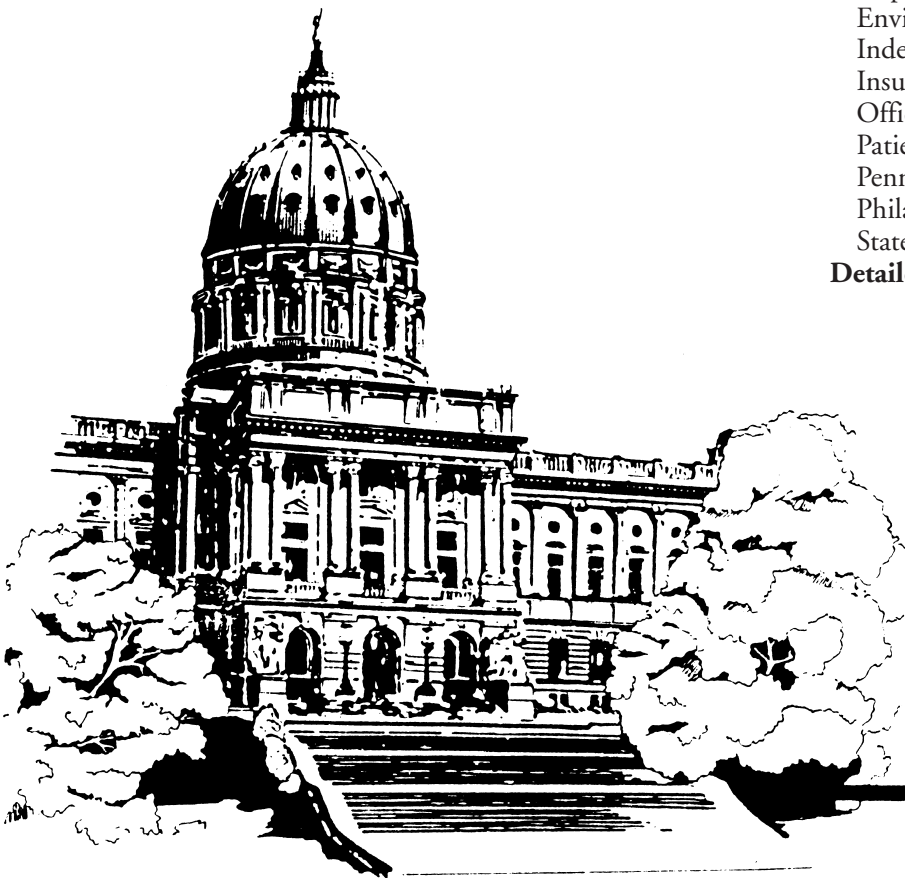


PENNSYLVANIA BULLETIN

Volume 42
Saturday, October 13, 2012 • Harrisburg, PA
Number 41
Pages 6521—6612

Agencies in this issue

The Courts
Department of Banking
Department of Environmental Protection
Department of General Services
Department of Health
Department of Public Welfare
Department of Revenue
Environmental Quality Board
Independent Regulatory Review Commission
Insurance Department
Office of Open Records
Patient Safety Authority
Pennsylvania Public Utility Commission
Philadelphia Parking Authority
State Board of Certified Real Estate Appraisers
Detailed list of contents appears inside.



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

No. 455, October 2012

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE
CHANGE NOTICE/NEW SUBSCRIPTION

If information on mailing label is incorrect, please make changes in space provided below and mail to:

FRY COMMUNICATIONS, INC.
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, PA 17055-3198

CUSTOMER NUMBER (6 digit number above name)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City) (State) (Zip Code)

TYPE OR PRINT LEGIBLY

PENNSYLVANIA



BULLETIN

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

FRY COMMUNICATIONS
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, Pennsylvania 17055-3198
(717) 766-0211 ext. 2340
(800) 334-1429 ext. 2340 (toll free, out-of-State)
(800) 524-3232 ext. 2340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

Fry Communications, Inc.
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, PA 17055-3198

