: Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 15, 2009. Permit Issued: June 1, 2012.

**17110110 and NPDES No. PA0257834. Larry D. Baumgardner Coal Co., Inc.** (P. O. Box 186, Lanse, PA 16849). Commencement, operation and restoration of a bituminous surface mine located in Boggs Township, **Clearfield County** affecting 32.9 acres. Receiving streams: Unnamed Tributary to Laurel Run classified for Cold Water Fishery and Unnamed Tributary to Simeling Run classified for Cold Water Fishery, Class A Wild Trout Stream. There are no potable water supply intakes within 10 miles downstream. Application received: September 16, 2011. Permit Issued: June 1, 2012.

**17960115 and NPDES No. PA 0220418. Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830). Renewal permit issued for reclamation only to a bituminous surface mine, located in Girard Township, **Clearfield County**, affecting 37.1 acres. Receiving streams: Unnamed Tributaries to Bald Hill Run, Bald Hill Run classified for Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: May 1, 2012. Permit issued: June 5, 2012.

**17070105 and NPDES No. PA0256510. Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830), Renewal permit issued for reclamation only to a bituminous surface mine in Chest Township, **Clearfield County**, affecting 50.0 acres. Receiving streams: Unnamed Tributaries to Chest Creek, Chest Creek classified for Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: May 1, 2012. Permit issued: June 5, 2012.

#### *Noncoal Applications Returned*

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**37960303. B & P Slag Corp.** (19 Lattavo Drive, New Castle, PA 16105) Renewal of NPDES Permit No. PA0227293 in Union Township, **Lawrence County**. Receiving streams: Mahoning River. Application received: December 20, 2011. Application returned: June 11, 2012.

#### *Noncoal Permits Actions*

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**10000305. Three Rivers Aggregates, LLC** (225 North Shore Drive, Pittsburgh, PA 15212) Renewal of NPDES Permit No. PA0241792 in Worth Township, **Butler County**. Receiving streams: Black Run and unnamed tributaries to Black Run. Application received: January 12, 2012. Permit issued: June 4, 2012.

**61122803. G.L. Adams Excavating, Inc.** (140 Adams Road, Polk, PA 16342) Commencement, operation and restoration of a small industrial minerals mine in Mineral Township, **Venango County** affecting 5.0 acres. Receiving streams: Sandy Creek. Application received: April 4, 2012. Permit Issued: June 7, 2012.

**61122803-GP-104. G.L. Adams Excavating, Inc.** (140 Adams Road, Polk, PA 16342) General NPDES Permit for stormwater discharge associated with mining activities on Surface Mining Permit No. 61122803 in Mineral Township, **Venango County**. Application received: April 4, 2012. Permit Issued: June 7, 2012.

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

**6175SM3GP104. New Enterprise Stone & Lime Co., Inc., d/b/a Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 6175SM3 in Coal Township, **Northumberland County**, receiving stream: Shamokin Creek. Application received: March 19, 2012. Permit issued: June 11, 2012.

### **ABANDONED MINE RECLAMATION PROJECT**

#### **ACT 181 ONLY**

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg PA 15931-4119, Telephone (814) 472-1908*

|  |   |
|--|---|
| Primary Bond Forfeiture Contract Awarded | PBF 16820107.3  |
| Location                                 | Redbank Township<br>Clarion County<br>Pennsylvania                          |
| Description                              | Act 181<br>Bond Forfeiture<br>Reclamation Project<br>REM Coal Company, Inc. |
| Contractor                               | Original Fuels, Inc.<br>PO Box 343<br>Punxsutawney, PA 15767                |
| Amount                                   | \$205,887.00  |
| Date of Award                            | June 1, 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*

**02124003. Duane Houkom, Inc.** (32125 South 220 Road, Henryetta, OK 74437). Blasting activity permit for the demolition of the 31st Bridge has been extended due

to delay in preparation work, located in City of Pittsburgh, **Allegheny County**. The duration of blasting is expected to last one day. Blasting permit extension issued: June 5, 2012. Permit expiration: September 30, 2012

**63124006. PA Coal Reclamation, Inc.** (P. O. Box 136, Cuddy, PA 15032). Blasting activity permit for the exploration of a quarry pit, located in Deemston Borough, **Washington County**. The duration of blasting is expected to last 25 days. Blasting permit issued: June 5, 2012. Permit expiration: June 30, 2012.

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

**08125101. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419). Blasting activity permit by rule for cemetery located in Wyalusing Township, **Bradford County**. Permit issued: June 3, 2012. Permit expires: June 5, 2012.

**14124108. Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866). Blasting for commercial development located in Spring Township, **Centre County**. Permit issued: May 23, 2012. Permit expires: December 30, 2012.

**14124109. Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866). Blasting for elderly housing located in Benner Township, **Centre County**. Permit issued; May 30, 2012. Permit expires: May 1, 2013.

**17124101. Wampum Hardware Company** (2856 Stoystown Rd, Friedens, PA 15541). Blasting for commercial development located in Boggs Township, **Clearfield County**. Permit issued: May 29, 2012. Permit expires: December 31, 2012.

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

**36124126. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Landis Valley Sanitary Sewer Extension in Manheim Township, **Lancaster County** with an expiration date of May 30, 2013. Permit issued: May 31, 2012.

**58124147. M & J Explosives, Inc.**, (PO Box 608, Carlisle, PA 17013), construction blasting for WPX Line 418 Pipeline in Franklin Township, **Susquehanna County** with an expiration date of May 23, 2013. Permit issued: May 31, 2012.

**58124148. Rock Work, Inc.**, (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Coyle Well Pad in Liberty and Great Bend Townships, **Susquehanna County** with an expiration date of June 1, 2013. Permit issued: May 31, 2012.

**58124149. Rock Work, Inc.**, (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for HSC Well Pad in Liberty Township, **Susquehanna County** with an expiration date of June 1, 2013. Permit issued: May 31, 2012.

**38124115. M & J Explosives, Inc.**, (P. O. Box 608, Carlisle, PA 17013), construction blasting for Giant Food Store 6625 in the City of Lebanon, **Lebanon County** with an expiration date of May 31, 2013. Permit issued: June 5, 2012.

**38124116. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Floyd Leid in Jackson Township, **Lebanon County** with an expiration date of August 30, 2012. Permit issued: June 5, 2012.

**40124114. Holbert Explosives, Inc.**, (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Linde Williams Perry Meter Site in Dallas Township, **Luzerne County** with an expiration date of May 30, 2013. Permit issued: June 5, 2012.

**58124150. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Nagle Natural Gas Pipeline in Dimock Township, **Susquehanna County** with an expiration date of May 30, 2013. Permit issued: June 5, 2012.

**58124151. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Heitzenroder Pipeline in Springville Township, **Susquehanna County** with an expiration date of May 30, 2013. Permit issued: June 5, 2012.

**58124152. Doug Wathen, LLC**, (11934 Fairway Lakes Drive, Ft. Myers, FL 33913), construction blasting for J Reilly gas pad in Gibson Township, **Susquehanna County** with an expiration date of June 1, 2013. Permit issued: June 5, 2012.

**66124109. M & J Explosives, Inc.**, (P. O. Box 608, Carlisle, PA 17013), construction blasting for Mehoopany Wind Farm in Mehoopany, Forkston and Noxen Townships, **Wyoming County** with an expiration date of May 30, 2013. Permit issued: June 5, 2012.

**66124110. M & J Explosives, Inc.**, (P. O. Box 608, Carlisle, PA 17013), construction blasting for Garrison Gathering Line in Lemon Township, **Wyoming County** with an expiration date of May 31, 2013. Permit issued: June 5, 2012.

**36124127. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for AB Martin Roofing Supply in Ephrata Township, **Lancaster County** with an expiration date of December 31, 2012. Permit issued: June 7, 2012.

**58124153. Doug Wathen, LLC**, (11934 Fairway Lakes Drive, Ft. Myers, FL 33913), construction blasting for RAG Apple LLC gas pad in Jessup Township, **Susquehanna County** with an expiration date of June 1, 2013. Permit issued: June 7, 2012.

**36124128. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Weatherburn Commons East Meadows in Manheim Township, **Lancaster County** with an expiration date of June 6, 2013. Permit issued: June 8, 2012.

**36124129. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Weatherburn Commons East Meadows in Manheim Township, **Lancaster County** with an expiration date of June 6, 2013. Permit issued: June 8, 2012.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

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**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Floodplain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 P. S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

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*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

#### **WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E05-361: Kathryn Kunkel, Pennsylvania Electric Company**, 2800 Pottsville Pike, Reading, Pennsylvania 19612-6001, in Bedford Township, **Bedford County**, ACOE Baltimore District

To: 1) construct and maintain a temporary wetland crossing with dimensions of 760.0 feet long by 16.0 feet wide utilizing timber matting, temporarily impacting 0.28 acre of Palustrine Emergent (PEM) Wetland adjacent to the Raystown Branch Juniata River (TSF, MF) (Latitude: 40°02'54.87", Longitude: -78°30'59.36"), and 2) maintain a stone temporary access road with dimensions of 26.0 feet long by 15.0 feet wide impacting 0.009 acre of PEM Wetland adjacent to the Raystown Branch Juniata River (TSF, MF) (Latitude: 40°01'44.94", Longitude: -78°30'35.13"), for the purpose of constructing a new 4.85-mile long electrical distribution line attached to single poles in the Bedford Pennsylvania area. The project is located between the Bedford Area and the Bedford North substations (Bedford and Everett West, PA Quadrangles; N: 4.46 inches, W: 0.35 inch; Latitude: 40°01'28.4", Longitude: -78°30'8.9" and N: 12.99 inches, W: 2.30 inches; Latitude: 40°04'17.4", Longitude: -78°30'59.2") in Bedford Borough and Bedford Township, Bedford County.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E19-292. Sue Bower**, 224 Maple Road, Berwick, PA 18603. Bower Cottage Raising in Fishing Creek Township, **Columbia County**, ACOE Baltimore District (Mifflinville, PA Quadrangle, Latitude: 41°-5-56.7; Longitude: 76°-22-20.2).

To construct, operate and maintain 15 concrete piers to support the raising of a cottage structure on the existing footprint in the floodplain of Fishing Creek. The structures first floor elevating shall be a minimum of 18 inches above elevation of 611.0 feet. The cottage is 34 feet wide and 49 feet long. An additional 4 piers will be placed in the front and rear of the structure to facilitate the placement of two porches 18 inches above base 100 yr flood elevations. This property is located 3 miles north of Orangeville on SR 487 at property address 65 Hartman Grove Road. This permit was issued under Section 105.13(e) "Small Projects."

**E19-293. Barbara Peters** 6 Foundryville Road, Berwick, PA 18603. Peters Cottage Raising, in Fishing Creek Township, **Columbia County**, ACOE Baltimore District (Mifflinville, PA Quadrangle, Latitude: 41-7-37.9; Longitude: 76-18-18.1).

To construct, operate and maintain 14 concrete piers to support the raising of a cottage structure on the existing footprint in the floodplain of Huntington Creek. The structures first floor elevating shall be a minimum of 18 inches above elevation of 687.0 feet. The cottage is 38 feet wide and 35 feet long. This property is located 700 linear feet west on Winding Road of the main intersection in Jonestown, take Hidden Lane. This permit was issued under Section 105.13(e) "Small Projects."

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

**E10-472, PA DOT, District 10-0**, 2550 Oakland Ave., PO Box 429, Indiana, PA 15701.

Conduct the following activities associated with the reconstruction of the northbound and southbound ramps at the Interstate 79 / State Route 0228 (I-79/SR 0228) interchange in Cranberry Township, Butler County, ACOE Pittsburgh District (Mars, PA Quadrangle N: 40°, 41', 8.8"; W: 80°, 05', 6.3").

1. To fill a total of 0.507 acre of 8 wetland areas
2. To relocate and create approximately 830 ft of open stream channel for a Tributary to Brush Creek (WWF) west of I-79 Southbound.
3. To install and maintain a 95 ft long, 30-inch RCP culvert within a Tributary to Brush Creek (WWF) along the relocated stream channel and under SR 8001 Ramp S at Station 25+25.
4. To install and maintain and a 115 ft long, 36-inch DIP enclosure within a Tributary to Brush Creek (WWF) along the relocated stream channel and under SR 8001 Ramp S and Ramp C at Station 22+00.
5. To install and maintain a manhole with a 41.75 ft low flow outlet to a Tributary to Brush Creek (WWF) and a 104 ft high flow 24" RCP stormwater outfall enclosure located at SR 8001 Ramp C Station 31+25 35 ft right.

Permittee will construct 1.5 acres of wetland mitigation within the infield area of newly constructed Ramp S at the Interchange of I-79 southbound and SR 0228. Mitigation consists of 1.25 acres replacement of direct impacts

for this project and 0.25 acre for a project identified as SR 0228 Mars Railroad Bridge authorized under DEP Permit No. E10-475.

*Northeast Region: Bureau of Abandoned Mine Reclamation, Wilkes-Barre District Office, 2 Public Square, 5th Floor, Wilkes-Barre, PA 18711-0790, 570-826-2371.*

**GP04351112001, GP08351112002: Bureau of Abandoned Mine Reclamation, Wilkes-Barre District Office.**

North Eynon Project in Archbald Borough, Lackawanna County, ACOE Baltimore District, Carbondale PA Quadrangle N: 3.20 inches; W: 6.80 inches to N: 4.85 inches; W: 7.95 inches.

To perform the following water obstruction and encroachment activities associated with abandoned mine reclamation.

This project will reclaim 30 acres of abandoned mine lands in Archbald Borough. Stormwater discharged from the project site will be in three different locations. A rip rap ditch will be used to direct the water into a wetland area. A rip rap ditch will be used to direct the water into an unnamed Creek. There is a low flow that will naturally percolate into the soil. The remaining water will dissipate into the surrounding wooded areas. A temporary road crossing will be used to cross the Callendar Gap Creek.

**EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control permits have been issued.

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

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

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

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, 570-629-3060.*

| <i>ESCP No.</i>    | <i>Applicant Name &amp; Address</i>  | <i>County</i> | <i>Municipality</i>                        | <i>Receiving Water/Use</i>                                |
|--------------------|--|---------------|--|---|
| ESCGP-1<br>4512802 | Williams Transcontinental Gas Pipeline Co., Inc.<br>2800 Post Oak Blvd.<br>Level 17<br>Houston, TX 77056 | Monroe        | Chestnuthill Twp.<br>and<br>Tobyhanna Twp. | Two-Mile Run,<br>HQ-CWF, MF<br>McMichael Creek,<br>EV, MF |

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESX11-115-0147 (01)  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 101 North Main Street  
City, State, Zip Athens, PA 18810  
County Susquehanna County  
Township(s) Rush Township  
Receiving Stream(s) and Classification(s) UNT to Deer Lick Creek (CWF);  
Secondary: East Branch Wyalusing Creek (CWF)

ESCGP-1 # ESX12-117-0052  
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) Charleston and Richmond Townships  
Receiving Stream(s) and Classification(s) North Elk Run (HQ-CWF, MF)

ESCGP-1 # ESX12-117-0059  
Applicant Name EQT Gathering, LLC  
Contact Person Todd Klaner  
Address 455 Racetrack Road

City, State, Zip Washington, PA 15301  
County Tioga County  
Township(s) Duncan Township  
Receiving Stream(s) and Classification(s) UNT to Wilson Creek, Wilson Creek (Both CWF), Babb Creek (HQ-CWF)

ESCGP-1 # ESX12-115-0094  
Applicant Name WPX Energy Appalachia, LLC  
Contact Person David Freudenrich  
Address 6000 Town Center Blvd., Suite 300  
City, State, Zip Canonsburg, PA 15317-5841  
County Susquehanna County  
Township(s) Liberty Township  
Receiving Stream(s) and Classification(s) UNT to Snake Creek, Snake Creek (Other);  
Secondary: Susquehanna River

ESCGP-1 # ESX12-081-0015 (01)  
Applicant Name Anadarko Marcellus Midstream, LLC  
Contact Person Rane Wilson  
Address 33 W. Third Street, Suite 200  
City, State, Zip Williamsport, PA 17701  
County Lycoming County Township(s) Cascade Township  
Receiving Stream(s) and Classification(s) UNT to Slacks Run/Slacks Run, UNT's To Salt Run/Salt Run, UNT's to

West Branch Wallis Run/West Branch Wallis Run (HQ/EV)

ESCGP-1 # ESX10-015-0182 (01)

Applicant Name Appalachia Midstream Services, LLC  
Contact Person Patrick Myers, Jr.

Address 100 Ist Center

City, State, Zip Horseheads, NY 15086

County Bradford County

Township(s) Herrick and Wyalusing Townships

Receiving Stream(s) and Classification(s) Camp Creek, Billings Creek, Wyalusing Creek, Brewer Creek, Susquehanna River, Rummerfield Creek (All WWF/MF)

ESCGP-1 # ESX12-131-0013

Applicant Name Chief Gathering LLC

Contact Person Nicholas Bryan

Address 999 North Loyalsock Avenue, Suite G

City, State, Zip Montoursville, PA 17754

County Wyoming County

Township(s) Eaton and Forkston Townships

Receiving Stream(s) and Classification(s) Mehoopany Creek, Roaring Run, and Newton Run (All HQ-CWF, MF)

ESCGP-1 # ESX12-081-0069

Applicant Name PVR Marcellus Gas Gathering, LLC

Contact Person Kevin Roberts

Address 100 Penn Tower Suite 201-202

City, State, Zip Williamsport, PA 17701

County Lycoming County

Township(s) Cogan House Township

Receiving Stream(s) and Classification(s) Hoagland Run (HQ/CWF)

ESCGP-1 # ESX12-117-0062

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) Charleston Township

Receiving Stream(s) and Classification(s) Catlin Hollow (HQ-CWF/MF)

ESCGP-1 # ESX12-081-0072

Applicant Name NFG Midstream Trout Run, LLC

Contact Person Duane Wassum

Address 6363 Main Street

City, State, Zip Williamsville, NY 14221

County Lycoming County

Township(s) McIntyre and Lewis Townships

Receiving Stream(s) and Classification(s) Lower West Branch Susquehanna Watershed, Grays Run, Long Run (HQ);

Secondary: Lower Susquehanna

ESCGP-1 # ESX11-081-0152 (01)

Applicant Name Anadarko E&P Company, LP

Contact Person Nathan Bennett

Address 33 W. Third Street, Suite 200

City, State, Zip Williamsport, PA 17701

County Lycoming County

Township(s) Cascade Township

Receiving Stream(s) and Classification(s) Joe Gray Run (EV, MF); Wallis Run (EV, MF)

ESCGP-1 # ESX12-033-0017

Applicant Name EQT Production Company

Contact Person Todd Klaner

Address 455 Racetrack Road, Suite 101

City, State, Zip Washington, PA 15301

County Clearfield County

Township(s) Huston Township

Receiving Stream(s) and Classification(s) UNT to Abbot Run, UNT to Laurel Run (HQ-CWF/MF);  
Secondary: Bennett Branch Sinnemahoning Creek

ESCGP-1 # ESX12-131-0014

Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins

Address 101 North Main Street

City, State, Zip Athens, PA 18810

County Wyoming County

Township(s) Braintrim Township

Receiving Stream(s) and Classification(s) UNT to Susquehanna River;

Secondary: Susquehanna River (Other)

ESCGP-1 # ESX11-081-0091

Applicant Name Inflection Energy, LLC

Contact Person Carla Suszkowski

Address 701 Technology Drive, Suite 250

City, State, Zip Canonsburg, PA 15317

County Lycoming County

Township(s) Gamble Township

Receiving Stream(s) and Classification(s) Sugarcamp Run (EV) West Side, Caleb's Run (EV) East Side;

Secondary: Mill Creek

ESCGP-1 # ESX11-115-0168 (01)

Applicant Name Laser Northeast Gathering Company, LLC

Contact Person Kevin Marion

Address 1212 South Abington Road

City, State, Zip Clark Summit, PA 18411

County Susquehanna County

Township(s) Jessup Township

Receiving Stream(s) and Classification(s) East Branch Wyalusing Creek (CWF)

ESCGP-1 # ESX12-015-0125

Applicant Name Appalachia Midstream Services, LLC

Contact Person Patrick Myers, Jr.

Address 100 Ist Center

City, State, Zip Horseheads, NY 15086

County Bradford County

Township(s) Herrick Township

Receiving Stream(s) and Classification(s) Tributary 29611 to Billings Creek, Tributary 29612 to Billings Creek, Billings Creek (All WWF/MF)

ESCGP-1 # ESG11-131-0030 (01)

Applicant Name Chief Gathering LLC

Contact Person Nicholas Bryan

Address 999 North Loyalsock Ave., Suite G

City, State, Zip Montoursville, PA 17754

County Wyoming and Luzerne Counties

Township(s) Lemon, Washington, Tunkhannock, Eaton, Monroe and Dallas Townships

Receiving Stream(s) and Classification(s) UNT to Tropy Creek, UNT to Trout Brook (CWF/MF)

ESCGP-1 # ESX12-015-0045 (01)

Applicant Name Appalachia Midstream Services, LLC

Contact Person Patrick Myers, Jr.

Address 100 Ist Center

City, State, Zip Horseheads, NY 15086

County Bradford and Sullivan Counties

Township(s) Albany and Cherry Townships

Receiving Stream(s) and Classification(s) The Black East Gathering Line, The Coyle BRA Well Line, The LW Well Line from Station 0+00 to Station 34+25 and the Gardner BRA Well Line from Station 3+25 to its terminus drain to 3 UNTs to South Branch Towanda (CWF), and South Branch Towanda Creek (CWF)—Towanda Creek Watershed. The LW Well Line from



station 34+25 to its terminus and Gardner BRA Well Line from its Beginning to Station 3+25 drain to 3 UNTs to Lick Creek (EV) and Lick Creek (EV), Loyalsock Creek Watershed. The E&S design criteria have all been split based on EV and Non-EV segments referenced above;

Secondary: South Branch Towanda Creek (CWF) and Lick Creek (EV)

ESCGP-1 # ESX12-117-0058

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) Tributaries to Mill Creek (HQ-CWF/MF)

ESCGP-1 # ESX11-015-0099 (01)

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) Ulster Township  
Receiving Stream(s) and Classification(s) Susquehanna River (WWF, MF);  
Secondary: Hemlock Run (WWF, MF) Browns Creek (WWF, MF)

ESCGP-1 # ESX12-115-0087

Applicant Name Appalachia Midstream Services, LLC  
Contact Person Patrick Myers, Jr.  
Address 100 1st Center  
City, State, Zip Horseheads, NY 14845  
County Susquehanna County  
Township(s) Auburn Township  
Receiving Stream(s) and Classification(s) Tuscarora Creek;  
Secondary: Susquehanna River

ESCGP-1 # ESX11-081-0020 (04)

Applicant Name Anadarko Marcellus Midstream, LLC  
Contact Person Nathan S. Bennett  
Address 33 W. Third Street, Suite 200  
City, State, Zip Williamsport, PA 17701  
County Lycoming County  
Township(s) Loyalsock, Eldred, Gamble and Cascade Townships  
Receiving Stream(s) and Classification(s) Millers Run (WWF/MF), Lick Run (TSF/MF), Mill Run (TSF/MF), Roaring Run (EV/MF), Wallis Run (EV/MF), Murray Run (EV/MF) and Caleb's Run (EV/MF)

ESCGP-1 # ESX10-131-0028 (01)

Applicant Name Appalachia Midstream Services, LLC  
Contact Person Patrick Myers, Jr.  
Address 100 1st Center  
City, State, Zip Horseheads, NY 14845  
County Wyoming County  
Township(s) Meshoppen Township  
Receiving Stream(s) and Classification(s) Black Walnut Creek, UNT's to Black Walnut Creek (CWF/MF), Tribs to Susquehanna River (CWF/MF), Susquehanna River Watershed

ESCGP-1 # ESX12-015-0123

Applicant Name Angelina Gathering Company, LLC  
Contact Person Danny Spaulding  
Address 2350 N. Sam Houston Pkwy E., Suite 125  
City, State, Zip Houston, TX 77032  
County Bradford County

Township(s) Herrick Township  
Receiving Stream(s) and Classification(s) Rummerfield Creek (WWF/MF)

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX12-053-0028A—DR01 Pad & Impoundment Major Modification

Applicant Hunt Marcellus Operating Company, LLC  
Contact V. Marcus Lowery  
Address 106 North Michael Street, Suite 3  
City St. Marys State PA Zip Code 15857  
County Forest Township(s) Hickory & Kingsley(s)  
Receiving Stream(s) and Classification(s) East Hickory Creek, Ross Run, East Branch Ross Run, UNT to Camp Run Toms Run—HQ-CWF

ESCGP-1 #ESX12-047-0045—Seneca Resources Production Pad B

Applicant Seneca Resources Corporation  
Contact Mike Clinger  
Address 51 Zents Boulevard  
City Brookville State PA Zip Code 15825  
County Elk Township(s) Ridgway(s)  
Receiving Stream(s) and Classification(s) Windfall Run & Big Mill Creek—HQ, Clarion River

ESCGP-1 #ESX11-047-0038A—Church Run Pad A

Applicant Seneca Resources Corporation  
Contact Michael Clinger  
Address 51 Zents Boulevard  
City Brookville State PA Zip Code 15825  
County Elk Township(s) Millstone(s)  
Receiving Stream(s) and Classification(s) Wyncoop Run

ESCGP-1 #Utica #1—ESX12-073-0011

Applicant Hilcorp Energy Company  
Contact Chad England  
Address 1201 Louisiana Street  
City Houston State TX Zip Code 77002  
County Lawrence Township(s) North Beaver(s)  
Receiving Stream(s) and Classification(s) Unnamed Trib of Mahoning River / Mahoning River Basin in PA—WWF

ESCGP-1 #ESX12-019-0140—JRGL Pipeline

Applicant Keystone Midstream Services LLC  
Contact Patrick A. Redalen  
Address 11400 Westmoor Circle, Suite 325  
City Westminster State CO Zip Code 80021  
County Butler Township(s) Jackson & Lancaster(s)  
Receiving Stream(s) and Classification(s) UNT to Scholars Run and Scholars Run, UNT to Yellow Creek—CWF, UNT to Little Connoquenessing Creek—CWF

*Southwest Region: Oil & Gas Program Mgr. 400 Waterfront Dr. Pittsburgh PA*

2/21/12

ESCGP-1 No: ESX11-005-0015 MAJOR REVISION  
Applicant Name: EXCO RESOURCES PA LLC  
Contact Person MR LARRY M SANDERS  
Address: 3000 ERICSON DRIVE SUITE 200  
City: WARRENDALE State: PA Zip Code: 15086-6501  
County: ARMSTRONG Township: WEST FRANKLIN  
Receiving Stream (s) And Classifications: LITTLE BUFFALO RUN / LITTLE BUFFALO CREEK; HQ

5/7/12

ESCGP-1 No.: ESX12-051-0005  
Applicant Name: CHEVRON APPALACHIA LLC  
Contact Person: MR JEREMY HIRTZ  
Address: 800 MOUNTAIN VIEW DRIVE  
City: SMITHFIELD State: PA Zip Code: 15478

County: FAYETTE Township(s): BULLSKIN  
Receiving Stream(s) and Classifications: MOUNTS  
CREEK, WWF / OHIO RIVER BASIN, WWF; OTHER

3/29/12

ESCGP-1 No.: ESX12-125-0042  
Applicant Name: CNX GAS COMPANY LLC  
Contact Person: BRIDGET VANAMAN  
Address: 200 EVERGREEN DRIVE  
City: WAYNESBURG State: PA Zip Code: 15370  
County: WASHINGTON Township(s): MORRIS  
Receiving Stream(s) and Classifications: 2 UNT SHORT  
CREEK (TSF); OTHER

4/5/12

ESCGP-1 No.: ESX12-129-0008  
Applicant Name: XTO ENERGY INC  
Contact Person: DEWEY CHALOS  
Address: 810 HOUSTON STREET  
City: FORT WORTH State: TX Zip Code: 76102  
County: WESTMORELAND Township(s): FAIRFIELD  
Receiving Stream(s) and Classifications: HYPOCRITE  
CREEK (TSF)/HYPOCRITE CREEK WATERSHED  
(TSF); SNYDERS RUN (TSF)/SNYDERS RUN WATER-  
SHED (TSF); OTHER

4/11/12

ESCGP-1 No.: ESX12-125-0048  
Applicant Name: RICE ENERGY LP  
Contact Person: TONYA WINKLER  
Address: 171 HILLPOINTE DRIVE SUITE 301  
City: CANONSBURG State: PA Zip Code: 15317  
COUNTY WASHINGTON Township(s): NORTH  
BETHLEHEM  
Receiving Stream(s) and Classifications: UNTs TO PINE  
RUN (TSF); UNTs TO LITTLE DANIELS RUN (TSF);  
LITTLE DANIELS RUN (TSF); TENMILE CREEK  
WATERSHED; OTHER

4/16/12

ESCGP-1 No.: ESX12-125-0047  
Applicant Name: LAUREL MOUNTAIN MIDSTREAM  
OPERATING LLC  
Contact Person: FRANK CANNETO  
Address: 1605 CORAOPOLIS HEIGHTS ROAD  
City: MOON TOWNSHIP State: PA Zip Code: 15108  
County: WASHINGTON Township(s): CENTERVILLE &  
DEEMSTON BOROUGHS  
Receiving Stream(s) and Classifications: SEE APPENDIX  
A—RECEIVING WATERS;

3/12/12

ESCGP-1 No.: ESX12-003-0004  
Applicant Name: SUPERIOR APPALACHIAN PIPELINE  
LLC  
Contact Person: KENNETH D MAGYAR  
Address: 1000 TOWN CENTER WAY SUITE 120  
City: CANONSBURG State: PA Zip Code 15317  
County: ALLEGHENY Township(s): FAWN, FRAZER  
AND INDIANA  
Receiving Stream(s) and Classifications: UNT TO  
LITTLE DEER CREEK, TSF, UNT TO CRAWFORD  
RUN, WWF CRAWFORD RUN, WWF, UNT TO  
BAILEY RUN, WWF BAILEY RUN, WWF, UNT TO  
BULL CREEK, TSF, BULL CREEK, TSF; OTHER

4/16/12

ESCGP-1 No.: ESX10-007-0005 MAJOR REVISION  
Applicant Name: CHESAPEAKE APPALACHIA LLC  
Contact Person: ERIC HASKINS  
Address: 101 NORTH MAIN STREET  
City: ATHENS State: PA Zip Code: 18810

County: BEAVER Township(s): OHIOVILLE BOROUGH  
Receiving Stream(s) and Classifications: PINE RUN HQ-  
CWF; HQ

4/27/12

ESCGP-1 No.: ESX12-051-0003  
Applicant Name: CHEVRON APPALACHIA LLC  
Contact Person: MR JEREMY HIRTZ  
Address: 800 MOUNTAIN VIEW DRIVE  
City: SMITHFIELD State: PA Zip Code: 15478  
County: FAYETTE Township(s): SPRINGHILL  
Receiving Stream(s) and Classifications: UNT TO  
GRASSY RUN (WWF) AND GRASSY RUN (WWF);  
UPPER MONONGAHELA RIVER WATERSHED;  
OTHER

2/23/12

ESCGP-1 NO.: ESX12-063-0005  
Applicant Name: MOUNTAIN GATHERING LLC  
CONTACT PERSON: DEWEY CHALOS  
ADDRESS: 810 HOUSTON STREET  
City: FORTH WORTH State: TX Zip Code: 76102  
County: WESTMORELAND/INDIANA Township(s): ST  
CLAIR/W. WHEATFIELD  
Receiving Stream(s) and Classifications: VARIOUS UNTs  
TUBMILL CREEK (TSF), CONEMAUGH RIVER  
(WWF), EAST BRANCH RICHARDS RUN (CWF)/  
TUBMILL CREEK, CONEMAUGH RIVER, EAST  
BRANCH RICHARDS RUN; OTHER

1/26/12

ESCGP-1 NO.: ESX10-005-0008 MAJOR REVISION  
Applicant Name: SNYDER BROTHERS INC  
CONTACT: MR DAVID C OHARA  
ADDRESS: 90 GLADE DRIVE PO BOX 1022  
City: KITTANNING State: PA Zip Code: 16201  
County: ARMSTRONG Township(s): S BUFFALO / N  
BUFFALO  
Receiving Stream(s) and Classifications: WATSON RUN  
& NICHOLSON RUN; OTHER

3/21/12

ESCGP-1 NO.: ESX12-125-0036  
Applicant Name: RANGE RESOURCES APPALACHIA  
LLC  
CONTACT: MR GLENN D TRUZZI  
ADDRESS: 3000 TOWN CENTER BOULEVARD  
City: CANONSBURG State: PA Zip Code: 15317  
County: WASHINGTON Township(s): BUFFALO  
Receiving Stream(s) and Classifications: UNTs TO BUF-  
FALO CREEK/WHEELING-BUFFALO CREEK WA-  
TERSHED; HQ; OTHER

3/8/12

ESCGP-1 NO.: ESX12-125-0028  
Applicant Name: RANGE RESOURCES APPALACHIA  
LLC  
CONTACT: MR GLENN D TRUZZI  
ADDRESS: 3000 TOWN CENTER BOULEVARD  
City: CANONSBURG State: PA Zip Code: 15317  
County: WASHINGTON Township(s): EAST FINLEY  
Receiving Stream(s) and Classifications: UNTs TO  
SAWHILL RUN / WHEELING-BUFFALO CREEKS  
WATERSHED; HQ

3/5/12

ESCGP-1 NO.: ESX12-051-0001  
Applicant Name: LAUREL MOUNTAIN MIDSTREAM  
LLC  
CONTACT: MR FRANK CANNETO  
ADDRESS: 1605 CORAOPOLIS HEIGHTS ROAD  
City: MOON TOWNSHIP State: PA Zip Code: 15108  
County: FAYETTE Township(s): NICHOLSON

Receiving Stream(s) and Classifications: JACOB'S CREEK DRAINAGE / MONONGAHELA RIVER; OTHER; WARM WATER FISHERIES

2/17/12

ESCGP-1 NO.: ESX12-059-0010

Applicant Name: COAL GAS RECOVERY LLC

CONTACT: JOANNE REILLY

ADDRESS: 158 PORTAL ROAD PO BOX 1020

City: WAYNESBURG State: PA Zip Code: 15370

County: GREENE Township(s): CENTER

Receiving Stream(s) and Classifications: UNT TO MAPLE RUN (HQ-WWF) AND PURSLEY CREEK (HQ-WWF); HQ

4/30/12

ESCGP-1 NO.: ESX12-125-0051

Applicant Name: MARKWEST LIBERTY MIDSTREAM & RESOURCES LLC

CONTACT: MR RICK LOWRY

ADDRESS: 824 MORGANZA ROAD

City: CANONSBURG State: PA Zip Code: 15317

County: WASHINGTON Township(s): CROSS CREEK, INDEPENDENCE

Receiving Stream(s) and Classifications: UNTs TO CROSS CREEK (WWF), UNTs TO HAYNAN CREEK (HQ-WWF), UNTs TO SUGARCAMP RUN (HQ-WWF) AND CROSS CREEK (WWF); HQ; OTHER

5/16/12

ESCGP-1 NO.: ESX11-129-0023 MAJOR REVISION

Applicant Name: CHEVRON APPALACHIA LLC

CONTACT: MR JEREMY HIRTZ

ADDRESS: 800 MOUNTAIN VIEW DRIVE

City: SMITHFIELD State: PA Zip Code: 15478

County: WESTMORELAND Township(s): SOUTH HUNTINGDON

Receiving Stream(s) and Classifications: UNTs TO YOUGHIOGHENY RIVER (WWF)/LOWER YOUGHIOGHENY RIVER WATERSHED; OTHER

5/9/12

ESCGP-1 NO.: ESX11-007-0014

Applicant Name: CHESAPEAKE APPALACHIA LLC

CONTACT: MR ERIC HASKINS

ADDRESS: 101 NORTH MAIN STREET

City: ATHENS State: PA Zip Code: 18810

County: BEAVER Township(s): BRIGHTON

Receiving Stream(s) and Classifications: UNT TO SIXMILE RUN—WWF; OTHER

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## SPECIAL NOTICES

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### Revised Permit Application to Partially Lift NPDES Permit Suspension

**NPDES Permit Stormwater PAI012306006, Sentinel Ridge Development, LLC**, 110 North Phoenixville Pike, Suite 100, Malvern, PA 19355. The Project is located in Marple Township, **Delaware County**, and discharges into Holland Run (a.k.a. Hotland Run) (EV-CWF).

The Department of Environmental Protection (Department) has approved the revised permit application, including documentation and plans submitted by Sentinel Ridge Development, LLC, in order to partially lift the NPDES permit suspension imposed by the October 22, 2009 Order of the Environmental Hearing Board (EHB) in the matter of *Crum Creek Neighbors v. DEP and Pulte Homes of PA, L.P.*, EHB Docket No. 2007-287-L, and allow Sentinel Ridge Development, LLC to conduct earth dis-

turbance activities and discharge stormwater associated with construction activities to Holland Run (EV-CWF) from Phase II of its Ravenscliff development, in accordance with the terms of the NPDES permit, including supporting documentation and plans that include a Hydrologic and Water Quality Evaluation of Stormwater Impacts on Holland Run, a Hydrogeologic Evaluation Report, and other information, that examine the effect of the project on the baseflow to Holland Run, and the effect of certain modeled basin overflows, on Holland Run. Phase II is situated in the center of the site with Phase I (under construction) to the South and Phase III (planned for future development) to the North. The Best Management Practices and the Antidegradation Analysis Module for the project site, as set forth in the previously-referenced NPDES permit, along with supporting documentation and plans, constitute the effluent limitations for Phase II of the development.

The Department has authorized earth disturbance activities in, and the discharge of stormwater associated with construction activities from, the Phase II Limit of Disturbance Area that consists of 3.3 acres in the Holland Run Watershed as depicted on the Wilkinson & Associates Plans for the development dated February 1, 2012, as revised March 27, 2012. Permanent work for the Phase II area will consist of the construction of approximately 800 feet of roadway, 29 townhomes (units 26 through 54), and Detention Basin A5. Work will include temporary earth disturbance to install Swale C, staging, stockpiling in the vicinity of Building A and to install the temporary cul-de-sac. Construction phases for the project are clearly depicted on the Erosion and Sedimentation Control Plan Drawings, dated June 17, 2010, as revised thereafter, that were submitted by the developer and approved by the Department and the Delaware County Conservation District.