Copyright © 2012 Commonwealth of Pennsylvania

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

CONTENTS

THE COURTS

DISCIPLINARY BOARD OF THE SUPREME COURT	
Notice of disbarment	6534
Notice of suspension	6535
LOCAL COURT RULES	
Schuylkill County	
Amend/adopt civil rules of procedure 1915.1(b); 1915.3(a), (a.1), (a.2); 1915.4(f.1); 1915.4-2(b.1), (1)—(5); S-2092-12	6532
Amend civil rule of procedure 1915.15 form of complaint; S-2093-12	6533
Westmoreland County	
Adoption of rule of judicial administration WJ110; no. 3 of 2012	6534
RULES OF CRIMINAL PROCEDURE	
Proposed revision to the comments to Pa.Rs.Crim.P. 409, 414, 424, 454 and 455	6529

EXECUTIVE AGENCIES

DEPARTMENT OF BANKING	
Notices	
Actions on applications	6547
DEPARTMENT OF ENVIRONMENTAL PROTECTION	
Rules and Regulations	
Notice of Federal amendments to radioactive mate- rial regulations	6543
Notices	
Applications, actions and special notices	6547
Availability of technical guidance	6599
Marsh and Rock Creek Critical Area Resource Plan	6600
DEPARTMENT OF GENERAL SERVICES	
Statements of Policy	
Small business self-certification and small diverse business verification	6544
DEPARTMENT OF HEALTH	
Notices	
Health Policy Board meeting cancellation	6600
Long-term care nursing facilities; request for excep- tion	6600
DEPARTMENT OF PUBLIC WELFARE	
Notices	
Medical Assistance Program fee schedule for Con- solidated and Person/Family Directed Support Waiver-Funded Select Services, Targeted Service Management and Community Mental Retardation Base-Funded Program	6601
Rate-setting methodology for Consolidated and Person/Family Directed Support Waiver- and Base-Funded Services for individuals participat- ing in the Office of Developmental Programs service system	6601

DEPARTMENT OF REVENUE

Notices	
Pennsylvania Millionaire Raffle XV raffle lottery game	6602
ENVIRONMENTAL QUALITY BOARD	
Rules and Regulations	
Noncoal mining fees	6536
INDEPENDENT REGULATORY REVIEW COMMISSION	
Notices	
Notice of comments issued; correction	6603
INSURANCE DEPARTMENT	
Notices	
Donegal Mutual Insurance Company; homeowners; rate and rule revision	6603
Review procedure hearings; cancellation or refusal of insurance (2 documents)	6604
Review procedure hearings under the Unfair Insur- ance Practices Act	6604
OFFICE OF OPEN RECORDS	
Notices	
Hearing in the matter of Matthew Haverstick v. State Ethics Commission; doc. no. AP 2012- 1173	6605
Right-to-Know Law and Sunshine Law annual training	6605
PATIENT SAFETY AUTHORITY	
Notices	
Public meeting	6606
PENNSYLVANIA PUBLIC UTILITY COMMISSION	
Notices	
Eligible telecommunications carriers; Federal uni- versal service low income support	6606
Service of notice of motor carrier applications	6606
Telecommunications (2 documents)	6609
PHILADELPHIA PARKING AUTHORITY	
Notices	
Motor carrier medallion stock transfer application for service in the city of Philadelphia	6610
Motor carrier medallion transfer application for service in the city of Philadelphia (4 documents)	6610, 6611
Out of service notification; doc. no. O-12-09-01	6611
Out of service notification; doc. no. O-12-09-03	6611
Out of service notification; doc. no. O-12-09-04	6612
STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS	
Rules and Regulations	
Deadline to submit an application for certification .	6541

Now Available Online at <http://www.pabulletin.com>

READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

**SUBSCRIPTION INFORMATION: (717) 766-0211
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

Printing Format

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

Fiscal Notes

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

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

Reproduction, Dissemination or Publication of Information

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

§ 3.44. General permission to reproduce content of Code and Bulletin.

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

List of Pa. Code Chapters Affected

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

4 Pa. Code (Administration)

Adopted Rules

1	1631
5	3559, 3561, 5146
6	1633, 3199, 3559, 3561, 3563, 5146
7	5148
7a	3566, 5148

Statements of Policy

1	5506
9	27, 935, 1246, 2039, 2749, 4181, 4476, 4916, 5239, 5371, 5747, 6140, 6293
58	6544
68	5242

7 Pa. Code (Agriculture)

Proposed Rules

46	5218
76	5218
143	1378

22 Pa. Code (Education)

Adopted Rules

4	1859
10	4574

Proposed Rules

4	6365
73	5872

Statements of Policy

731	5752
-----	------

25 Pa. Code (Environmental Protection)

Adopted Rules

77	6536
121	4459
126	4459
128	4462
130	4463
806	2193

Proposed Rules

77	553
86	1228
93	4367
105	553
121	779, 3596, 4363
123	3596
129	779
130	779
139	3596, 4363

Statements of Policy

16	4187
----	------

31 Pa. Code (Insurance)

Proposed Rules

161	5629
163	5628

34 Pa. Code (Labor and Industry)

Adopted Rules

231	2273
-----	------

Proposed Rules

65	2378
225	4468
401	1861
403	1861

40 Pa. Code (Liquor)

Adopted Rules

3	388
11	4465

Proposed Rules

5	6138
15	1504

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

7	5736
16	2955, 5484
17	5484
18	2955
21	5486
27	5182
33	769, 5736
35	1376
36	6541
43b	5493

Proposed Rules

16	1122, 2469, 3597
18	2469, 3597
25	2474, 3607
27	5353
41	5355
43b	5742
47	5744
48	5744
49	5744

52 Pa. Code (Public Utilities)

Adopted Rules

54	5185
57	9
59	9, 5967
62	2159
63	3728
65	9
67	9, 5969
1055	777

Proposed Rules

54	796, 3458
59	3454
62	2034, 3458
69	3458, 3458
72	3458
1005	2746

Statements of Policy

69	1034, 1044
----	------------

55 Pa. Code (Public Welfare)

Adopted Rules

51	3230
----	------

52 2730
 165 1992
 168 2000
 299 2007
 1101 2010
 1121 2015
 1163 2023
 1187 673, 3733
 1189 3733
 3041 2000, 2029
 6211 3261

Statements of Policy

1187 3748
 3270 675
 3280 675
 3290 675

58 Pa. Code (Recreation)

Adopted Rules

61 6289
 65 3445
 69 1502
 71 1859
 131 5213
 135 3581
 139 3581
 141 3588, 3590, 3591, 3592, 3593, 5214
 143 5215
 147 3594, 4305, 5216
 401a 2585, 5857
 423a 5857
 427a 5857
 433a 5857
 435a 5857
 436a 5857
 461a 2585, 4305
 465a 2585
 467a 2585
 513a 5857
 521 2585, 2629
 523 2649
 524 2675, 4305
 525 2585
 526 2629
 527 2629
 528 2675, 4305
 529 2675, 4305
 531 2877
 533 2877
 535 2886
 537 2886
 539 2886
 541 2906
 543 2906
 545 2906
 549 2922, 4320
 551 2686
 553 2686
 555 4320, 4584
 557 4333
 559 4333
 561 2922, 4320
 563 4320, 4584
 565 4333
 567 2877
 569 4333
 571 2686
 573 2686
 577 4697
 579 5865

601a 2629
 603a 2649
 605a 2675, 4305
 609a 2629
 611a 2629
 613a 2675, 4305
 615a 2675, 4305
 617a 2877
 619a 2877
 621a 2886
 623a 2886
 625a 2886
 627a 2906
 629a 2906
 631a 2906
 633a 2922, 4320
 635a 2686
 637a 2686
 639a 4320, 4584
 641a 4333
 643a 4333
 645a 2922, 4320
 647a 4320, 4584
 649a 4333
 651a 2877
 653a 4333
 655a 2686
 657a 2686

Proposed Rules

29 4720
 61 1862
 65 3449
 75 3449
 93 3446
 99 3446
 105 3446
 109 3446
 115 4472
 131 3268, 5236
 133 5238
 135 1238, 5235
 139 1238, 1864
 141 1231, 1232, 1233, 1235, 1236, 3268, 5234
 143 3267
 147 1244, 3270, 5236
 401a 2962
 435a 2962
 437a 2962
 441a 2962

Statements of Policy

436b 5875

61 Pa. Code (Revenue)

Proposed Rules

7 1222
 117 2381
 119 2381
 121 2381
 901 1222

67 Pa. Code (Transportation)

Adopted Rules

43 6290
 231 25
 255 6291

Proposed Rules

17 5627
 84 3746

175 4704
 441 5497
 443 4702

Statements of Policy

190 2481

101 Pa. Code (General Assembly)

Statements of Policy

31 29

201 Pa. Code (Rules of Judicial Administration)

Adopted Rules

2 4907
 5 4907

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

29 5854, 5855
 81 1637, 2186, 3127, 3431
 82 1638
 83 1637, 1639, 2186, 3127, 3431
 85 5156
 87 5156
 89 5156
 91 5156
 93 5156
 303 6072