Sentinel Ridge Development, LLC is not authorized by this partial lifting of the NPDES permit suspension to conduct earth disturbance activities within the Phase III Limit of Disturbance Area, or to discharge stormwater associated with construction activities from the Phase III Limit of Disturbance Area. No discharge of stormwater associated with construction activities, or earth disturbance activities draining into Holland Run, are authorized in the area currently depicted in plan drawings for high density condominium development on the northern end of the property that includes discharges to the finger tributary to Holland Run.

### Drinking Water State Revolving Fund Special Notice

#### Special Notice Under the federal Safe Drinking Water Act (SDWA) (42 U.S.C.A. § 300f et. seq.)

*Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

| <i>Applicant</i>   | <i>Applicant Address</i>            | <i>County</i> |
|--|-------------------------------------|---------------|
| South Wayne County Water & Sewer Authority (Roamingwood WSA) | PO Box 6<br>Lake Ariel, Pa<br>18436 | Wayne         |

*Project Description:* (June 6, 2012) The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The South Wayne County Water and Sewer Authority proposes a water

main replacement project in the Roamingwood development. The Department's review of the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

**Settlement of NPDES Permit Appeal under  
25 Pa. Code § 92a.88**

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

*Department of Environmental Protection v. Allegheny Energy Supply Company, LLC v. Environmental Integrity Project and Citizens Coal Counsel; Doc. No. 338 C.D. 2012*

On December 31, 2008, the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department") issued an Amended National Pollutant Discharge Elimination System Permit No. 0002941—A1 ("Amended NPDES Permit") to Allegheny Energy Supply Company, LLC ("Allegheny Energy") that authorized discharges of treated wastewater from Allegheny Energy's Hatfield's Ferry Power Station located along the Monongahela River in Monongahela Township, Greene County. On January 13, 2009, Allegheny Energy appealed, among other things, certain effluent limitations contained in the Amended NPDES Permit. That appeal was docketed at EHB 2009-006-R. Subsequent to Allegheny Energy's appeal, Environmental Integrity Project and Citizens Coal Counsel intervened at EHB 2009-006-R and filed a separate appeal of the Amended NPDES Permit docketed at EHB 2009-039-R. The two appeals have been consolidated at the Environmental Hearing Board at Docket No. 2009-039-R (Consolidated with 2009-006-R).

The above captioned matter was initiated in Commonwealth Court by a Complaint in Equity filed by the Department against Allegheny Energy for Allegheny Energy's failure to comply with effluent limitations for total dissolved solids contained in its Amended NPDES Permit (Docket No. 338 C.D. 2012). Environmental Integrity Project and Citizens Coal Counsel have intervened in the Commonwealth Court action and have adopted in full the Department's Complaint in Equity.

To resolve the Complaint in Equity and the consolidated appeals of the Amended NPDES Permit pending before the Environmental Hearing Board, the parties to the above action have entered into a proposed settlement agreement to be submitted to and entered by the Commonwealth Court ("Consent Decree"). The terms of the settlement are set forth in the Consent Decree. The major provisions of the Consent Decree (1) resolves the administrative appeals of all parties of the effluent limitations for total dissolved solids, cadmium, mercury, selenium and thallium at Outfall 006 and for selenium and beryllium at Outfall 306; (2) establishes a schedule for compliance with the stringent sulfate effluent limitation at Outfall 006 originally established in the Amended NPDES Permit. (Given current technology, compliance with this stringent effluent limitation for sulfate will also result in a discharge of total dissolved solids from the Hatfield's Ferry facility protective of water quality for total dissolved solids); (3) allows the parties to revisit effluent limitations for sulfate if water quality conditions in the Monongahela River improve significantly in the near

term but, if this event were to occur, still requires Allegheny Energy to comply at its election with the following effluent limitations: (a) the water quality criteria for sulfate at Outfall 006, (b) the Effluent Limitation Guidelines if promulgated and finalized or (c) certain more stringent effluent limitations than currently exist in the Amended NPDES Permit for selenium, mercury and beryllium at Outfall 306; (4) requires Allegheny Energy, without condition, to install additional filtration treatment at its scrubber blowdown wastewater treatment plant to meet a more stringent total suspended solids effluent limitation at Outfall 306; and (5) requires Allegheny Energy and Environmental Integrity Project and Citizens Coal Counsel to withdraw their appeals docketed at EHB No. 2009-039-R (Consolidated with 2009-006-R). The Department will receive and consider comments relating to the Consent Decree for thirty (30) days from the date of this Public Notice.

Copies of the Consent Decree are available for inspection at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745 or by contacting Donald C. Bluedorn II, Esquire at Babst, Calland, Clements & Zomnir, P.C., Two Gateway Center, Pittsburgh, PA 15222 or Abigail M. Dillen, Esquire, Earthjustice, 156 William Street, New York, NY, 10038. Comments may be submitted, in writing, to: Samuel C. Harper c/o Bruce M. Herschlag, Acting Regional Counsel, Commonwealth of Pennsylvania, Department of Environmental Protection, Office of Chief Counsel, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Further information may be obtained by contacting Mr. Herschlag at 412-442-4262. TDD users may contact the Department through the Pennsylvania Relay Services at 800-645-5984.

**General Permit for Short-Term Construction  
Projects; Approval of Registration/Applications  
under General Permit for Short-Term Construction  
Project BMR-GP-103**

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

**58121002. E.R. Linde Construction, Corporation,** (9 Collan Park, Honesdale, PA 18431), authorization to provide fill material to PennDot Construction Project 0706, Section 504 in the amount of 100, 568 tons, receiving stream: unnamed tributary to Meshoppen Creek (Chapter 93 classification, CWF & MF). Application received: February 24, 2012. Authorization approved: May 21, 2012.

**Request for Comments on the Total Maximum Daily  
Loads (TMDLs) Developed for the Panther Creek  
Watershed in Schuylkill and Carbon Counties.**

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

**NPDES Permit No. PA0012360 on Surface Mining  
Permit No. 54733020. BET Associates IV, LLC,** 1233 East Broad Street, P. O. Box 150, Tamaqua, PA 18252).

This facility is located in Tamaqua, Coaldale, Lansford, Summit Hill and Nesquehoning Boroughs affecting 7,594.4 acres. The facility is located in both **Schuylkill and Carbon Counties.**

Description of activity: The application is for an amendment of an NPDES permit for the relocation of an existing mine drainage treatment facility.

The receiving stream for all outfalls, Panther Creek, is in Watershed 3A, and classified for CWF (Cold Water Fishes) and MF (Migratory Fishes). The nearest downstream public water supply intake for Pottstown Borough Water Authority is located on the Schuylkill River, approximately 68.5 miles downstream. The discharge is not expected to affect the water supply.

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.

| Outfall No. | New Outfall Y/N | Type |
|-------------|-----------------|------|
| 002         | Yes             | E&S  |
| 006         | Yes             | E&S  |

The proposed effluent limits for Outfalls 1, 3, 4 and 5 for a combined maximum discharge flow of 32 MGD are:

| Parameter              | Average Monthly (mg/l)   | Maximum Daily (mg/l) | Instantaneous Maximum (mg/l) | Mass Units Average Monthly (lbs/day) |
|------------------------|--|----------------------|------------------------------|--------------------------------------|
| Total Iron             | 1.50   | 3.00                 | 3.75                         | 180.10                               |
| Total Manganese        | 1.00   | 2.00                 | 2.50                         | 168.00                               |
| Total Aluminum         | 0.75   | 1.50                 | 1.87                         | 90.10                                |
| Total Suspended Solids | 35.0   | 70.0                 | 90.0                         | XXXX                                 |
| pH                     | not less than 6.0 nor greater than 9.0 standard units at all times |                      |                              |                                      |
| Alkalinity             | must exceed acidity at all time                                    |                      |                              |                                      |
| TDS                    | Monitor and Report   |                      |                              |                                      |

In addition to the effluent limits, the permit contains the following major special conditions: Offset provisions will be incorporated into the permit for iron, manganese and aluminum mass loadings, to be utilized after the restoration of the Slum Creek Watershed. Slum Creek Watershed is located within the Panther Creek Watershed.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-621-3118.

The EPA waiver is not in effect.

The Panther Creek Watershed TMDL Schuylkill and Carbon County, originally approved by USEPA in July, 2002, has been revised to reflect the resumed pumping and associated discharge in the Panther Creek watershed.

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. To request a copy of the proposed TMDL, contact Bill Brown, Chief, TMDL Development Section, Watershed Protection Division, Department of Environmental Protection, P. O. Box 8555, Harrisburg, PA 17105-8774, 717-783-2951, Willbrown@pa.gov

The TMDLs can be accessed through the DEP Website (<http://www.dep.state.pa.us>) by clicking on the Water Topics Link, then the TMDL link. Please note that attachments and appendices must be requested through paper mail. Persons with a disability may use the AT&T Relay Service by calling 1-800-654-5984 (TDD users) or 1-800-654-5988 (voice users) and request that the call be relayed. Any person wishing to attend the meeting should contact Bill Brown at the above addresses.

Written and Email comments will be accepted at the above addresses and must be received by July 23, 2012. Comments will not be accepted by facsimile or voice mail. The Department will consider all comments in developing the final TMDL, which will be submitted to EPA for approval.

[Pa.B. Doc. No. 12-1168. Filed for public inspection June 22, 2012, 9:00 a.m.]

**Bid Opportunity**

**OSM 02(1550)101.1, Abandoned Mine Reclamation Project, Beckets Run (Wyne Slide), Forward Township, Allegheny County.** The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; clearing and grubbing; earthwork 450 cubic yards; geotextile 325 square yards; coarse aggregate 70-ton; subsurface drain 120 linear feet; gabions 90 cubic yards; and rock lining 100-ton. This bid issues on June 22, 2012, and bids will be opened on July 24, 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. 12-1169. Filed for public inspection June 22, 2012, 9:00 a.m.]

**DEPARTMENT OF HEALTH**

**Emergency Medical Services Operating Fund Funding Priorities**

Under 28 Pa. Code §§ 1001.22 and 1001.23 (relating to criteria for funding; and allocation of funds), the Department of Health (Department) gives notice of priorities for the distribution by the regional emergency medical services (EMS) councils of funding from the Emergency Medical Services Operating Fund (EMSOF) for the fiscal year (FY) beginning July 1, 2012, and ending June 30, 2013.

EMSOF moneys are to be used to provide funding to maintain, improve and develop the quality of the EMS

system within this Commonwealth. The Department finds that EMSOF is not sufficient to fully fund the EMS system. Therefore, it gives notice, under 28 Pa. Code § 1001.22(d), that recipients of EMSOF funding from regional EMS councils may be required to provide matching funds toward all purchases, acquisitions and projects for which the Department permits the use of EMSOF moneys.

Each regional EMS council shall prioritize the distribution of its EMSOF allocation based upon the Statewide EMS Development Plan and its regional EMS development plan, subject to the funding priorities set forth in this notice. By October 30, 2012, the regional EMS councils shall notify the providers and other appropriate entities of the established funding priorities, the application process, acquisition documentation requirements and processing deadlines. Each regional EMS council must complete all documents required for the distribution of EMSOF funding by June 30, 2013.

The Department may increase the amount of the initial payment or reimbursement from EMSOF based upon the EMS development plans (State and regional) or documented financial hardship of a provider of EMS. A provider of EMS that seeks additional funds due to financial hardship shall be required to submit a financial disclosure statement and other documentation deemed necessary by the Department.

A provider of EMS applying for EMSOF funding must be in full compliance with all regulations, policies and priorities of the State and regional EMS systems.

Funds for purchases, acquisitions and projects for the fiscal year beginning July 1, 2012, and ending June 30, 2013, must be expended or encumbered by the regional EMS council by June 30, 2013.

#### *Funding Priorities*

The following funding priorities are not ranked. The priorities must be considered before there is any regional distribution of EMSOF moneys for initiatives that are not listed. All funding must be distributed in a manner consistent with the regional and Statewide EMS development plans. Consequently, if the priorities in this notice have been funded and additional funding is available, the request to use EMSOF money towards nonpriority items must still be supported by the Statewide and regional EMS development plans.

- \* Development or improvement of an organizational risk management program (safety measures, hazard recognition/mitigation and the necessary organizational structure and support processes) proposed by an ambulance service. Proposals for funding must be comprehensive and include safe vehicle operations. Approval by the Department is required prior to funding.

- \* Recruitment and retention programs, including scholarships/tuition reimbursement for emergency medical responder (EMR), emergency medical technician (EMT) and paramedic education in areas with high prehospital personnel vacancy rates as determined by the regional EMS council and approved by the Department.

- \* Equipment required to meet basic life support (BLS) and advanced life support (ALS) ambulance service licensure.

- \* Capnography equipment (especially wave-form end-tidal CO<sub>2</sub> monitors).

- \* Replacement of an ambulance for ambulance services that is older than 10 years or has more than 200,000 miles on it. Limit to one per fiscal year.

- \* Software/computer equipment to enable services to collect and transmit EMS patient care reports electronically.

- \* Quality assurance/improvement program.

- \* Costs associated with investigating a potential merger or consolidation of services. These costs include consulting fees, studies, legal fees, and statistical analysis.

- \* Costs associated with the actual merger or consolidation of services.

- \* Bariatric equipment to equip ambulances.

When two or more ambulance companies have consolidated to create one entity, for the first 5 years after the ambulance companies completed consolidation, the entity may be deemed eligible to receive funding not to exceed the amount of the combined total for which the individual companies would have been eligible had they not consolidated.

#### *Emergency Preparedness and Response Funding Requests*

Emergency preparedness and response funding requests must be based on local and response roles of services, regional needs and needs identified by threat vulnerability analysis. Purchases must be coordinated with county emergency, fire service, hazmat and hospital organizations in the applicant's service area to assure interoperability and to prevent duplication. Funding requests related to response to all hazard and emergency preparedness must have a clear connection to the regional EMS catastrophic plan and the regional EMS development plan. Priority will be given to fund the ambulance services in each region that have committed to participating in the EMS strike team capability project and respond to requests for EMS, both interstate and intrastate, as identified in the State and regional mass casualty plans.

#### *Provider Equipment*

Purchases by providers of EMS are not limited to equipment. If an EMS provider requests EMSOF moneys to purchase equipment, the Eligible Provider Equipment List included with this announcement identifies equipment for which EMSOF funds will be made available to purchase. This list provides the types of providers of EMS eligible for equipment purchases supported by EMSOF funding and the maximum allowable cost upon which the EMSOF contribution will be calculated.

EMSOF funds will fund 60% of the maximum allowable cost of an equipment item for rural providers and will fund 50% of the maximum allowable cost of an equipment item for nonrural providers. Providers of EMS that receive funding are responsible for the balance of the purchase price. The provider may purchase an item for an amount that exceeds the maximum allowable cost, but the provider will be responsible for any amount exceeding that figure. The last two columns of the list identify the percentage of EMSOF contribution towards the purchase price, up to the maximum allowable cost of the item, based upon whether the provider operates in a rural or nonrural area.

#### *Examinations*

Funding may be provided to EMS services to cover the cost of the State written test for paramedic, prehospital registered nurse (PHRN), EMT and first response (FR) certification taken by their personnel at 100% of the cost of two examination attempts up to a maximum allowable cost of \$300 for paramedic and PHRN, \$140 for EMT, and \$130 for FR per person.

#### *Medical Director*

The cost associated with an EMS agency to contract for medical director oversight. The maximum allowable cost of \$10,000 for FY 2012-2013.

## ELIGIBLE PROVIDER EQUIPMENT LIST

| Equipment Description   | Life Expectancy | Eligible Purchase For: |                |                |                | Allowable Costs <sup>1</sup> | Non Rural (50%) | Rural (60%) |
|---|-----------------|------------------------|----------------|----------------|----------------|------------------------------|-----------------|-------------|
|   |                 | ALS                    | ALS/SQ         | BLS            | QRS            |                              |                 |             |
| EKG Monitor/Defibrillator with Pacer  | 5 years         | Y                      | Y              | N              | N              | 12,000                       | 6,000           | 7,200       |
| 12 Lead EKG <sup>2</sup>  | 5 years         | Y                      | Y              | N              | N              | 20,000                       | 10,000          | 12,000      |
| Automated External Defibrillator (AED)  | 5 years         | N                      | N              | Y <sup>3</sup> | Y <sup>3</sup> | 1,500                        | 750             | 900         |
| Automated External Defibrillator Trainer  | 5 years         | N                      | N              | Y              | Y              | 400                          | 200             | 240         |
| Oxygen Equipment (any combination)<br>Cylinder<br>Demand Valve w/Hose & Mask<br>Regulator (combination or constant flow—25 lpm capable)<br>Case | 5 years         | Y                      | Y              | Y              | Y              | 500                          | 250             | 300         |
| Capnography Equipment   | 3 years         | Y                      | Y              | N              | N              | 3,000                        | 1,500           | 1,800       |
| CPAP Ventilation Portable Equipment   | 5 years         | Y                      | Y              | Y              | Y              | 1,500                        | 750             | 900         |
| Pulse Oximeter  | 5 years         | Y                      | Y              | Y              | Y              | 700                          | 350             | 420         |
| Nitrous Oxide Delivery System   | 5 years         | Y                      | Y              | N              | N              | 2,000                        | 1,000           | 1,200       |
| Intravenous Infusion Pumps  | 5 years         | Y                      | Y              | N              | N              | 2,000                        | 1,000           | 1,200       |
| Adult /Pediatric Intubation Kits  | 5 years         | Y <sup>4</sup>         | Y <sup>4</sup> | N              | N              | 600                          | 300             | 360         |
| Transtracheal Jet Insufflators (TTJ)  | 5 years         | Y                      | Y              | N              | N              | 200                          | 100             | 120         |
| Splinting/Immobilization Devices (any combination)<br>Backboard<br>Cervical Immobilization Device<br>Splints (rigid, traction, etc.)            | 3 years         | Y                      | Y              | Y              | Y              | 500                          | 250             | 300         |
| Stairchair 300 lb Capacity  | 3 years         | Y                      | N              | Y              | N              | 2,000                        | 1,000           | 1,200       |
| Stairchair 500 lb Capacity  | 5 years         | Y                      | N              | Y              | N              | 2,650                        | 1,325           | 1,590       |
| Stretcher 300 lb Capacity   | 5 years         | Y                      | N              | Y              | N              | 4,000                        | 2,000           | 2,400       |
| Stretcher 700 lb Capacity   | 5 years         | Y                      | N              | Y              | N              | 13,500                       | 6,500           | 7,800       |
| Stretcher/Chair Combination   | 5 years         | Y                      | N              | Y              | N              | 700                          | 350             | 420         |
| Stair Stretcher 500 lb Capacity   | 5 years         | Y                      | N              | Y              | N              | 2,700                        | 1,350           | 1,620       |
| Suction (Portable)  | 3 years         | Y                      | Y              | Y              | Y              | 900                          | 450             | 540         |
| Ventilator, Automatic (per Department of Health Guidelines)   | 5 years         | Y <sup>5</sup>         | Y <sup>5</sup> | Y <sup>6</sup> | Y <sup>6</sup> | 3,000                        | 1,500           | 1,800       |
| Ambulance with Chevron Marking on Back of Unit  | —               | Y                      | N              | Y              | N              | —                            | 15,000          | 20,000      |
| Chevron   | —               | Y                      | Y              | Y              | Y              | 1,500                        | 750             | 900         |
| Squad/Response Vehicle with Chevron Marking on Back of Unit   | —               | N                      | Y              | N              | Y              | —                            | 7,500           | 9,000       |
| Data Collection Software/Technology <sup>7</sup>  | —               | Y                      | Y              | Y              | Y              | 1,700                        | 850             | 1,020       |
| Data Collection Hardware <sup>8</sup>   | 3 years         | Y                      | Y              | Y              | Y              | 2,000                        | 1,000           | 1,200       |
| Radio, Mobile (two per vehicle)   | 5 years         | Y <sup>9</sup>         | Y <sup>9</sup> | Y <sup>9</sup> | Y <sup>9</sup> | 5,000                        | 2,500           | 3,000       |
| Radio, Portable (two per vehicle per year)  | 5 years         | Y <sup>9</sup>         | Y <sup>9</sup> | Y <sup>9</sup> | Y <sup>9</sup> | 5,000                        | 2,500           | 3,000       |
| Triage Vest with Reflection Stripes Meeting ANSI National Standards   | 5 years         | Y                      | Y              | Y              | Y              | 150                          | 75              | 90          |
| Triage System   | 5 years         | Y                      | Y              | Y              | Y              | 750                          | 375             | 450         |
| Alerting Equipment (5 per service at \$400 each)  | 5 years         | Y <sup>9</sup>         | Y <sup>9</sup> | Y <sup>9</sup> | Y <sup>9</sup> | 2,000                        | 1,000           | 1,200       |
| Vehicle Safety Monitoring Systems   | 5 years         | Y                      | Y              | Y              | Y              | 3,500                        | 1,750           | 2,100       |

| <i>Equipment Description</i>  | <i>Life Expectancy</i> | <i>Eligible Purchase For:</i> |               |            |            | <i>Allowable Costs<sup>1</sup></i> | <i>Non Rural (50%)</i> | <i>Rural (60%)</i> |
|---|------------------------|-------------------------------|---------------|------------|------------|------------------------------------|------------------------|--------------------|
|   |                        | <i>ALS</i>                    | <i>ALS/SQ</i> | <i>BLS</i> | <i>QRS</i> |                                    |                        |                    |
| Personal Protective Equipment/ Turnout Gear: Helmet, Coat, Pants, Boots, Protection Vest Meeting ANSI National Standards (one set per provider) Respiratory Protection from Communicable Diseases | 5 years                | Y                             | Y             | Y          | Y          | 1,200                              | 600                    | 720                |
| Protective Ballistic Vest   | 5 years                | Y                             | Y             | Y          | Y          | 1,000                              | 500                    | 600                |
| Global Positioning System Receiver<br>1 per licensed Ambulance or<br>Recognized QRS Vehicle   | 5 years                | Y                             | Y             | Y          | Y          | 500                                | 250                    | 275                |
| Traffic Safety Equipment  | 5 years                | Y                             | Y             | Y          | Y          | 2,500                              | 1,250                  | 1,500              |
| Large Patient Moving/Carrying Device  | 10 years               | Y                             | Y             | Y          | Y          | 3,000                              | 1,500                  | 1,800              |
| Self Contained Breathing Apparatus<br>(2 per licensed vehicle)  | 10 years               | Y                             | Y             | Y          | Y          | 3,000                              | 1,500                  | 1,800              |
| EMT-P / PHRN Testing (Written)  | —                      |                               |               |            |            | 300                                | 300                    | 300                |
| EMT Testing (Written)   | —                      |                               |               |            |            | 140                                | 140                    | 140                |
| EMR Testing (Written)   | —                      |                               |               |            |            | 130                                | 130                    | 130                |
| CO Detectors (Monitors)   | 5 Years                | Y                             | Y             | Y          | Y          | 200                                | 100                    | 120                |
| 12 Lead EKG Transmitter System  | 5 Years                | Y                             | Y             | N          | N          | 1,000                              | 500                    | 600                |
| IO Drills or Bone Injection Systems   | 5 Years                | Y                             | Y             | N          | N          | 300                                | 150                    | 180                |
| Narcotics Security Systems  | 5 Years                | Y                             | Y             | N          | N          | 900                                | 450                    | 540                |
| Refrigerators (mini)  | 10 Years               | Y                             | Y             | N          | N          | 1,200                              | 600                    | 480                |
| Tourniquet (commercially)   | 5 Years                | Y                             | Y             | Y          | Y          | 25                                 | 12.50                  | 10                 |
| Bariatric equipment   | 5 Years                | Y                             | Y             | Y          | Y          | 27,000                             | 13,500                 | 10,800             |

<sup>1</sup> All figures are dollar amounts for each item of equipment.

<sup>2</sup> Amount includes \$1,000 for communications package. Receiving facility must have appropriate communications capabilities.

<sup>3</sup> Must be an approved AED service or part of regional planning and AED medical director required.

<sup>4</sup> Must be durable equipment, not disposable equipment.

<sup>5</sup> Completion of approved training program required.

<sup>6</sup> Completion of approved training program required and BLS service medical director approval required.

<sup>7</sup> Must be a Department-approved software program, version and vendor.

<sup>8</sup> Data collection hardware may include computer, modem, printer, backup device and battery system.

<sup>9</sup> Must be compatible with regional and State EMS communications plan.

Questions regarding the Eligible Provider Equipment List or other matters addressed in this notice should be directed to Joseph W. Schmider, Director, Bureau of Emergency Medical Services, Department of Health, Room 606, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120-0701, (717) 787-8740.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Joseph W. Schmider at the previously listed address or telephone number, or for speech or hearing impaired persons may use VTT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1170. Filed for public inspection June 22, 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 § 205.6(a) (relating to function of building):

Homestead Village, Inc.  
1800 Village Circle  
P. O. Box 3227  
Lancaster, PA 17604-3227  
FAC ID 085902

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.67(k) (relating to electric requirements for existing and new construction):

Rouse-Warren County Home  
701 Rouse Avenue  
Youngsville, PA 16371  
FAC ID 181702

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.12(b)—(d) (relating to nursing services):

Passavant Retirement and Health Center  
401 South Main Street  
Zelienople, PA 16063

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the 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. 12-1171. Filed for public inspection June 22, 2012, 9:00 a.m.]

**Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices and Competitive Prices**

**Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization; and terms and conditions of participation) and 7 CFR 246.12 (relating to food delivery systems), the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties.

*Maximum Allowable Prices*

Effective July 1, 2012, through September 30, 2012, the Maximum Allowable Prices the Department of Health (Department) will pay Type 1 Stores in Regular Cost Counties for WIC allowable foods are as follows:

| <i>Description</i>  | <i>Maximum Allowable Price</i> |
|---|--------------------------------|
| Beans, Canned—15.5/16 oz. ....  | \$1.27                         |
| Beans/Peas—Dry—16 oz. ....  | \$2.04                         |
| Canned Fish—Pink Salmon ....  | \$2.26                         |
| Canned Fish—Sardines ....   | \$1.59                         |
| Canned Fish—Tuna ....   | \$1.20                         |
| Cereal (per oz.) ....   | \$0.32                         |
| Cheese, 16 oz. ....   | \$7.26                         |
| Eggs ....   | \$1.87                         |
| Any Brand Infant Cereal—8 oz. ....  | \$2.00                         |
| Infant Fruits, 100%—4 oz. ....  | \$0.65                         |
| Infant Vegetables, 100%—4 oz. ....  | \$0.65                         |
| Infant Meats, 100%—2.5 oz. ....   | \$1.00                         |
| Juice—11.5/12 oz. ....  | \$2.30                         |
| Juice—48 oz. ....   | \$3.00                         |
| Juice—64 oz. ....   | \$3.97                         |
| Kosher Cheese—16 oz. ....   | \$8.58                         |
| Kosher Low Fat Milk—quart ....  | \$1.57                         |
| Kosher Low Fat Milk—1/2 gallon ....                                       | \$3.04                         |
| Kosher Whole Milk—quart ....  | \$1.60                         |
| Kosher Whole Milk—1/2 gallon ....   | \$3.14                         |
| Milk, Dry—9.6 oz. ....  | \$4.38                         |
| Milk, Dry—25.6 oz. ....   | \$9.31                         |
| Milk, Evaporated—12 oz. ....  | \$1.43                         |
| Milk, Low Fat—quart ....  | \$1.34                         |
| Milk, Low Fat—1/2 gallon ....   | \$2.45                         |
| Milk, Low Fat Lactose Free—quart ....                                     | \$2.39                         |
| Milk, Low Fat Lactose Free—1/2 gallon ....                                | \$3.86                         |
| Milk, Whole—quart ....  | \$1.33                         |
| Milk, Whole—1/2 gallon ....   | \$2.44                         |
| Milk, Whole Lactose Free—quart ....                                       | \$2.39                         |
| Milk, Whole Lactose Free—1/2 gallon ....                                  | \$3.86                         |
| Peanut Butter—18 oz. ....   | \$3.43                         |
| Soy Beverage—Pacific Natural Foods 32 oz. ....                            | \$3.49                         |
| Soy Beverage—8th Continent 64 oz. ....                                    | \$3.27                         |
| Tofu—16 oz. ....  | \$2.62                         |
| Whole Grain—Bread, 16 oz. ....  | \$3.71                         |
| Whole Grain—Bread, 24 oz. ....  | \$4.04                         |
| Whole Grain—Brown Rice, 16 oz. ....                                       | \$2.14                         |
| Whole Grain—Brown Rice, 24 oz. ....                                       | \$3.50                         |
| Whole Grain—Oats, 16 oz. ....   | \$2.39                         |
| Whole Grain—Oats, 24 oz. ....   | \$5.54                         |
| Whole Grain—Soft Corn or Whole Wheat<br>Tortillas, 16 oz. ....            | \$2.54                         |
| Boost RTF Formula—8 oz. ....  | \$2.10                         |
| EnfaCare RTF Formula—32 oz. ....  | \$7.27                         |
| EnfaCare w/Iron Powder Formula—12.8 oz. ....                              | \$15.16                        |
| EnfaCare w/Iron Powder Formula—15.1 oz. ....                              | \$16.39                        |
| Enfamil Premium Infant Concentrate<br>Formula—13 oz. ....                 | \$4.69                         |
| Enfamil Premium Infant RTF Formula—32 oz. ...                             | \$6.75                         |
| Enfamil Premium Infant Powder Formula—<br>12.5 oz. ....                   | \$14.37                        |
| Good Start Gentle Concentrate—Orange<br>Formula—12.1 oz. ....             | \$4.64                         |
| Good Start Gentle RTF—Orange<br>Formula—4-count, 8.45 oz. (33.8 oz.) .... | \$6.85                         |
| Good Start Gentle Powder Formula—12.7 oz. ....                            | \$14.13                        |
| Good Start Soy Concentrate—Blue Formula—<br>12.1 oz. ....                 | \$4.76                         |

| <i>Description</i>   | <i>Maximum Allowable Price</i> |
|--|--------------------------------|
| Good Start Soy RTF—Blue Formula—4-count, 8.45 oz. (33.8 oz.) . . . . . | \$6.96                         |
| Good Start Soy Powder—Blue Formula—12.9 oz. . . . .                    | \$15.21                        |
| Good Start 2 Soy Powder Formula—24 oz. . . . .                         | \$22.32                        |
| Good Start 2 Gentle Powder Formula—22 oz. . . . .                      | \$23.15                        |
| Good Start 2 Protect Powder Formula—22 oz. . . . .                     | \$24.74                        |
| Good Start Protect Powder Formula—12.4 oz. . . . .                     | \$14.61                        |
| Nutramigen Concentrate Formula—13 oz. . . . .                          | \$7.22                         |
| Nutramigen RTF Formula—32 oz. . . . .                                  | \$8.80                         |
| Nutramigen w/Enflora Powder Formula—12.6 oz. . . . .                   | \$23.16                        |
| Pediasure RTF Formula—8 oz. . . . .                                    | \$1.93                         |
| Pediasure w/Fiber RTF Formula—8 oz. . . . .                            | \$1.92                         |
| Pediasure Sidekicks RTF Formula—8 oz. . . . .                          | \$2.84                         |
| Similac Advance Concentrate Formula—13 oz. . . . .                     | \$4.67                         |
| Similac Advance RTF Formula—32 oz. . . . .                             | \$6.79                         |
| Similac Advance w/Iron Powder Formula—12.4 oz. . . . .                 | \$14.33                        |
| Similac Expert Care Alimentum RTF Formula—32 oz. . . . .               | \$9.14                         |
| Similac Expert Care Alimentum Powder Formula—16 oz. . . . .            | \$27.52                        |
| Similac Expert Care for Diarrhea RTF Formula—32 oz. . . . .            | \$7.61                         |
| Similac Expert Care NeoSure RTF Formula—32 oz. . . . .                 | \$7.48                         |
| Similac Expert Care NeoSure Powder Formula—13.1 oz. . . . .            | \$15.49                        |
| Store Brand Milk Based Concentrate Formula—13 oz. . . . .              | \$3.67                         |
| Store Brand Milk Based RTF Formula—32 oz. . . . .                      | \$5.37                         |
| Store Brand Milk Based Powder Formula—25.75 oz. . . . .                | \$16.13                        |

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustment).

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2012, through September 30, 2012, the Competitive Prices for WIC Authorization for Type 1 Stores in Regular Cost Counties are as follows:

| <i>Description</i>                    | <i>Competitive Prices</i> |
|---------------------------------------|---------------------------|
| Beans, Canned—15.5/16 oz. . . . .     | \$1.17                    |
| Beans/Peas—Dry—16 oz. . . . .         | \$1.86                    |
| Canned Fish—Pink Salmon . . . . .     | \$2.31                    |
| Canned Fish—Sardines . . . . .        | \$1.49                    |
| Canned Fish—Tuna . . . . .            | \$1.12                    |
| Cereal (per oz.) . . . . .            | \$0.30                    |
| Cheese, 16 oz. . . . .                | \$6.01                    |
| Eggs . . . . .                        | \$1.77                    |
| Any Brand Infant Cereal—8 oz. . . . . | \$2.00                    |
| Infant Fruits, 100%—4 oz. . . . .     | \$0.64                    |
| Infant Vegetables, 100%—4 oz. . . . . | \$0.64                    |
| Infant Meats, 100%—2.5 oz. . . . .    | \$0.95                    |
| Juice—11.5/12 oz. . . . .             | \$2.20                    |
| Juice—48 oz. . . . .                  | \$2.90                    |
| Juice—64 oz. . . . .                  | \$3.62                    |

| <i>Description</i>   | <i>Competitive Prices</i> |
|--|---------------------------|
| Kosher Cheese—16 oz. . . . .                                   | \$8.49                    |
| Kosher Low Fat Milk—1/2 gallon . . . . .                       | \$2.86                    |
| Kosher Whole Milk—1/2 gallon . . . . .                         | \$2.97                    |
| Milk, Low Fat—1/2 gallon . . . . .                             | \$2.29                    |
| Milk, Whole—1/2 gallon . . . . .                               | \$2.31                    |
| Peanut Butter—18 oz. . . . .                                   | \$3.33                    |
| Whole Grain—Bread, 16 oz. . . . .                              | \$3.58                    |
| Whole Grain—Brown Rice, 16 oz. . . . .                         | \$2.08                    |
| Whole Grain—Oats, 16 oz. . . . .                               | \$2.37                    |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. . . . . | \$2.48                    |
| Good Start Gentle Concentrate—Orange Formula—12.1 oz. . . . .  | \$4.64                    |
| Good Start Gentle Powder Formula—12.7 oz. . . . .              | \$14.13                   |
| Good Start Soy Concentrate—Blue Formula—12.1 oz. . . . .       | \$4.76                    |
| Good Start Soy Powder—Blue Formula—12.9 oz. . . . .            | \$15.21                   |

**Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties.

*Maximum Allowable Prices*

Effective July 1, 2012, through September 30, 2012, the Maximum Allowable Prices the Department will pay Type 2 Stores in Regular Cost Counties for WIC allowable foods are as follows:

| <i>Description</i>                              | <i>Maximum Allowable Price</i> |
|---|--------------------------------|
| Beans, Canned—15.5/16 oz. . . . .               | \$1.36                         |
| Beans/Peas—Dry—16 oz. . . . .                   | \$2.07                         |
| Canned Fish—Pink Salmon . . . . .               | \$2.26                         |
| Canned Fish—Sardines . . . . .                  | \$1.59                         |
| Canned Fish—Tuna . . . . .                      | \$1.29                         |
| Cereal (per oz.) . . . . .                      | \$0.33                         |
| Cheese, 16 oz. . . . .                          | \$7.26                         |
| Eggs . . . . .                                  | \$1.87                         |
| Any Brand Infant Cereal—8 oz. . . . .           | \$2.14                         |
| Infant Fruits, 100%—4 oz. . . . .               | \$0.77                         |
| Infant Vegetables, 100%—4 oz. . . . .           | \$0.77                         |
| Infant Meats, 100%—2.5 oz. . . . .              | \$1.09                         |
| Juice—11.5/12 oz. . . . .                       | \$2.54                         |
| Juice—48 oz. . . . .                            | \$3.14                         |
| Juice—64 oz. . . . .                            | \$4.17                         |
| Kosher Cheese—16 oz. . . . .                    | \$8.58                         |
| Kosher Low Fat Milk—quart . . . . .             | \$1.57                         |
| Kosher Low Fat Milk—1/2 gallon . . . . .        | \$3.04                         |
| Kosher Whole Milk—quart . . . . .               | \$1.60                         |
| Kosher Whole Milk—1/2 gallon . . . . .          | \$3.14                         |
| Milk, Dry—9.6 oz. . . . .                       | \$4.55                         |
| Milk, Dry—25.6 oz. . . . .                      | \$9.70                         |
| Milk, Evaporated—12 oz. . . . .                 | \$1.52                         |
| Milk, Low Fat—quart . . . . .                   | \$1.34                         |
| Milk, Low Fat—1/2 gallon . . . . .              | \$2.45                         |
| Milk, Low Fat Lactose Free—quart . . . . .      | \$2.44                         |
| Milk, Low Fat Lactose Free—1/2 gallon . . . . . | \$4.22                         |
| Milk, Whole—quart . . . . .                     | \$1.33                         |
| Milk, Whole—1/2 gallon . . . . .                | \$2.44                         |
| Milk, Whole Lactose Free—quart . . . . .        | \$2.44                         |
| Milk, Whole Lactose Free—1/2 gallon . . . . .   | \$4.22                         |
| Peanut Butter—18 oz. . . . .                    | \$3.46                         |