Proposed Rules

213 658
 303 1798, 4846

210 Pa. Code (Appellate Procedure)

Adopted Rules

1 2269
 3 374, 4693
 9 2269
 11 2269
 15 2269
 37 3569
 67 1642, 4450
 69 4450

Proposed Rules

1 1640
 3 1360
 15 1360
 19 1986
 21 1640
 37 659

225 Pa. Code (Rules of Evidence)

Adopted Rules

Article VI 1858

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules

200 377, 1363
 1700 2954
 1910 379, 545, 930
 3000 4907
 4000 3574
 Part II 4908

Proposed Rules

200 377
 1000 6244
 1900 3722, 6245
 1910 1642, 3722, 3724, 3726
 1915 1660, 6246
 1930 6247
 2220 6244
 3000 6130
 Part II 5730

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules

1 1364, 4140, 5333
 2 6247
 3 6247
 4 6247
 5 2465, 4140, 5333, 6247
 6 545, 4140, 6247
 9 4140, 5347, 6247
 10 4140, 5333

Proposed Rules

1 380, 5164
 4 6529
 5 1369, 4568, 5732, 6252, 6254
 6 380, 1369, 4568, 5732
 8 4568, 6254

237 Pa. Code (Juvenile Rules)

Adopted Rules

1 547, 3203, 5734
 2 4908, 4909, 5350
 3 3203, 4909, 5350
 4 664, 4909, 5350
 5 1214, 4909
 6 1214
 8 4909

Proposed Rules

1 5470, 5480, 5734
 11 5470, 5480, 5734
 18 5470, 5734

246 Pa. Code (Minor Court Civil Rules)

Adopted Rules

1000 4913

Proposed Rules

200 1116
 300 1116

249 Pa. Code (Philadelphia Rules)

Unclassified ... 1217, 1372, 2186, 2188, 2467, 3130, 4160,
 5965, 6262

252 Pa. Code (Allegheny County Rules)

Unclassified 930, 2727, 3436, 3437, 3438, 3439, 3440

255 Pa. Code (Local Court Rules)

Unclassified 8, 203, 550, 551,
 669, 670, 671, 762, 766, 768, 934, 1033, 1121, 1219, 1375,
 1500, 1661, 1662, 1989, 1990, 1991, 2189, 2270, 2271,
 2371, 2372, 2374, 2728, 3134, 3136, 3206, 3228, 3440,
 3443, 3576, 3579, 4162, 4164, 4177, 4457, 4570, 4913,
 4914, 5167, 5179, 5180, 5482, 5622, 5625, 5626, 5855,
 6131, 6132, 6135, 6262, 6282, 6286, 6532, 6533, 6534

THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 4]

Proposed Revision to the Comments to Pa.Rs.Crim.P. 409, 414, 424, 454 and 455

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania revise the Comments to Rules 409, 414, 424, 454, and 455 to clarify that a magisterial district justice may conduct the trial of a defendant who is under the age of 18 and is charged with a violation of 75 Pa.C.S. § 1543(b) (driving under a DUI-related suspended license) but the sentence may not include incarceration. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed Comment revisions to the rules precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal in writing to the Committee through counsel,

Jeffrey M. Wasileski, Counsel
 Supreme Court of Pennsylvania
 Criminal Procedural Rules Committee
 601 Commonwealth Avenue, Suite 6200
 Harrisburg, PA 17106-2635
 fax: (717) 231-9521
 e-mail: criminalrules@pacourts.us

no later than Friday, November 23, 2012.

By the Criminal Procedural Rules Committee

PHILIP D. LAUER,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 4. PROCEDURES IN SUMMARY CASES

PART B(1). Procedures When Citation Is Issued to Defendant

Rule 409. Guilty Pleas.

* * * * *

Comment

* * * * *

[When the defendant is under 18 years of age at the time of the offense and appears as provided in paragraph (C), if a mandatory sentence of imprisonment is prescribed by statute, the issuing authority must forward the case to the court of common pleas for disposition. See the Juvenile Act, 42

Pa.C.S. §§ 6302 and 6303. For procedure upon default in payment of fine or costs, see Rule 456.]

When the defendant was under 18 years of age at the time of the offense and is charged with a summary offense that would otherwise carry a mandatory sentence of imprisonment as prescribed by statute, the issuing authority shall conduct the trial but the defendant shall not be sentenced to a term of imprisonment. See 42 Pa.C.S. §§ 6302 and 6303 and 75 Pa.C.S. § 6303(b).

For procedure upon default in payment of the fine or costs, see Rule 456.

For appeal procedures in summary cases, see Rules 460, 461, and 462.

For procedures regarding arrest warrants, see Rules 430 and 431.

With regard to the defendant's right to counsel and waiver of counsel, see Rules 121 and 122.

Official Note: Previous Rule 59 adopted September 18, 1973, effective January 1, 1974; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rule [430] 75. Present Rule 59 adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986. The January 1, 1986 effective dates are all extended to July 1, 1986; amended May 28, 1987, effective July 1, 1987; amended January 31, 1991, effective July 1, 1991; renumbered Rule 409 and amended March 1, 2000, effective April 1, 2001; Comment revised August 7, 2003, effective July 1, 2004; amended January 26, 2007, effective February 1, 2008; **Comment revised** , 2012, effective , 2012.

Committee Explanatory Reports:

* * * * *

Report explaining the proposed Comment revision concerning mandatory incarceration offenses and juveniles published for comment at 42 Pa.B. 6531 (October 13, 2012).

PART B(2). Procedures When Citation Filed

Rule 414. Guilty Pleas.

* * * * *

Comment

* * * * *

[When the defendant is under 18 years of age at the time of the offense and appears as provided in paragraph (C), if a mandatory sentence of imprisonment is prescribed by the statute, the issuing authority must forward the case to the court of common pleas for disposition. See the Juvenile Act, 42 Pa.C.S. §§ 6302 and 6303.]

When the defendant was under 18 years of age at the time of the offense and is charged with a summary offense that would otherwise carry a mandatory sentence of imprisonment as prescribed by statute, the issuing authority shall conduct the trial but the defendant shall not be sentenced to a term of imprisonment. See 42 Pa.C.S. §§ 6302 and 6303 and 75 Pa.C.S. § 6303(b).

For procedure upon default in payment of the fine or costs, see Rule 456.

For appeal procedures in summary cases, see Rules 460, 461, and 462.

For arrest warrant procedures, see Rules 430 and 431.

With regard to the defendant's right to counsel and waiver of counsel, see Rules [122 and 121] 121 and 122.

Official Note: Previous rule, originally numbered Rule 136, adopted January 31, 1970, effective May 1, 1970; renumbered Rule 64 September 18, 1973, effective January 1, 1974; rescinded July 12, 1985, effective January 1, 1986, and replaced by present Rule [455] 84. Present Rule 64 adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986. The January 1, 1986 effective dates all are extended to July 1, 1986; amended May 28, 1987, effective July 1, 1987; amended January 31, 1991, effective July 1, 1991; renumbered Rule 414 and amended March 1, 2000, effective April 1, 2001; Comment revised August 7, 2003, effective July 1, 2004; amended January 26, 2007, effective February 1, 2008; **Comment revised** , 2012, **effective** , 2012.

Committee Explanatory Reports:

* * * * *

Report explaining the proposed Comment revision concerning mandatory incarceration offenses and juveniles published for comment at 42 Pa.B. 6531 (October 13, 2012).

PART C. Procedures in Summary Cases When Complaint Filed

Rule 424. Guilty Pleas.

* * * * *

Comment

* * * * *

[When the defendant is under 18 years of age at the time of the offense and appears as provided in paragraph (C), if a mandatory sentence of imprisonment is prescribed by statute, the issuing authority must forward the case to the court of common pleas for disposition. See the Juvenile Act, 42 Pa.C.S. §§ 6302 and 6303.]

When the defendant was under 18 years of age at the time of the offense and is charged with a summary offense that would otherwise carry a mandatory sentence of imprisonment as prescribed by statute, the issuing authority shall conduct the trial but the defendant shall not be sentenced to a term of imprisonment. See 42 Pa.C.S. §§ 6302 and 6303 and 75 Pa.C.S. § 6303(b).