| <i>Description</i>  | <i>Maximum Allowable Price</i> |
|---|--------------------------------|
| Soy Beverage—Pacific Natural Foods 32 oz. ....                            | \$3.62                         |
| Soy Beverage—8th Continent 64 oz. ....                                    | \$3.54                         |
| Tofu—16 oz. ....  | \$2.62                         |
| Whole Grain—Bread, 16 oz. ....  | \$3.71                         |
| Whole Grain—Bread, 24 oz. ....  | \$4.05                         |
| Whole Grain—Brown Rice, 16 oz. ....                                       | \$2.14                         |
| Whole Grain—Brown Rice, 24 oz. ....                                       | \$3.50                         |
| Whole Grain—Oats, 16 oz. ....   | \$2.42                         |
| Whole Grain—Oats, 24 oz. ....   | \$5.54                         |
| Whole Grain—Soft Corn or Whole Wheat<br>Tortillas, 16 oz. ....            | \$2.54                         |
| Boost RTF Formula—8 oz. ....  | \$2.16                         |
| EnfaCare RTF Formula—32 oz. ....  | \$7.54                         |
| EnfaCare w/Iron Powder Formula—12.8 oz. ....                              | \$15.16                        |
| EnfaCare w/Iron Powder Formula—15.1 oz. ....                              | \$16.84                        |
| Enfamil Premium Infant Concentrate<br>Formula—13 oz. ....                 | \$4.92                         |
| Enfamil Premium Infant RTF Formula—32 oz. ..                              | \$7.12                         |
| Enfamil Premium Infant Powder Formula—<br>12.5 oz. ....                   | \$14.50                        |
| Good Start Gentle Concentrate—Orange<br>Formula—12.1 oz. ....             | \$4.73                         |
| Good Start Gentle RTF—Orange<br>Formula—4-count, 8.45 oz. (33.8 oz.) .... | \$6.85                         |
| Good Start Gentle Powder Formula—12.7 oz. ....                            | \$15.16                        |
| Good Start Soy Concentrate—Blue Formula—<br>12.1 oz. ....                 | \$4.90                         |
| Good Start Soy RTF—Blue Formula—4-count,<br>8.45 oz. (33.8 oz.) ....      | \$6.96                         |
| Good Start Soy Powder—Blue Formula—<br>12.9 oz. ....                      | \$15.21                        |
| Good Start 2 Soy Powder Formula—24 oz. ....                               | \$22.32                        |
| Good Start 2 Gentle Powder Formula—22 oz. ....                            | \$23.47                        |
| Good Start 2 Protect Powder Formula—22 oz. ....                           | \$25.03                        |
| Good Start Protect Powder Formula—12.4 oz. ....                           | \$14.71                        |
| Nutramigen Concentrate Formula—13 oz. ....                                | \$7.84                         |
| Nutramigen RTF Formula—32 oz. ....  | \$9.00                         |
| Nutramigen w/Enflora Powder Formula—<br>12.6 oz. ....                     | \$23.56                        |
| Pediasure RTF Formula—8 oz. ....  | \$2.13                         |
| Pediasure w/Fiber RTF Formula—8 oz. ....                                  | \$2.09                         |
| Pediasure Sidekicks RTF Formula—8 oz. ....                                | \$2.84                         |
| Similac Advance Concentrate Formula—13 oz. ....                           | \$4.67                         |
| Similac Advance RTF Formula—32 oz. ....                                   | \$7.14                         |
| Similac Advance w/Iron Powder Formula—<br>12.4 oz. ....                   | \$14.72                        |
| Similac Expert Care Alimentum RTF<br>Formula—32 oz. ....                  | \$9.43                         |
| Similac Expert Care Alimentum Powder<br>Formula—16 oz. ....               | \$28.36                        |
| Similac Expert Care for Diarrhea RTF<br>Formula—32 oz. ....               | \$7.61                         |
| Similac Expert Care NeoSure RTF Formula—<br>32 oz. ....                   | \$7.65                         |
| Similac Expert Care NeoSure Powder<br>Formula—13.1 oz. ....               | \$15.89                        |
| Store Brand Milk Based Concentrate<br>Formula—13 oz. ....                 | \$3.67                         |
| Store Brand Milk Based RTF Formula—32 oz. ..                              | \$5.37                         |
| Store Brand Milk Based Powder Formula—<br>25.75 oz. ....                  | \$17.39                        |

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the

store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2012, through September 30, 2012, the Competitive Prices for WIC Authorization for Type 2 Stores in Regular Cost Counties are as follows:

| <i>Description</i>   | <i>Competitive Prices</i> |
|--|---------------------------|
| Beans, Canned—15.5/16 oz. ....                                 | \$1.26                    |
| Beans/Peas—Dry—16 oz. ....                                     | \$1.91                    |
| Canned Fish—Pink Salmon ....                                   | \$2.31                    |
| Canned Fish—Sardines ....                                      | \$1.49                    |
| Canned Fish—Tuna ....  | \$1.23                    |
| Cereal (per oz.) ....  | \$0.31                    |
| Cheese, 16 oz. ....  | \$6.03                    |
| Eggs ....  | \$1.77                    |
| Any Brand Infant Cereal—8 oz. ....                             | \$2.14                    |
| Infant Fruits, 100%—4 oz. ....                                 | \$0.76                    |
| Infant Vegetables, 100%—4 oz. ....                             | \$0.76                    |
| Infant Meats, 100%—2.5 oz. ....                                | \$1.08                    |
| Juice—11.5/12 oz. ....   | \$2.43                    |
| Juice—48 oz. ....  | \$3.04                    |
| Juice—64 oz. ....  | \$3.87                    |
| Kosher Cheese—16 oz. ....                                      | \$8.49                    |
| Kosher Low Fat Milk—1/2 gallon ....                            | \$2.86                    |
| Kosher Whole Milk—1/2 gallon ....                              | \$2.97                    |
| Milk, Low Fat—1/2 gallon ....                                  | \$2.29                    |
| Milk, Whole—1/2 gallon ....                                    | \$2.31                    |
| Peanut Butter—18 oz. ....                                      | \$3.36                    |
| Whole Grain—Bread, 16 oz. ....                                 | \$3.69                    |
| Whole Grain—Brown Rice, 16 oz. ....                            | \$2.08                    |
| Whole Grain—Oats, 16 oz. ....                                  | \$2.40                    |
| Whole Grain—Soft Corn or Whole Wheat<br>Tortillas, 16 oz. .... | \$2.48                    |
| Good Start Gentle Concentrate—Orange<br>Formula—12.1 oz. ....  | \$4.73                    |
| Good Start Gentle Powder Formula—12.7 oz. ....                 | \$15.16                   |
| Good Start Soy Concentrate—Blue Formula—<br>12.1 oz. ....      | \$4.90                    |
| Good Start Soy Powder—Blue Formula—<br>12.9 oz. ....           | \$15.21                   |

**Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties.

*Maximum Allowable Prices*

Effective July 1, 2012, through September 30, 2012, the Maximum Allowable Prices the Department will pay Type 3 Stores in Regular Cost Counties for WIC allowable foods are as follows:

| <i>Description</i>             | <i>Maximum Allowable Price</i> |
|--------------------------------|--------------------------------|
| Beans, Canned—15.5/16 oz. .... | \$1.36                         |
| Beans/Peas—Dry—16 oz. ....     | \$2.07                         |
| Canned Fish—Pink Salmon ....   | \$2.26                         |
| Canned Fish—Sardines ....      | \$1.59                         |
| Canned Fish—Tuna ....          | \$1.29                         |
| Cereal (per oz.) ....          | \$0.36                         |
| Cheese, 16 oz. ....            | \$7.26                         |

| <i>Description</i>                         | <i>Maximum Allowable Price</i> | <i>Description</i>  | <i>Maximum Allowable Price</i> |
|--|--------------------------------|---|--------------------------------|
| Eggs                                       | \$1.87                         | Pediasure Sidekicks RTF Formula—8 oz.   | \$2.84                         |
| Any Brand Infant Cereal—8 oz.              | \$2.28                         | Similac Advance Concentrate Formula—13 oz.  | \$5.17                         |
| Infant Fruits, 100%—4 oz.                  | \$0.81                         | Similac Advance RTF Formula—32 oz.  | \$8.02                         |
| Infant Vegetables, 100%—4 oz.              | \$0.81                         | Similac Advance w/Iron Powder Formula—  |                                |
| Infant Meats, 100%—2.5 oz.                 | \$1.14                         | 12.4 oz.  | \$15.50                        |
| Juice—11.5/12 oz.                          | \$2.54                         | Similac Expert Care Alimentum RTF   |                                |
| Juice—48 oz.                               | \$3.14                         | Formula—32 oz.  | \$9.51                         |
| Juice—64 oz.                               | \$4.17                         | Similac Expert Care Alimentum Powder  |                                |
| Kosher Cheese—16 oz.                       | \$8.58                         | Formula—16 oz.  | \$28.78                        |
| Kosher Low Fat Milk—quart                  | \$1.94                         | Similac Expert Care for Diarrhea RTF  |                                |
| Kosher Low Fat Milk—1/2 gallon             | \$3.17                         | Formula—32 oz.  | \$8.89                         |
| Kosher Whole Milk—quart                    | \$1.91                         | Similac Expert Care NeoSure RTF Formula—  |                                |
| Kosher Whole Milk—1/2 gallon               | \$3.25                         | 32 oz.  | \$9.23                         |
| Milk, Dry—9.6 oz.                          | \$4.70                         | Similac Expert Care NeoSure Powder  |                                |
| Milk, Dry—25.6 oz.                         | \$9.70                         | Formula—13.1 oz.  | \$16.36                        |
| Milk, Evaporated—12 oz.                    | \$1.58                         | Store Brand Milk Based Concentrate  |                                |
| Milk, Low Fat—quart                        | \$1.43                         | Formula—13 oz.  | \$3.67                         |
| Milk, Low Fat—1/2 gallon                   | \$2.45                         | Store Brand Milk Based RTF Formula—32 oz.   | \$5.37                         |
| Milk, Low Fat Lactose Free—quart           | \$2.44                         | Store Brand Milk Based Powder Formula—  |                                |
| Milk, Low Fat Lactose Free—1/2 gallon      | \$4.22                         | 25.75 oz.   | \$17.66                        |
| Milk, Whole—quart                          | \$1.42                         |   |                                |
| Milk, Whole—1/2 gallon                     | \$2.44                         | A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2. |                                |
| Milk, Whole Lactose Free—quart             | \$2.44                         | <i>Competitive Prices</i>   |                                |
| Milk, Whole Lactose Free—1/2 gallon        | \$4.22                         | To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2012, through September 30, 2012, the Competitive Prices for WIC Authorization for Type 3 Stores in Regular Cost Counties are as follows:  |                                |
| Peanut Butter—18 oz.                       | \$3.46                         | <i>Description</i>  | <i>Competitive Prices</i>      |
| Soy Beverage—Pacific Natural Foods 32 oz.  | \$3.62                         | Beans, Canned—15.5/16 oz.   | \$1.26                         |
| Soy Beverage—8th Continent 64 oz.          | \$3.68                         | Beans/Peas—Dry—16 oz.   | \$1.91                         |
| Tofu—16 oz.                                | \$2.62                         | Canned Fish—Pink Salmon   | \$2.31                         |
| Whole Grain—Bread, 16 oz.                  | \$3.71                         | Canned Fish—Sardines  | \$1.49                         |
| Whole Grain—Bread, 24 oz.                  | \$4.05                         | Canned Fish—Tuna  | \$1.23                         |
| Whole Grain—Brown Rice, 16 oz.             | \$2.31                         | Cereal (per oz.)  | \$0.34                         |
| Whole Grain—Brown Rice, 24 oz.             | \$3.58                         | Cheese, 16 oz.  | \$6.03                         |
| Whole Grain—Oats, 16 oz.                   | \$2.42                         | Eggs  | \$1.77                         |
| Whole Grain—Oats, 24 oz.                   | \$5.54                         | Any Brand Infant Cereal—8 oz.   | \$2.28                         |
| Whole Grain—Soft Corn or Whole Wheat       |                                | Infant Fruits, 100%—4 oz.   | \$0.79                         |
| Tortillas, 16 oz.                          | \$2.54                         | Infant Vegetables, 100%—4 oz.   | \$0.79                         |
| Boost RTF Formula—8 oz.                    | \$2.16                         | Infant Meats, 100%—2.5 oz.  | \$1.12                         |
| EnfaCare RTF Formula—32 oz.                | \$8.00                         | Juice—11.5/12 oz.   | \$2.49                         |
| EnfaCare w/Iron Powder Formula—12.8 oz.    | \$16.40                        | Juice—48 oz.  | \$3.14                         |
| EnfaCare w/Iron Powder Formula—15.1 oz.    | \$17.86                        | Juice—64 oz.  | \$3.87                         |
| Enfamil Premium Infant Concentrate         |                                | Kosher Cheese—16 oz.  | \$8.49                         |
| Formula—13 oz.                             | \$5.84                         | Kosher Low Fat Milk—1/2 gallon  | \$3.16                         |
| Enfamil Premium Infant RTF Formula—32 oz.  | \$7.54                         | Kosher Whole Milk—1/2 gallon  | \$3.25                         |
| Enfamil Premium Infant Powder Formula—     |                                | Milk, Low Fat—1/2 gallon  | \$2.29                         |
| 12.5 oz.                                   | \$14.97                        | Milk, Whole—1/2 gallon  | \$2.32                         |
| Good Start Gentle Concentrate—Orange       |                                | Peanut Butter—18 oz.  | \$3.36                         |
| Formula—12.1 oz.                           | \$4.92                         | Whole Grain—Bread, 16 oz.   | \$3.69                         |
| Good Start Gentle RTF—Orange               |                                | Whole Grain—Brown Rice, 16 oz.  | \$2.23                         |
| Formula—4-count, 8.45 oz. (33.8 oz.)       | \$7.32                         | Whole Grain—Oats, 16 oz.  | \$2.40                         |
| Good Start Gentle Powder Formula—12.7 oz.  | \$15.69                        | Whole Grain—Soft Corn or Whole Wheat  |                                |
| Good Start Soy Concentrate—Blue Formula—   |                                | Tortillas, 16 oz.   | \$2.48                         |
| 12.1 oz.                                   | \$5.12                         | Good Start Gentle Concentrate—Orange  |                                |
| Good Start Soy RTF—Blue Formula—4-count,   |                                | Formula—12.1 oz.  | \$4.92                         |
| 8.45 oz. (33.8 oz.)                        | \$7.10                         | Good Start Gentle Powder Formula—12.7 oz.   | \$15.69                        |
| Good Start Soy Powder—Blue Formula—        |                                |   |                                |
| 12.9 oz.                                   | \$15.68                        |   |                                |
| Good Start 2 Soy Powder Formula—24 oz.     | \$22.32                        |   |                                |
| Good Start 2 Gentle Powder Formula—22 oz.  | \$23.47                        |   |                                |
| Good Start 2 Protect Powder Formula—22 oz. | \$25.03                        |   |                                |
| Good Start Protect Powder Formula—12.4 oz. | \$15.68                        |   |                                |
| Nutramigen Concentrate Formula—13 oz.      | \$7.84                         |   |                                |
| Nutramigen RTF Formula—32 oz.              | \$9.81                         |   |                                |
| Nutramigen w/Enflora Powder Formula—       |                                |   |                                |
| 12.6 oz.                                   | \$24.13                        |   |                                |
| Pediasure RTF Formula—8 oz.                | \$2.39                         |   |                                |
| Pediasure w/Fiber RTF Formula—8 oz.        | \$2.54                         |   |                                |

| <i>Description</i>  | <i>Competitive Prices</i> |
|---|---------------------------|
| Good Start Soy Concentrate—Blue Formula—<br>12.1 oz. .... | \$5.12                    |
| Good Start Soy Powder—Blue Formula—<br>12.9 oz. ....      | \$15.68                   |

**Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties.

*Maximum Allowable Prices*

Effective July 1, 2012, through September 30, 2012, the Maximum Allowable Prices the Department will pay Type 1 Stores in High Cost Counties for WIC allowable foods are as follows:

| <i>Description</i>   | <i>Maximum Allowable Price</i> |
|--|--------------------------------|
| Beans, Canned—15.5/16 oz. ....                                 | \$1.29                         |
| Beans/Peas—Dry—16 oz. ....                                     | \$2.07                         |
| Canned Fish—Pink Salmon ....                                   | \$2.26                         |
| Canned Fish—Sardines ....                                      | \$1.62                         |
| Canned Fish—Tuna ....  | \$1.21                         |
| Cereal (per oz.) ....  | \$0.33                         |
| Cheese, 16 oz. ....  | \$7.33                         |
| Eggs ....  | \$1.97                         |
| Any Brand Infant Cereal—8 oz. ....                             | \$2.10                         |
| Infant Fruits, 100%—4 oz. ....                                 | \$0.66                         |
| Infant Vegetables, 100%—4 oz. ....                             | \$0.66                         |
| Infant Meats, 100%—2.5 oz. ....                                | \$1.05                         |
| Juice—11.5/12 oz. ....   | \$2.36                         |
| Juice—48 oz. ....  | \$3.14                         |
| Juice—64 oz. ....  | \$4.04                         |
| Kosher Cheese—16 oz. ....                                      | \$8.99                         |
| Kosher Low Fat Milk—quart ....                                 | \$1.57                         |
| Kosher Low Fat Milk—1/2 gallon ....                            | \$3.12                         |
| Kosher Whole Milk—quart ....                                   | \$1.60                         |
| Kosher Whole Milk—1/2 gallon ....                              | \$3.18                         |
| Milk, Dry—9.6 oz. ....   | \$4.38                         |
| Milk, Dry—25.6 oz. ....  | \$9.47                         |
| Milk, Evaporated—12 oz. ....                                   | \$1.43                         |
| Milk, Low Fat—quart ....                                       | \$1.36                         |
| Milk, Low Fat—1/2 gallon ....                                  | \$2.53                         |
| Milk, Low Fat Lactose Free—quart ....                          | \$2.46                         |
| Milk, Low Fat Lactose Free—1/2 gallon ....                     | \$3.86                         |
| Milk, Whole—quart ....   | \$1.35                         |
| Milk, Whole—1/2 gallon ....                                    | \$2.52                         |
| Milk, Whole Lactose Free—quart ....                            | \$2.46                         |
| Milk, Whole Lactose Free—1/2 gallon ....                       | \$3.86                         |
| Peanut Butter—18 oz. ....                                      | \$3.46                         |
| Soy Beverage—Pacific Natural Foods 32 oz. ....                 | \$3.49                         |
| Soy Beverage—8th Continent 64 oz. ....                         | \$3.41                         |
| Tofu—16 oz. ....   | \$2.62                         |
| Whole Grain—Bread, 16 oz. ....                                 | \$3.71                         |
| Whole Grain—Bread, 24 oz. ....                                 | \$4.04                         |
| Whole Grain—Brown Rice, 16 oz. ....                            | \$2.16                         |
| Whole Grain—Brown Rice, 24 oz. ....                            | \$3.50                         |
| Whole Grain—Oats, 16 oz. ....                                  | \$2.46                         |
| Whole Grain—Oats, 24 oz. ....                                  | \$5.54                         |
| Whole Grain—Soft Corn or Whole Wheat<br>Tortillas, 16 oz. .... | \$2.54                         |
| Boost RTF Formula—8 oz. ....                                   | \$2.15                         |
| EnfaCare RTF Formula—32 oz. ....                               | \$7.29                         |
| EnfaCare w/Iron Powder Formula—12.8 oz. ....                   | \$15.16                        |