For the procedure upon default in payment of the fine or costs, see Rule 456.

For appeal procedures in summary cases, see Rules 460, 461, and 462.

For procedures regarding arrest warrants, see Rules 430 and 431.

With regard to the defendant's right to counsel and waiver of counsel, see Rules [122 and 121] 121 and 122.

Official Note: Previous rule, originally numbered Rule 140, adopted January 31, 1970, effective May 1, 1970; renumbered Rule 69 September 18, 1973, effective January 1, 1974; Comment revised January 28, 1983, effective

July 1, 1983; rescinded July 12, 1985, effective January 1, 1986, and not replaced in these rules. Present Rule 69 adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986. The January 1, 1986 effective dates are all extended to July 1, 1986; amended May 28, 1987, effective July 1, 1987; amended January 31, 1991, effective July 1, 1991; renumbered Rule 424 and amended March 1, 2000, effective April 1, 2001; Comment revised August 7, 2003, effective July 1, 2004; amended January 26, 2007, effective February 1, 2008; **Comment revised** , 2012, **effective** , 2012.

Committee Explanatory Reports:

* * * * *

Report explaining the proposed Comment revision concerning mandatory incarceration offenses and juveniles published for comment at 42 Pa.B. 6531 (October 13, 2012).

PART E. General Procedures in Summary Cases

Rule 454. Trial in Summary Cases.

* * * * *

Comment

* * * * *

[When the defendant was under 18 years of age at the time of the offense, if a mandatory sentence of imprisonment is prescribed by statute, the issuing authority may not conduct the trial, but must forward the case to the court of common pleas for disposition. See the Juvenile Act, 42 Pa.C.S. §§ 6302 and 6303.]

When the defendant was under 18 years of age at the time of the offense and is charged with a summary offense that would otherwise carry a mandatory sentence of imprisonment as prescribed by statute, the issuing authority shall conduct the trial but the defendant shall not be sentenced to a term of imprisonment. See 42 Pa.C.S. §§ 6302 and 6303 and 75 Pa.C.S. § 6303(b).

Under paragraph (F)(2)(a), the issuing authority should explain to the defendant that if an appeal is filed, any sentence, including imprisonment, fines, or restitution, will be stayed.

* * * * *

Official Note: Rule 83 adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986; January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; Comment revised April 18, 1997, effective July 1, 1997; amended October 1, 1997, effective October 1, 1998; Comment revised February 13, 1998, effective July 1, 1998; renumbered Rule 454 and Comment revised March 1, 2000, effective April 1, 2001; amended February 28, 2003, effective July 1, 2003; Comment revised August 7, 2003, effective July 1, 2004; amended March 26, 2004, effective July 1, 2004; amended January 26, 2007, effective February 1, 2008; **Comment revised** , 2012, **effective** , 2012.

Committee Explanatory Reports:

* * * * *

Report explaining the proposed Comment revision concerning mandatory incarceration offenses and juveniles published for comment at 42 Pa.B. 6531 (October 13, 2012).

Rule 455. Trial in Defendant’s Absence.

* * * * *

Comment

In those cases in which the issuing authority determines that there is a likelihood that the sentence will be imprisonment or that there is other good cause not to conduct the trial in the defendant’s absence, the issuing authority may issue a warrant for the arrest of the defendant in order to have the defendant brought before the issuing authority for the summary trial. *See* Rule 430(B). The trial would then be conducted with the defendant present as provided in these rules. *See* Rule 454.

[When the defendant was under 18 years of age at the time of the offense, if a mandatory sentence of imprisonment is prescribed by statute, the issuing authority may not conduct the trial, but must forward the case to the court of common pleas for disposition. *See* the Juvenile Act, 42 Pa.C.S. §§ 6302 and 6303.]

When the defendant was under 18 years of age at the time of the offense and is charged with a summary offense that would otherwise carry a mandatory sentence of imprisonment as prescribed by statute, the issuing authority shall conduct the trial but the defendant shall not be sentenced to a term of imprisonment. *See* 42 Pa.C.S. §§ 6302 and 6303 and 75 Pa.C.S. § 6303(b).