| <i>Description</i>  | <i>Maximum Allowable Price</i> |
|---|--------------------------------|
| EnfaCare w/Iron Powder Formula—15.1 oz. ....                              | \$17.31                        |
| Enfamil Premium Infant Concentrate<br>Formula—13 oz. ....                 | \$4.82                         |
| Enfamil Premium Infant RTF Formula—32 oz. ..                              | \$6.80                         |
| Enfamil Premium Infant Powder Formula—<br>12.5 oz. ....                   | \$14.37                        |
| Good Start Gentle Concentrate—Orange<br>Formula—12.1 oz. ....             | \$4.64                         |
| Good Start Gentle RTF—Orange<br>Formula—4-count, 8.45 oz. (33.8 oz.) .... | \$6.85                         |
| Good Start Gentle Powder Formula—12.7 oz. ....                            | \$14.84                        |
| Good Start Soy Concentrate—Blue Formula—<br>12.1 oz. ....                 | \$4.82                         |
| Good Start Soy RTF—Blue Formula—4-count,<br>8.45 oz. (33.8 oz.) ....      | \$6.96                         |
| Good Start Soy Powder—Blue Formula—<br>12.9 oz. ....                      | \$15.21                        |
| Good Start 2 Soy Powder Formula—24 oz. ....                               | \$22.32                        |
| Good Start 2 Gentle Powder Formula—22 oz. ....                            | \$23.16                        |
| Good Start 2 Protect Powder Formula—22 oz. ...                            | \$25.03                        |
| Good Start Protect Powder Formula—12.4 oz. ...                            | \$14.85                        |
| Nutramigen Concentrate Formula—13 oz. ....                                | \$7.51                         |
| Nutramigen RTF Formula—32 oz. ....  | \$9.06                         |
| Nutramigen w/Enflora Powder Formula—<br>12.6 oz. ....                     | \$23.67                        |
| Pediasure RTF Formula—8 oz. ....  | \$2.01                         |
| Pediasure w/Fiber RTF Formula—8 oz. ....                                  | \$2.22                         |
| Pediasure Sidekicks RTF Formula—8 oz. ....                                | \$2.84                         |
| Similac Advance Concentrate Formula—13 oz. ...                            | \$4.77                         |
| Similac Advance RTF Formula—32 oz. ....                                   | \$7.08                         |
| Similac Advance w/Iron Powder Formula—<br>12.4 oz. ....                   | \$14.60                        |
| Similac Expert Care Alimentum RTF<br>Formula—32 oz. ....                  | \$9.33                         |
| Similac Expert Care Alimentum Powder<br>Formula—16 oz. ....               | \$28.51                        |
| Similac Expert Care for Diarrhea RTF<br>Formula—32 oz. ....               | \$7.61                         |
| Similac Expert Care NeoSure RTF Formula—<br>32 oz. ....                   | \$7.81                         |
| Similac Expert Care NeoSure Powder<br>Formula—13.1 oz. ....               | \$16.16                        |
| Store Brand Milk Based Concentrate<br>Formula—13 oz. ....                 | \$3.67                         |
| Store Brand Milk Based RTF Formula—32 oz. ..                              | \$5.37                         |
| Store Brand Milk Based Powder Formula—<br>25.75 oz. ....                  | \$16.19                        |

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2012, through September 30, 2012, the Competitive Prices for WIC authorization for Type 1 Stores in High Cost Counties are as follows:

| <i>Description</i>             | <i>Competitive Prices</i> |
|--------------------------------|---------------------------|
| Beans, Canned—15.5/16 oz. .... | \$1.18                    |

| <i>Description</i>   | <i>Competitive Prices</i> |
|--|---------------------------|
| Beans/Peas—Dry—16 oz. ....                                     | \$1.91                    |
| Canned Fish—Pink Salmon .....                                  | \$2.31                    |
| Canned Fish—Sardines .....                                     | \$1.50                    |
| Canned Fish—Tuna .....   | \$1.12                    |
| Cereal (per oz.) .....   | \$0.31                    |
| Cheese, 16 oz. ....  | \$6.11                    |
| Eggs .....   | \$1.87                    |
| Any Brand Infant Cereal—8 oz. ....                             | \$2.10                    |
| Infant Fruits, 100%—4 oz. ....                                 | \$0.64                    |
| Infant Vegetables, 100%—4 oz. ....                             | \$0.64                    |
| Infant Meats, 100%—2.5 oz. ....                                | \$1.03                    |
| Juice—11.5/12 oz. ....   | \$2.23                    |
| Juice—48 oz. ....  | \$3.12                    |
| Juice—64 oz. ....  | \$3.71                    |
| Kosher Cheese—16 oz. ....                                      | \$8.89                    |
| Kosher Low Fat Milk—1/2 gallon .....                           | \$2.86                    |
| Kosher Whole Milk—1/2 gallon .....                             | \$2.97                    |
| Milk, Low Fat—1/2 gallon .....                                 | \$2.34                    |
| Milk, Whole—1/2 gallon .....                                   | \$2.42                    |
| Peanut Butter—18 oz. ....                                      | \$3.36                    |
| Whole Grain—Bread, 16 oz. ....                                 | \$3.69                    |
| Whole Grain—Brown Rice, 16 oz. ....                            | \$2.08                    |
| Whole Grain—Oats, 16 oz. ....                                  | \$2.44                    |
| Whole Grain—Soft Corn or Whole Wheat<br>Tortillas, 16 oz. .... | \$2.48                    |
| Good Start Gentle Concentrate—Orange<br>Formula—12.1 oz. ....  | \$4.64                    |
| Good Start Gentle Powder Formula—12.7 oz. ....                 | \$14.84                   |
| Good Start Soy Concentrate—Blue Formula—<br>12.1 oz. ....      | \$4.82                    |
| Good Start Soy Powder—Blue Formula—<br>12.9 oz. ....           | \$15.21                   |

**Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties.

*Maximum Allowable Prices*

Effective July 1, 2012, through September 30, 2012, the Maximum Allowable Prices the Department will pay Type 2 Stores in High Cost Counties for WIC allowable foods are as follows:

| <i>Description</i>                   | <i>Maximum Allowable Price</i> |
|--------------------------------------|--------------------------------|
| Beans, Canned—15.5/16 oz. ....       | \$1.36                         |
| Beans/Peas—Dry—16 oz. ....           | \$2.07                         |
| Canned Fish—Pink Salmon .....        | \$2.26                         |
| Canned Fish—Sardines .....           | \$1.62                         |
| Canned Fish—Tuna .....               | \$1.29                         |
| Cereal (per oz.) .....               | \$0.35                         |
| Cheese, 16 oz. ....                  | \$7.33                         |
| Eggs .....                           | \$1.97                         |
| Any Brand Infant Cereal—8 oz. ....   | \$2.25                         |
| Infant Fruits, 100%—4 oz. ....       | \$0.79                         |
| Infant Vegetables, 100%—4 oz. ....   | \$0.79                         |
| Infant Meats, 100%—2.5 oz. ....      | \$1.13                         |
| Juice—11.5/12 oz. ....               | \$2.54                         |
| Juice—48 oz. ....                    | \$3.14                         |
| Juice—64 oz. ....                    | \$4.17                         |
| Kosher Cheese—16 oz. ....            | \$8.99                         |
| Kosher Low Fat Milk—quart .....      | \$1.57                         |
| Kosher Low Fat Milk—1/2 gallon ..... | \$3.12                         |

| <i>Description</i>  | <i>Maximum Allowable Price</i> |
|---|--------------------------------|
| Kosher Whole Milk—quart .....   | \$1.60                         |
| Kosher Whole Milk—1/2 gallon .....  | \$3.18                         |
| Milk, Dry—9.6 oz. ....  | \$4.65                         |
| Milk, Dry—25.6 oz. ....   | \$9.70                         |
| Milk, Evaporated—12 oz. ....  | \$1.54                         |
| Milk, Low Fat—quart .....   | \$1.41                         |
| Milk, Low Fat—1/2 gallon .....  | \$2.53                         |
| Milk, Low Fat Lactose Free—quart .....                                    | \$2.46                         |
| Milk, Low Fat Lactose Free—1/2 gallon .....                               | \$4.24                         |
| Milk, Whole—quart .....   | \$1.40                         |
| Milk, Whole—1/2 gallon .....  | \$2.52                         |
| Milk, Whole Lactose Free—quart .....                                      | \$2.46                         |
| Milk, Whole Lactose Free—1/2 gallon .....                                 | \$4.24                         |
| Peanut Butter—18 oz. ....   | \$3.46                         |
| Soy Beverage—Pacific Natural Foods 32 oz. ....                            | \$3.62                         |
| Soy Beverage—8th Continent 64 oz. ....                                    | \$3.67                         |
| Tofu—16 oz. ....  | \$2.62                         |
| Whole Grain—Bread, 16 oz. ....  | \$3.71                         |
| Whole Grain—Bread, 24 oz. ....  | \$4.05                         |
| Whole Grain—Brown Rice, 16 oz. ....                                       | \$2.16                         |
| Whole Grain—Brown Rice, 24 oz. ....                                       | \$3.50                         |
| Whole Grain—Oats, 16 oz. ....   | \$2.69                         |
| Whole Grain—Oats, 24 oz. ....   | \$5.54                         |
| Whole Grain—Soft Corn or Whole Wheat<br>Tortillas, 16 oz. ....            | \$2.60                         |
| Boost RTF Formula—8 oz. ....  | \$2.16                         |
| EnfaCare RTF Formula—32 oz. ....  | \$7.74                         |
| EnfaCare w/Iron Powder Formula—12.8 oz. ....                              | \$15.34                        |
| EnfaCare w/Iron Powder Formula—15.1 oz. ....                              | \$17.70                        |
| Enfamil Premium Infant Concentrate<br>Formula—13 oz. ....                 | \$5.05                         |
| Enfamil Premium Infant RTF Formula—32 oz. ....                            | \$7.12                         |
| Enfamil Premium Infant Powder Formula—<br>12.5 oz. ....                   | \$14.97                        |
| Good Start Gentle Concentrate—Orange<br>Formula—12.1 oz. ....             | \$4.86                         |
| Good Start Gentle RTF—Orange<br>Formula—4-count, 8.45 oz. (33.8 oz.) .... | \$6.86                         |
| Good Start Gentle Powder Formula—12.7 oz. ....                            | \$15.39                        |
| Good Start Soy Concentrate—Blue Formula—<br>12.1 oz. ....                 | \$4.95                         |
| Good Start Soy RTF—Blue Formula—4-count,<br>8.45 oz. (33.8 oz.) .....     | \$6.96                         |
| Good Start Soy Powder—Blue Formula—<br>12.9 oz. ....                      | \$15.45                        |
| Good Start 2 Soy Powder Formula—24 oz. ....                               | \$22.32                        |
| Good Start 2 Gentle Powder Formula—22 oz. ....                            | \$23.47                        |
| Good Start 2 Protect Powder Formula—22 oz. ....                           | \$25.03                        |
| Good Start Protect Powder Formula—12.4 oz. ....                           | \$15.52                        |
| Nutramigen Concentrate Formula—13 oz. ....                                | \$7.84                         |
| Nutramigen RTF Formula—32 oz. ....  | \$9.06                         |
| Nutramigen w/Enflora Powder Formula—<br>12.6 oz. ....                     | \$23.95                        |
| Pediasure RTF Formula—8 oz. ....  | \$2.29                         |
| Pediasure w/Fiber RTF Formula—8 oz. ....                                  | \$2.22                         |
| Pediasure Sidekicks RTF Formula—8 oz. ....                                | \$2.84                         |
| Similac Advance Concentrate Formula—13 oz. ....                           | \$4.77                         |
| Similac Advance RTF Formula—32 oz. ....                                   | \$7.45                         |
| Similac Advance w/Iron Powder Formula—<br>12.4 oz. ....                   | \$14.99                        |
| Similac Expert Care Alimentum RTF<br>Formula—32 oz. ....                  | \$9.74                         |
| Similac Expert Care Alimentum Powder<br>Formula—16 oz. ....               | \$29.01                        |
| Similac Expert Care for Diarrhea RTF<br>Formula—32 oz. ....               | \$7.61                         |

| <i>Description</i>                                       | <i>Maximum Allowable Price</i> |
|--|--------------------------------|
| Similac Expert Care NeoSure RTF Formula—32 oz. ....      | \$7.93                         |
| Similac Expert Care NeoSure Powder Formula—13.1 oz. .... | \$16.36                        |
| Store Brand Milk Based Concentrate Formula—13 oz. ....   | \$3.67                         |
| Store Brand Milk Based RTF Formula—32 oz. ..             | \$5.37                         |
| Store Brand Milk Based Powder Formula—25.75 oz. ....     | \$17.39                        |

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2012, through September 30, 2012, the Competitive Prices for WIC Authorization for Type 2 Stores in High Cost Counties are as follows:

| <i>Description</i>  | <i>Competitive Prices</i> |
|---|---------------------------|
| Beans, Canned—15.5/16 oz. ....                              | \$1.26                    |
| Beans/Peas—Dry—16 oz. ....                                  | \$1.91                    |
| Canned Fish—Pink Salmon ....                                | \$2.31                    |
| Canned Fish—Sardines ....                                   | \$1.50                    |
| Canned Fish—Tuna ....                                       | \$1.23                    |
| Cereal (per oz.) ....                                       | \$0.33                    |
| Cheese, 16 oz. ....   | \$6.19                    |
| Eggs ....   | \$1.87                    |
| Any Brand Infant Cereal—8 oz. ....                          | \$2.25                    |
| Infant Fruits, 100%—4 oz. ....                              | \$0.78                    |
| Infant Vegetables, 100%—4 oz. ....                          | \$0.78                    |
| Infant Meats, 100%—2.5 oz. ....                             | \$1.11                    |
| Juice—11.5/12 oz. ....                                      | \$2.43                    |
| Juice—48 oz. ....   | \$3.12                    |
| Juice—64 oz. ....   | \$3.87                    |
| Kosher Cheese—16 oz. ....                                   | \$8.89                    |
| Kosher Low Fat Milk—1/2 gallon ....                         | \$2.86                    |
| Kosher Whole Milk—1/2 gallon ....                           | \$2.97                    |
| Milk, Low Fat—1/2 gallon ....                               | \$2.34                    |
| Milk, Whole—1/2 gallon ....                                 | \$2.42                    |
| Peanut Butter—18 oz. ....                                   | \$3.36                    |
| Whole Grain—Bread, 16 oz. ....                              | \$3.69                    |
| Whole Grain—Brown Rice, 16 oz. ....                         | \$2.08                    |
| Whole Grain—Oats, 16 oz. ....                               | \$2.67                    |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. .... | \$2.53                    |
| Good Start Gentle Concentrate—Orange Formula—12.1 oz. ....  | \$4.86                    |
| Good Start Gentle Powder Formula—12.7 oz. ....              | \$15.39                   |
| Good Start Soy Concentrate—Blue Formula—12.1 oz. ....       | \$4.95                    |
| Good Start Soy Powder—Blue Formula—12.9 oz. ....            | \$15.45                   |

**Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties.

*Maximum Allowable Prices*

Effective July 1, 2012, through September 30, 2012, the Maximum Allowable Prices the Department will pay Type 3 Stores in High Cost Counties for WIC allowable foods are as follows:

| <i>Description</i>   | <i>Maximum Allowable Price</i> |
|--|--------------------------------|
| Beans, Canned—15.5/16 oz. ....   | \$1.38                         |
| Beans/Peas—Dry—16 oz. ....   | \$2.07                         |
| Canned Fish—Pink Salmon ....   | \$2.26                         |
| Canned Fish—Sardines ....  | \$1.62                         |
| Canned Fish—Tuna ....  | \$1.33                         |
| Cereal (per oz.) ....  | \$0.36                         |
| Cheese, 16 oz. ....  | \$7.92                         |
| Eggs ....  | \$1.97                         |
| Any Brand Infant Cereal—8 oz. ....                                     | \$2.44                         |
| Infant Fruits, 100%—4 oz. ....   | \$0.81                         |
| Infant Vegetables, 100%—4 oz. ....                                     | \$0.81                         |
| Infant Meats, 100%—2.5 oz. ....  | \$1.14                         |
| Juice—11.5/12 oz. ....   | \$2.54                         |
| Juice—48 oz. ....  | \$3.14                         |
| Juice—64 oz. ....  | \$4.17                         |
| Kosher Cheese—16 oz. ....  | \$9.14                         |
| Kosher Low Fat Milk—quart ....   | \$1.94                         |
| Kosher Low Fat Milk—1/2 gallon ....                                    | \$3.17                         |
| Kosher Whole Milk—quart ....   | \$1.91                         |
| Kosher Whole Milk—1/2 gallon ....                                      | \$3.25                         |
| Milk, Dry—9.6 oz. ....   | \$4.70                         |
| Milk, Dry—25.6 oz. ....  | \$9.70                         |
| Milk, Evaporated—12 oz. ....   | \$1.58                         |
| Milk, Low Fat—quart ....   | \$1.53                         |
| Milk, Low Fat—1/2 gallon ....  | \$2.67                         |
| Milk, Low Fat Lactose Free—quart ....                                  | \$2.46                         |
| Milk, Low Fat Lactose Free—1/2 gallon ....                             | \$4.24                         |
| Milk, Whole—quart ....   | \$1.52                         |
| Milk, Whole—1/2 gallon ....  | \$2.66                         |
| Milk, Whole Lactose Free—quart ....                                    | \$2.46                         |
| Milk, Whole Lactose Free—1/2 gallon ....                               | \$4.24                         |
| Peanut Butter—18 oz. ....  | \$3.46                         |
| Soy Beverage—Pacific Natural Foods 32 oz. ....                         | \$3.62                         |
| Soy Beverage—8th Continent 64 oz. ....                                 | \$3.68                         |
| Tofu—16 oz. ....   | \$2.62                         |
| Whole Grain—Bread, 16 oz. ....   | \$3.71                         |
| Whole Grain—Bread, 24 oz. ....   | \$4.05                         |
| Whole Grain—Brown Rice, 16 oz. ....                                    | \$2.31                         |
| Whole Grain—Brown Rice, 24 oz. ....                                    | \$3.71                         |
| Whole Grain—Oats, 16 oz. ....  | \$2.69                         |
| Whole Grain—Oats, 24 oz. ....  | \$5.54                         |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....            | \$2.60                         |
| Boost RTF Formula—8 oz. ....   | \$2.16                         |
| EnfaCare RTF Formula—32 oz. ....                                       | \$8.78                         |
| EnfaCare w/Iron Powder Formula—12.8 oz. ....                           | \$16.40                        |
| EnfaCare w/Iron Powder Formula—15.1 oz. ....                           | \$17.86                        |
| Enfamil Premium Infant Concentrate Formula—13 oz. ....                 | \$5.84                         |
| Enfamil Premium Infant RTF Formula—32 oz. ....                         | \$8.03                         |
| Enfamil Premium Infant Powder Formula—12.5 oz. ....                    | \$14.97                        |
| Good Start Gentle Concentrate—Orange Formula—12.1 oz. ....             | \$5.45                         |
| Good Start Gentle RTF—Orange Formula—4-count, 8.45 oz. (33.8 oz.) .... | \$7.73                         |
| Good Start Gentle Powder Formula—12.7 oz. ....                         | \$17.18                        |
| Good Start Soy Concentrate—Blue Formula—12.1 oz. ....                  | \$5.25                         |

| <i>Description</i>  | <i>Maximum Allowable Price</i> |
|---|--------------------------------|
| Good Start Soy RTF—Blue Formula—4-count, 8.45 oz. (33.8 oz.). | \$7.10                         |
| Good Start Soy Powder—Blue Formula—12.9 oz.                   | \$16.71                        |
| Good Start 2 Soy Powder Formula—24 oz.                        | \$22.32                        |
| Good Start 2 Gentle Powder Formula—22 oz.                     | \$23.47                        |
| Good Start 2 Protect Powder Formula—22 oz.                    | \$25.03                        |
| Good Start Protect Powder Formula—12.4 oz.                    | \$15.68                        |
| Nutramigen Concentrate Formula—13 oz.                         | \$7.84                         |
| Nutramigen RTF Formula—32 oz.                                 | \$10.13                        |
| Nutramigen w/Enflora Powder Formula—12.6 oz.                  | \$24.13                        |
| Pediasure RTF Formula—8 oz.                                   | \$2.39                         |
| Pediasure w/Fiber RTF Formula—8 oz.                           | \$2.54                         |
| Pediasure Sidekicks RTF Formula—8 oz.                         | \$2.84                         |
| Similac Advance Concentrate Formula—13 oz.                    | \$5.22                         |
| Similac Advance RTF Formula—32 oz.                            | \$9.35                         |
| Similac Advance w/Iron Powder Formula—12.4 oz.                | \$15.68                        |
| Similac Expert Care Alimentum RTF Formula—32 oz.              | \$9.81                         |
| Similac Expert Care Alimentum Powder Formula—16 oz.           | \$29.55                        |
| Similac Expert Care for Diarrhea RTF Formula—32 oz.           | \$9.24                         |
| Similac Expert Care NeoSure RTF Formula—32 oz.                | \$9.49                         |
| Similac Expert Care NeoSure Powder Formula—13.1 oz.           | \$16.36                        |
| Store Brand Milk Based Concentrate Formula—13 oz.             | \$3.78                         |
| Store Brand Milk Based RTF Formula—32 oz.                     | \$5.37                         |
| Store Brand Milk Based Powder Formula—25.75 oz.               | \$17.66                        |

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective July 1, 2012, through September 30, 2012, the Competitive Prices for WIC Authorization for Type 3 Stores in High Cost Counties are as follows:

| <i>Description</i>            | <i>Competitive Prices</i> |
|-------------------------------|---------------------------|
| Beans, Canned—15.5/16 oz.     | \$1.34                    |
| Beans/Peas—Dry—16 oz.         | \$1.91                    |
| Canned Fish—Pink Salmon       | \$2.31                    |
| Canned Fish—Sardines          | \$1.50                    |
| Canned Fish—Tuna              | \$1.23                    |
| Cereal (per oz.)              | \$0.35                    |
| Cheese, 16 oz.                | \$6.19                    |
| Eggs                          | \$1.87                    |
| Any Brand Infant Cereal—8 oz. | \$2.44                    |
| Infant Fruits, 100%—4 oz.     | \$0.79                    |
| Infant Vegetables, 100%—4 oz. | \$0.79                    |
| Infant Meats, 100%—2.5 oz.    | \$1.12                    |
| Juice—11.5/12 oz.             | \$2.49                    |
| Juice—48 oz.                  | \$3.14                    |

| <i>Description</i>                                     | <i>Competitive Prices</i> |
|--|---------------------------|
| Juice—64 oz.   | \$3.87                    |
| Kosher Cheese—16 oz.                                   | \$9.04                    |
| Kosher Low Fat Milk—1/2 gallon                         | \$3.16                    |
| Kosher Whole Milk—1/2 gallon                           | \$3.25                    |
| Milk, Low Fat—1/2 gallon                               | \$2.57                    |
| Milk, Whole—1/2 gallon                                 | \$2.56                    |
| Peanut Butter—18 oz.                                   | \$3.36                    |
| Whole Grain—Bread, 16 oz.                              | \$3.69                    |
| Whole Grain—Brown Rice, 16 oz.                         | \$2.23                    |
| Whole Grain—Oats, 16 oz.                               | \$2.67                    |
| Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. | \$2.54                    |
| Good Start Gentle Concentrate—Orange Formula—12.1 oz.  | \$5.45                    |
| Good Start Gentle Powder Formula—12.7 oz.              | \$17.18                   |
| Good Start Soy Concentrate—Blue Formula—12.1 oz.       | \$5.25                    |
| Good Start Soy Powder—Blue Formula—12.9 oz.            | \$16.71                   |

Persons with a disability who require an alternative format of this listing (for example, large print, audiotape, Braille), should contact Chris Harr, Department of Health, Division of WIC, 2150 Herr Street, 1st Floor, Harrisburg, PA 17105, (717) 783-1289, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-1172. Filed for public inspection June 22, 2012, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Additional Class of Disproportionate Share Payments

The Department of Public Welfare (Department) is announcing its intent to decrease the allotted funding for Fiscal Year (FY) 2011-2012 disproportionate share hospital (DSH) payments to certain qualifying Medical Assistance (MA) enrolled hospitals that advance the Department's goal of enhancing access to multiple types of medical care in economically distressed areas of this Commonwealth. This decrease in funding is required to be consistent with the FY 2011-2012 appropriated amount for inpatient hospital services. There is no change in the qualifying criteria or payment methodology for this additional class of DSH payments.

In making these payments, the Department will ensure that no acute care general hospital will receive any DSH payment that is in excess of its hospital specific DSH upper payment limit and the Commonwealth will not exceed its aggregate annual DSH allotment. Any funds available due to the application of the hospital-specific DSH upper payment limit will be redistributed to other hospitals qualifying under this class of disproportionate share payments on a proportionate basis.

#### *Fiscal Impact*

The FY 2011-2012 fiscal impact, as a result of this anticipated change to the additional class of DSH pay-



ments, is \$14.752 million (\$6.628 million in State general funds and \$8.124 million in Federal funds) pending approval by the Centers for Medicare and Medicaid Services.

*Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-760. (1) General Fund; (2) Implementing Year 2011-12 is \$6,628,000; (3) 1st Succeeding Year 2012-13 is \$0; 2nd Succeeding Year 2013-14 is \$0; 3rd Succeeding Year 2014-15 is \$0; 4th Succeeding Year 2015-16 is \$0; 5th Succeeding Year 2016-17 is \$0; (4) 2008-09 Program—\$426,822,000; 2009-10 Program—\$371,515,000; 2010-11 Program—\$243,809,000; (7) MA—Inpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 12-1173. Filed for public inspection June 22, 2012, 9:00 a.m.]

### Additional Class of Disproportionate Share Payments to Qualifying Teaching Hospitals

The Department of Public Welfare (Department) is providing final notice of the funding allocation for Fiscal Year (FY) 2011-2012 for disproportionate share hospital (DSH) payments to qualifying teaching hospitals that provide psychiatric services to Medical Assistance (MA) recipients. The Department will allocate funding for these payments at the same level that was allocated for FY 2010-2011 payments. There is no change in the current qualifying criteria or methodology for determining eligibility for these payments.

The Department published notice of its intent to allocate funding for these DSH payments to qualifying teaching hospitals at 42 Pa.B. 275 (January 14, 2012). The Department received no public comments during the 30-day comment period and will implement the changes described in its notice of intent.

*Fiscal Impact*

The FY 2011-2012 fiscal impact, as a result of this additional class of DSH payments, is \$0.5 million (\$0.225 million in State general funds and \$0.275 million in Federal funds).

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-766. (1) General Fund; (2) Implementing Year 2011-12 is \$225,000; (3) 1st Succeeding Year 2012-13 is \$229,000; 2nd Succeeding Year 2013-14 is \$229,000; 3rd Succeeding Year 2014-15 is \$229,000; 4th Succeeding Year 2015-16 is \$229,000; 5th Succeeding Year 2016-17 is \$229,000; (4) 2010-11 Program—\$243,809,000; 2009-10 Program—\$371,515,000; 2008-09 Program—\$426,822,000; (7) MA—Inpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 12-1174. Filed for public inspection June 22, 2012, 9:00 a.m.]

### Discontinuance of the Hospital Quality Incentive Pilot Program and the Hospital Quality Care Investment Grant Program

The Department of Public Welfare (Department) is providing final notice of its discontinuance of the Hospital Quality Incentive Pilot Program (Pilot Program) and Hospital Quality Care Investment Grant Program (Grant Program). The Pilot Program was established to provide and reward a hospital's performance on various quality related measures. More specifically, the Department provided for incremental adjustments to the scheduled increases to be applied to inpatient disproportionate share hospital and Direct Medical Education payments based on the hospital's performance on these quality measures. Through an application process, the Grant Program provided an incentive for acute care general hospitals to initiate quality improvement projects by offsetting some of the costs related to the implementation of the project.

The Department published notice of its intent to discontinue the Pilot and Grant Programs at 41 Pa.B. 3286 (June 25, 2011). The Department received no public comments during the 30-day comment period and implemented the changes as described in its notice of intent. The Department received State Plan Amendment approval from the Centers for Medicare and Medicaid Services to discontinue the Pilot and Grant Programs in February of 2012.

*Fiscal Impact*

The Fiscal Year (FY) 2010-2011 fiscal impact, as a result of discontinuing the Pilot Program and the Grant Program, is a savings of \$2.254 million (\$1 million in State general funds and \$1.254 million in Federal funds).

The FY 2011-2012 fiscal impact, as a result of discontinuing the Pilot Program and the Grant Program, is a savings of \$2.226 million (\$1 million in State general funds and \$1.226 million in Federal funds).

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-762. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 12-1175. Filed for public inspection June 22, 2012, 9:00 a.m.]

### Medical Assistance Program Fee Schedule Revisions; 2012 HCPCS Updates; Prior Authorization Requirements

The Department of Public Welfare (Department) announces changes to the Medical Assistance (MA) Program Fee Schedule and prior authorization requirements. These changes are effective for dates of service on and after June 25, 2012.

#### *Fee Schedule Revisions*

The Department is adding and end-dating procedure codes as a result of implementing the 2012 updates made by the Centers for Medicare and Medicaid Services (CMS) to the Healthcare Common Procedure Coding System (HCPCS). The Department is also adding and end-dating other procedure codes. As follows, some of the procedure codes being added to the MA Program Fee Schedule will require prior authorization.

Fees for the new procedure codes will be published in an MA Bulletin that will be issued to all providers.

The following procedure codes are being added to the MA Program Fee Schedule as a result of the 2012 HCPCS updates:

#### *Procedure Codes and Modifiers*

|               |                |                |                |               |
|---------------|----------------|----------------|----------------|---------------|
| 15271         | 15271 (SG)     | 15272          | 15273          | 15273 (SG)    |
| 15274         | 15275          | 15275 (SG)     | 15276          | 15277         |
| 15277 (SG)    | 15278          | 15777          | 20527 (RT)     | 20527 (LT)    |
| 20527 (50)    | 22633          | 22633(80)      | 22634          | 22634 (80)    |
| 26341 (SG)    | 26341 (RT)     | 26341 (LT)     | 26341 (50)     | 29582 (RT)    |
| 29582 (LT)    | 29582 (50)     | 29583 (RT)     | 29583 (LT)     | 29583 (50)    |
| 29584 (RT)    | 29584 (LT)     | 29584 (50)     | 32096 (RT)     | 32096 (LT)    |
| 32096 (50)    | 32096 (80)(RT) | 32096 (80)(LT) | 32096 (80)(50) | 32097 (RT)    |
| 32097 (LT)    | 32097 (50)     | 32097 (80)(RT) | 32097 (80)(LT) | 32097(80)(50) |
| 32098 (RT)    | 32098 (LT)     | 32098 (50)     | 32098 (80)(RT) | 32098(80)(LT) |
| 32098(80)(50) | 32505 (RT)     | 32505 (LT)     | 32505 (50)     | 32505(80)(RT) |
| 32505(80)(LT) | 32505(80)(50)  | 32506 (RT)     | 32506 (LT)     | 32506(80)(RT) |
| 32506(80)(LT) | 32507(RT)      | 32507(LT)      | 32507(80)(RT)  | 32507(80)(LT) |
| 32607 (SG)    | 32607 (RT)     | 32607 (LT)     | 32607 (50)     | 32607(80)(RT) |
| 32607(80)(LT) | 32607(80)(50)  | 32608 (SG)     | 32608(RT)      | 32608 (LT)    |
| 32608 (50)    | 32608 (80)(RT) | 32608(80)(LT)  | 32608(80)(50)  | 32609 (SG)    |
| 32609 (RT)    | 32609 (LT)     | 32609 (50)     | 32609(80)(RT)  | 32609(80)(LT) |
| 32609(80)(50) | 32666 (RT)     | 32666 (LT)     | 32666 (50)     | 32666(80)(RT) |
| 32666(80)(LT) | 32666(80)(50)  | 32667 (RT)     | 32667 (LT)     | 32667(80)(RT) |
| 32667(80)(LT) | 32668 (RT)     | 32668 (LT)     | 32668 (50)     | 32668(80)(RT) |
| 32668(80)(LT) | 32668(80)(50)  | 32669 (RT)     | 32669 (LT)     | 32669 (50)    |
| 32669(80)(RT) | 32669(80)(LT)  | 32669(80)(50)  | 32670(RT)      | 32670(80)(RT) |
| 32671 (RT)    | 32671 (LT)     | 32671(80)(RT)  | 32671(80)(LT)  | 32673         |
| 32673 (80)    | 32674          | 32674 (80)     | 33221          | 33221 (SG)    |
| 33227         | 33227 (SG)     | 33228          | 33228 (SG)     | 33229         |
| 33229 (SG)    | 33230          | 33230 (SG)     | 33231          | 33231 (SG)    |
| 33262         | 33262 (SG)     | 33263          | 33263 (SG)     | 33264         |
| 33264 (SG)    | 36251          | 36252          | 36253          | 36254         |
| 37191         | 37191 (SG)     | 37192          | 37192 (SG)     | 37193         |
| 37193 (SG)    | 37619          | 37619 (80)     | 38232          | 38232 (SG)    |
| 49082         | 49082 (SG)     | 49083          | 49083 (SG)     | 49084         |
| 49084 (SG)    | 62369          | 62370          | 64633(SG)      | 64633(RT)     |
| 64633 (LT)    | 64633 (50)     | 64634          | 64635 (SG)     | 64635 (RT)    |
| 64635 (LT)    | 64635 (50)     | 64636          | 74174          | 74174 (TC)    |
| 74174 (26)    | 78226          | 78226 (TC)     | 78226 (26)     | 78227         |
| 78227 (TC)    | 78227 (26)     | 78579          | 78579 (TC)     | 78579 (26)    |
| 78582         | 78582 (TC)     | 78582 (26)     | 78597          | 78597 (TC)    |
| 78597 (26)    | 78598          | 78598 (TC)     | 78598 (26)     | 86386         |
| 87389         | 94726          | 94726 (TC)     | 94726 (26)     | 94727         |
| 94727 (TC)    | 94727 (26)     | 94728          | 94728 (TC)     | 94728 (26)    |
| 94729         | 94729 (TC)     | 94729 (26)     | 95885          | 95885 (TC)    |
| 95885 (26)    | 95886          | 95886 (TC)     | 95886 (26)     | 95887         |
| 95887 (TC)    | 95887 (26)     | 95938          | 95938 (TC)     | 95938 (26)    |
| 95939         | 95939 (TC)     | 95939 (26)     | 99407          | 99407(FP)     |
| A5056         | A5057          | E2359 (NU)     | E2626(NU)(RT)  | E2626(NU)(LT) |
| E2626(NU)(50) | E2626(RR)(RT)  | E2626(RR)(LT)  | E2626(RR)(50)  | E2627(NU)(RT) |
| E2627(NU)(LT) | E2627(NU)(50)  | E2627(RR)(RT)  | E2627(RR)(LT)  | E2627(RR)(50) |

*Procedure Codes and Modifiers*

|               |               |               |               |               |
|---------------|---------------|---------------|---------------|---------------|
| E2628(NU)(RT) | E2628(NU)(LT) | E2628(NU)(50) | E2628(RR)(RT) | E2628(RR)(LT) |
| E2628(RR)(50) | E2629(NU)(RT) | E2629(NU)(LT) | E2629(NU)(50) | E2629(RR)(RT) |
| E2629(RR)(LT) | E2629(RR)(50) | E2630(NU)(RT) | E2630(NU)(LT) | E2630(NU)(50) |
| E2630(RR)(RT) | E2630(RR)(LT) | E2630(RR)(50) | E2631(NU)(RT) | E2631(NU)(LT) |
| E2631(NU)(50) | E2631(RR)(RT) | E2631(RR)(LT) | E2631(RR)(50) | E2632(NU)(RT) |
| E2632(NU)(LT) | E2632(NU)(50) | E2632(RR)(RT) | E2632(RR)(LT) | E2632(RR)(50) |
| E2633(NU)(RT) | E2633(NU)(LT) | E2633(NU)(50) | E2633(RR)(RT) | E2633(RR)(LT) |
| E2633(RR)(50) | G0437         | G0437(FP)     | L5312(RT)     | L5312(LT)     |
| L5312(50)     |               |               |               |               |

The following procedure codes are being added to the MA Program Fee Schedule as a result of significant program exception requests:

*Procedure Codes and Modifiers*

|                |                |            |            |                |
|----------------|----------------|------------|------------|----------------|
| 49496(SG)      | 49496 (RT)     | 49496 (LT) | 49496 (50) | 49496 (80)(RT) |
| 49496 (80)(LT) | 49496 (80)(50) | 76885      | 76885 (TC) | 76885 (26)     |
| 80154          | 80197          | 80201      | 84484      | 87470          |
| 87471          | 87472          | 87475      | 87476      | 87477          |
| 87480          | 87481          | 87482      | 87485      | 87486          |
| 87487          | 87490          | 87492      | 87495      | 87496          |
| 87497          | A4565          | E0193(RR)  | E0194(RR)  | E2609          |
| E2617          | K0606(NU)      | K0606(RR)  |            |                |

Additionally, the Department is adding the following procedure code and procedure code/modifier combinations back to the MA Program Fee Schedule. This procedure code was end-dated with the 2011 HCPCS update, which added the word “unattended” to the description. The Department’s initial review indicated that unattended EEG monitoring was not an accepted standard of practice. Based upon provider requests and further review by clinical staff, the Department has revised its initial findings and is re-establishing payment for the following:

*Procedure Code and Modifiers*

*Procedure Description*

|            |   |
|------------|---|
| 95953      | Monitoring for localization of cerebral seizure focus by computerized portable 16 or more |
| 95953 (TC) | channel electroencephalographic (EEG), EEG recording and interpretation, each 24 hours,   |
| 95953 (26) | unattended  |

The following procedure codes are being end-dated from the MA Program Fee Schedule either as a result of the 2012 HCPCS updates or because they were previously end-dated by CMS:

*Procedure Codes*

|       |       |       |       |       |       |
|-------|-------|-------|-------|-------|-------|
| 11975 | 11977 | 15170 | 15171 | 15175 | 15176 |
| 15300 | 15301 | 15320 | 15321 | 15330 | 15331 |
| 15335 | 15336 | 15340 | 15341 | 15360 | 15361 |
| 15365 | 15366 | 15400 | 15401 | 15420 | 15421 |
| 15430 | 15431 | 32095 | 32402 | 32500 | 32602 |
| 32603 | 32605 | 32657 | 32660 | 35548 | 35549 |
| 35551 | 35651 | 36488 | 36489 | 36490 | 36491 |
| 36493 | 36530 | 36531 | 36532 | 37620 | 49080 |
| 49081 | 64622 | 64623 | 64626 | 64627 | 69802 |
| 71090 | 73542 | 75722 | 75724 | 75940 | 77079 |
| 77083 | 78220 | 78223 | 78584 | 78585 | 78586 |
| 78587 | 78588 | 78591 | 78593 | 78594 | 78596 |
| 88107 | 88318 | 90470 | 92120 | 92130 | 93720 |
| 93721 | 93722 | 93875 | 94240 | 94260 | 94350 |
| 94360 | 94370 | 94720 | 94725 | E0571 | G0394 |
| G0430 | L1500 | L1510 | L3964 | L3965 | L3966 |
| L3968 | L3969 | L3970 | L3972 | L3974 | L5311 |
| L5989 | L7266 | L7272 | L7274 | L7500 | S0625 |
| S9075 |       |       |       |       |       |

The following local procedure code will be end-dated from the MA Program Fee Schedule. Providers should refer to the current Early and Periodic Screening, Diagnosis and Treatment Program Periodicity Schedule, available as an attachment to MA Bulletin 99-10-06, Revisions to the Early and Periodic Screening, Diagnosis and Treatment Program Periodicity Schedule, for the appropriate procedure code. The MA Bulletin may be viewed online at <http://services.dpw.state.pa.us/olddpw/bulletinsearch.aspx?BulletinId=4561>.

*Procedure Code*

*Procedure Description*

|       |  |
|-------|--|
| W0163 | Comprehensive periodic screening service—Outpatient Clinic |
|-------|--|

The Department is end-dating the following procedure code from the MA Program Fee Schedule because it is a service related to infertility treatment. Section 443.6(f) of the Public Welfare Code (code) (62 P.S. § 443.6(f)), prohibits the Department from paying a provider for any medical services, procedures or drugs related to infertility therapy:

| <i>Procedure Code</i> | <i>Procedure Description</i>                                 |
|-----------------------|--|
| 58673                 | Laparoscopy, surgical; with salpingoscopy (salpingoneostomy) |

The following procedure code is being end-dated because it is non-specific. Providers must use the procedure codes specific to the service being provided:

| <i>Procedure Code</i> | <i>Procedure Description</i>                              |
|-----------------------|---|
| 76380                 | Computed tomography, limited or localized follow-up study |

The following procedure codes, which are being end-dated from the MA Program Fee Schedule as a result of the 2012 HCPCS updates or were previously end-dated by CMS, required prior authorization approval:

*Procedure Codes*

|       |       |       |       |
|-------|-------|-------|-------|
| 77079 | E0571 | L1500 | L1510 |
| L3964 | L3965 | L3966 | L3968 |
| L3969 | L3970 | L3972 | L3974 |
| L5311 | L5989 | L7266 | L7272 |
| L7274 | L7500 |       |       |

No new authorizations will be issued for these procedure codes on and after June 25, 2012. For any of the previous procedure codes that had a prior authorization issued before June 25, 2012, providers should submit claims using the end-dated procedure code as set forth in the authorization issued by the Department. The Department will accept claims with the end-dated procedure codes until June 25, 2013, for those services that were previously prior authorized.

*Prior Authorization Requirements*

The following procedure code being added to the MA Program Fee Schedule is a prosthetic and requires prior authorization under section 443.6(b)(1) of the code as amended by the act of July 7, 2005 (P. L. 177, No. 42) (Act 42):

| <i>Procedure Code</i> | <i>Procedure Description</i>  |
|-----------------------|---|
| L5312                 | Knee articulation (or through knee), molded socket, single axis knee, pylon, Sach foot, endoskeletal system |

The following procedure codes being added to the MA Program Fee Schedule are durable medical equipment (DME) and will require prior authorization, as authorized under section 443.6(b)(2) of the code, as amended by Act 42:

| <i>Procedure Code</i> | <i>Procedure Description</i>   |
|-----------------------|--|
| E2609                 | Custom Fabricated Seat Cushion, any size   |
| E2617                 | Custom fabricated Wheelchair Back Cushion, any size, including any mounting hardware                               |
| E2626 (NU)            | Wheelchair accessory, shoulder elbow, mobile arm support attached to wheelchair, balanced, adjustable              |
| E2627 (NU)            | Wheel chair accessory, shoulder elbow, mobile arm support attached to wheelchair, balanced, adjustable Rancho type |
| E2628 (NU)            | Wheelchair accessory, shoulder elbow, mobile arm support attached to wheelchair, balanced, reclining               |

| <i>Procedure Code</i> | <i>Procedure Description</i>   |
|-----------------------|--|
| E2629 (NU)            | Wheelchair accessory, shoulder elbow, mobile arm support attached to wheelchair, balanced, friction arm support (Friction dampening to proximal and distal joints)     |
| E2630 (NU)            | Wheelchair accessory, shoulder elbow, mobile arm support, monosuspension arm and hand support, overhead elbow forearm hand sling support, yoke type suspension support |
| E2631 (NU)            | Wheelchair accessory, addition to mobile arm support supporting proximal arm   |
| E2632 (NU)            | Wheelchair accessory, addition to mobile arm support, offset or lateral rocker arm with elastic control  |
| E2633 (NU)            | Wheelchair accessory, addition to mobile arm support supinator   |
| K0606 (NU)            | Automatic External Defibrillator, with integrated electrocardiogram analysis   |

Rentals of the following DME, which are being added to the MA Program Fee Schedule, will require prior authorization beginning with the first month's rental as authorized under section 443.6(b)(3) of the code, as amended by Act 42:

| <i>Procedure Code</i> | <i>Procedure Description</i>   |
|-----------------------|--|
| E0193 (RR)            | Powered Air Flotation Bed (Low Air Loss Therapy)                             |
| E0194 (RR)            | Air Fluidized Bed  |
| K0606 (RR)            | Automatic External Defibrillator, with integrated electrocardiogram analysis |

Rentals of the following DME, which are being added to the MA Program Fee Schedule, require prior authorization after 3 months of rental as authorized under section 443.6(b)(3) of the code, as amended by Act 42:

| <i>Procedure Code</i> | <i>Procedure Description</i>   |
|-----------------------|--|
| E2626 (RR)            | Wheelchair accessory, shoulder elbow, mobile arm support attached to wheelchair, balanced adjustable   |
| E2627 (RR)            | Wheelchair accessory, shoulder elbow, mobile arm support attached to wheelchair, balanced, adjustable Rancho type  |
| E2628 (RR)            | Wheelchair accessory, shoulder elbow, mobile arm support attached to wheelchair, balanced, reclining   |
| E2629 (RR)            | Wheelchair accessory, shoulder elbow, mobile are support attached to wheelchair, balanced, friction arm support (Friction dampening to proximal and distal joints)     |
| E2630 (RR)            | Wheelchair accessory, shoulder elbow, mobile arm support, monosuspension arm and hand support, overhead elbow forearm hand sling support, yoke type suspension support |
| E2631 (RR)            | Wheelchair accessory, addition to mobile arm support surrounding proximal arm  |
| E2632 (RR)            | Wheelchair accessory, addition to mobile arm support, offset or lateral rocker arm with elastic balance control  |

| <i>Procedure Code</i> | <i>Procedure Description</i>                                    |
|-----------------------|---|
| E2633 (RR)            | Wheelchair accessory, addition to mobile arm support, supinator |

The following procedure codes being added to the MA Program Fee Schedule are considered advanced radiology services and will require prior authorization as authorized under section 443.6(b)(7) of the code, as amended by Act 42, and as described in MA Bulletin 99-08-08, entitled Prior Authorization of Advanced Radiologic Imaging Services, which may be viewed online at <http://services.dpw.state.pa.us/olddpw/bulletinsearch.aspx?BulletinId=4377>:

| <i>Procedure Code</i> | <i>Procedure Description</i>  |
|-----------------------|---|
| 74174                 | Computed tomographic angiography, abdomen and pelvis, with contrast material(s), including noncontrast images, if performed, and image postprocessing |

#### *Fiscal Impact*

The estimated cost for Fiscal Year (FY) 2012-2013 is \$1.689 million (\$0.799 million in State funds). The annualized cost for FY 2013-2014 is \$1.267 million (\$0.609 million in State funds).

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received will be reviewed and considered for any subsequent revisions to the MA Program Fee Schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-775. (1) General Fund; (2) Implementing Year 2011-12 is \$0; (3) 1st Succeeding Year 2012-13 is \$799,000; 2nd Succeeding Year 2013-14 is \$609,000; 3rd Succeeding Year 2014-15 is \$609,000; 4th Succeeding Year 2015-16 is \$609,000; 5th Succeeding Year 2016-17 is \$609,000; (4) 2010-11 Program—\$467,929,000; 2009-10 Program—\$435,939,000; 2008-09 Program—\$555,085,000; (7) MA—Outpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 12-1176. Filed for public inspection June 22, 2012, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Adjustment of Program Service Revenue Amounts

In accordance with section 6(a)(5) of the Purely Public Charity Act (act) (10 P. S. § 376(a)(5)), the Department of Revenue is required to adjust the annual program service

revenue amount used as a benchmark in section 6(a)(1) and (2) of the act for the purpose of asserting a rebuttable presumption.

The annual program service revenue amounts referred to in section 6(a)(1) and (2) of the act shall be increased by 1% as follows:

- (1) Effective July 1, 1999—Program Service Revenues—\$10,100,000.
- (2) Effective July 1, 2000—Program Service Revenues—\$10,201,000.
- (3) Effective July 1, 2001—Program Service Revenues—\$10,303,010.
- (4) Effective July 1, 2002—Program Service Revenues—\$10,406,040.
- (5) Effective July 1, 2003—Program Service Revenues—\$10,510,100.
- (6) Effective July 1, 2004—Program Service Revenues—\$10,615,201.
- (7) Effective July 1, 2005—Program Service Revenues—\$10,721,353.
- (8) Effective July 1, 2006—Program Service Revenues—\$10,828,567.
- (9) Effective July 1, 2007—Program Service Revenues—\$10,936,853.
- (10) Effective July 1, 2008—Program Service Revenues—\$11,046,222.
- (11) Effective July 1, 2009—Program Service Revenues—\$11,156,684.
- (12) Effective July 1, 2010—Program Service Revenues—\$11,268,251.
- (13) Effective July 1, 2011—Program Service Revenues—\$11,380,934.
- (14) Effective July 1, 2012—Program Service Revenues—\$11,494,743.

DANIEL MEUSER,  
*Secretary*

[Pa.B. Doc. No. 12-1177. Filed for public inspection June 22, 2012, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Tony Cannon; file no. 12-130-119640; Trumbull Insurance Company; Doc. No. P12-06-005; July 25, 2012, 9:30 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-1178. Filed for public inspection June 22, 2012, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the insured's company's termination of the insured's homeowners policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Linda Lee Balliet Roman; file no. 12-188-119362; Lehigh Mutual Insurance Company; Doc. No. P12-05-023; July 17, 2012, 9:30 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-1179. Filed for public inspection June 22, 2012, 9:00 a.m.]

### United Healthcare Insurance Company; Conversion Plans Rate Filing

United Healthcare Insurance Company requests approval to increase the Conversion Product rates. The requested rate increase is 9.9% over previous year's rates. The proposed rate increase would affect approximately 11 subscribers and would produce additional revenue of about \$19,500 annually. The requested effective date of the change is October 1, 2012.

Unless formal administrative action is taken prior to September 6, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [rmathur@pa.gov](mailto:rmathur@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-1180. Filed for public inspection June 22, 2012, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Change in Ownership

**A-2012-2309188 and A-2012-2309271. XO Communications Services, Inc. and Nextlink Wireless, Inc.** Joint application of XO Communications Services, Inc. and Nextlink Wireless, Inc., for approval of a pro forma change in ownership under 52 Pa. Code § 63.325 (relating to Commission approval of a pro forma transaction subject to 60 Pa.C.S. §§ 1102(a)(3) and 1103).

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 July 9, 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](http://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:* Kristin U. Shulman, Executive Director, XO Communications, 810 Jorie Boulevard, Suite 200, Oak Brook, IL 60523

Renardo L. Hicks, Esquire, R.L. Hicks & Associates, 17 North Second Street, 16th Floor, Harrisburg, PA 17101  
ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 12-1181. Filed for public inspection June 22, 2012, 9:00 a.m.]

## Eligible Telecommunications Carriers; Universal Service Program

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 the Federal high-cost universal service program:

Boomerang Wireless, LLC—Doc. No. P-2012-2301013

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 number 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 petition at the Commission web site [www.puc.state.pa.us](http://www.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 David E. Screven, Assistant Counsel, Law Bureau (717) 787-5000.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 12-1182. Filed for public inspection June 22, 2012, 9:00 a.m.]

## Petition for Finding

**P-2012-2309302. PPL Electric Utilities Corporation.** Petition of PPL Electric Utilities Corporation for a finding that a building to shelter control equipment at the Paupack 230-69 kV substation to be constructed in Paupack Township, Wayne County is reasonably necessary for the convenience or welfare of the public.

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 July 9, 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, and at the applicant's business address.

*Applicant:* PPL Electric Utilities Corporation

*Through and By Counsel:* Paul E. Russell, Associate General Counsel, PPL Services Corporation, Two North Ninth Street, Allentown, PA 18101

David B. MacGregor, Esquire, Post & Schell, P.C., Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, PA 19103-2808

John H. Isom, Esquire, Christopher T. Wright, Esquire, Post & Schell, P.C., 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 12-1183. Filed for public inspection June 22, 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 July 9, 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-2012-2293977. Robert D. Zimmerman** (409 East Fourth Street, Lititz, PA 17543) for the right to begin to transport, as a common carrier, by motor vehicle, persons, in limousine service, from points in the County of Lancaster, to points in Pennsylvania and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* John R. Gibbel, Esquire, 10 South Broad Street, Lititz, PA 17543.

**A-2012-2298948. Brian Albert Clark, t/a Crystal Express** (321 Munson Avenue, McKees Rocks, Allegheny County, PA 15136)—for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, from points in Allegheny County including the Pittsburgh International Airport, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority

**A-2012-2299341. Uni-Med, LLC, t/a United Medical Care** (780 Falcon Circle, Suite 122, Warminster, Montgomery County, PA 18974)—for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia, to points in Pennsylvania, and return.

**A-2012-2300361. Luke H. Newswanger** (2019 Old Philadelphia Pike, Lancaster, Lancaster County, PA 17602)—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, from points in Lancaster County, to points in Pennsylvania, and return.

**A-2012-2300370. Kimberly Weller, t/a Weller's Specialties** (16275 Cumberland Highway, Newburg, Franklin County, PA 17240)—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, from points in Franklin County, to points in Pennsylvania, and return.

**Application of the following for approval to begin operating as contract carriers for transportation of persons as described under the application.**

**A-2012-2292676. Precise Transit Services, Inc.** (3404 Knight Road, Suite 14, Bensalem, Philadelphia County, PA 19020)—contract carrier—persons, for Access2Care, LLC, from points in the Counties of Philadelphia, Delaware and Bucks, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1184. Filed for public inspection June 22, 2012, 9:00 a.m.]

**Transfer of Control**

**A-2012-2309270. Fusion Telecommunications International, Inc., NBS Acquisition Corporation and Network Billing Systems, LLC.** Joint application of Fusion Telecommunications International, Inc., NBS Acquisition Corporation and Network Billing Systems, LLC for approval of the transfer of control of Network Billing Systems, LLC.

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 July 9, 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](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Network Billing Systems, LLC

*Through and By Counsel:* Daniel P. Delaney, Esquire, K&L Gates, LLP, 17 North Second Street, 18th Floor, Harrisburg, PA 17101-1507

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1185. Filed for public inspection June 22, 2012, 9:00 a.m.]

**Water Service**

**A-2012-2309437. The York Water Company.** Application of The York Water Company for approval of the right to begin to offer or furnish water service to the public in an additional portion of North Hopewell Township, York 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 July 9, 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](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicants:* The York Water Company

*Through and By Counsel:* Michael W. Hassell, Esquire, Jessica R. Rogers, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1186. Filed for public inspection June 22, 2012, 9:00 a.m.]

**Water Service**

**A-2012-2309388. The York Water Company.** Application of The York Water Company for approval of the right to begin to offer or furnish water service to the public in the Borough of Carroll Valley, Adams 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 July 9, 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](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicants:* The York Water Company

*Through and By Counsel:* Michael W. Hassell, Esquire, Jessica R. Rogers, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1187. Filed for public inspection June 22, 2012, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Motor Carrier Medallion Transfer Application for Service in the City of Philadelphia

Permanent or temporary authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant. The company has applied to transfer the rights held by Vlad & Roman Cab Co. (CPC No. 1000197-01, Medallion P-0130) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**A-12-05-10. Jarnail Taxi, Inc.**, 2301 Church Street, Philadelphia, PA 19124 registered with the Commonwealth on April 16, 2012.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by July 9, 2012. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-1188. Filed for public inspection June 22, 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. 12-042.1, Tioga Marine Terminal Building 179 Structural Repairs, until 2 p.m. on Thursday, July 26, 2012. Information (including mandatory prebid information) concerning this project can be

obtained from the PRPA web site [www.philaport.com](http://www.philaport.com) under Procurement, or call the Engineering Department at (215) 426-2600.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-1189. Filed for public inspection June 22, 2012, 9:00 a.m.]

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 12-051.P, As Needed Rental Equipment, until 2 p.m. on Thursday, July 12, 2012. Information concerning this project can be obtained from the PRPA web site [www.philaport.com](http://www.philaport.com) under Procurement, or call the Engineering Department at (215) 426-2600.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-1190. Filed for public inspection June 22, 2012, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Proposed Low Flow Protection Policy; Extension of Comment Period

At its regular meeting in Binghamton, NY on June 7, 2012, the Susquehanna River Basin Commission (Commission) extended the comment deadline for its proposed Low Flow Protection Policy (Policy) to July 16, 2012. The original comment deadline had been May 16, 2012. On March 15, 2012, the Commission's commissioners approved the release of the proposed Policy for public review and comment. The proposed Policy was developed over the past year—based on scientific advances in ecosystem flow protection—to improve low flow protection standards associated with approved water withdrawals. The Commission will use the final Policy and supporting technical guidance when reviewing withdrawal applications to establish limits and conditions on approvals consistent with the Commission's regulatory standards (18 CFR 806.23 (relating to standards for water withdrawals)).

Comments may be mailed to John Balay, Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391 or electronically submitted through <http://www.srbc.net/pubinfo/businessmeeting.htm>.

For further information contact John W. Balay, Manager, Planning and Operations, (717) 238-0423, Ext. 217, fax (717) 238-2436. Also, the proposed policy and background information on the policy are available at the Commission's web site [www.srbc.net](http://www.srbc.net).

*Authority:* Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: June 7, 2012.

PAUL O. SWARTZ,  
*Executive Director*

[Pa.B. Doc. No. 12-1191. Filed for public inspection June 22, 2012, 9:00 a.m.]