* * * * *

Official Note: Rule 84 adopted July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; amended February 1, 1989, effective July 1, 1989; amended April 18, 1997, effective July 1, 1997; amended October 1, 1997, effective October 1, 1998; renumbered Rule 455 and Comment revised March 1, 2000, effective April 1, 2001; Comment revised August 7, 2003, effective July 1, 2004; Comment revised April 1, 2005, effective October 1, 2005; amended August 15, 2005 effective February 1, 2006; **Comment revised** , **2012, effective** , **2012.**

Committee Explanatory Reports:

* * * * *

Report explaining the proposed Comment revision concerning mandatory incarceration offenses and juveniles published for comment at 42 Pa.B. 6531 (October 13, 2012).

REPORT

Proposed Revisions to the Comments to Pa.Rs.Crim.P. 409, 414, 424, 454, and 455

Juveniles and Mandatory Incarceration In Summary Cases

The Committee has recently examined a possible conflict between the Rule 454 Comment and provisions within the Juvenile Act regarding the handling of summary offenses for which there is a mandatory sentence of incarceration when the defendant is a juvenile.

The particular Comment language in question states:

When the defendant was under 18 years of age at the time of the offense, if a mandatory sentence of imprisonment is prescribed by statute, the issuing authority may not conduct the trial, but must forward the case to the court of common pleas for disposition. *See* the Juvenile Act, 42 Pa.C.S. §§ 6302 and 6303.

This language was added as part of a package developed by the Committee that was adopted by the Court in 2004. The Comment language above addressed the provision in the Juvenile Act, 42 Pa.C.S. § 6303(b) that states:

(b) *Minor judiciary.*—No child shall be detained, committed or sentenced to imprisonment by a magisterial district judge or a judge of the minor judiciary unless the child is charged with an act set forth in paragraph (2)(i), (ii), (iii) or (v) of the definition of “delinquent act” in section 6302 (relating to definitions).

42 Pa.C.S. § 6302 excludes summary offenses from the definition of “delinquent act.”

The language was added to the Rule 454 Comment to provide guidance to magisterial district judges (MDJs) on how to dispose of summary cases involving juveniles facing possible mandatory incarceration.¹ The Committee believed that sending these cases to the common pleas court created the least confusion while ensuring no juvenile would be sentenced to imprisonment by a member of the minor judiciary.

Shortly after these changes were adopted, the Legislature passed amendments to 75 Pa.C.S. § 6303 (Rights and Liabilities of Minors), so that it now reads:

(a) Except as provided in subsection (b), any person over the age of 16 years charged with the violation of any provisions of this title constituting a summary offense shall have all the rights of an adult and may be prosecuted under the provisions of this title in the same manner as an adult.

(b) No person shall be sentenced to a term of imprisonment for a violation of any provisions of this title constituting a summary offense committed while the person was under the age of 18 years.

It has come to the attention of the Committee that the practice in some counties in cases in which the defendant is a juvenile charged with violations of 75 Pa.C.S. § 1543(b) is for magisterial district judges (MDJs) to hold the summary trial with the sentence for § 1543(b) offenses being limited to fines only, and no sentence to incarceration being imposed.

The problem was brought to light because the recently redesigned Magisterial District Court System, relying on the language in the Rule 454 Comment, will not permit an MDJ to schedule the summary trial. However, when the MDJs have tried to transfer these cases to the common pleas juvenile court, the juvenile court has rejected these cases because, as noted above, the Juvenile Act excludes summary offenses from the definition of “delinquent acts” and summary cases are not within the jurisdiction of the juvenile court.

The Committee concluded that these cases should be heard before the MDJs. Since the mandatory sentence required by Section 1543(b) now cannot be imposed on a

¹ The only summary offense for which there was then, and is now, a sentence of mandatory incarceration is driving under a DUI-related suspended license as provided in 75 Pa.C.S. § 1543(b).

juvenile, there is no need for the case to be referred to the court of common pleas and it can be treated in the same manner as other summary charges against juveniles.

The Committee is proposing the revision to the Rule 454 Comment that would specifically state that the magisterial district judge shall try the summary offense but that no incarceration could be awarded to a defendant under the age of 18. Although this question arose concerning Rule 454, identical language is contained in Rule 409, 414, 424, and 455. Similar changes are proposed to be made to the Comments to each of those rules.

[Pa.B. Doc. No. 12-1987. Filed for public inspection October 12, 2012, 9:00 a.m.]

Title 255—LOCAL COURT RULES

SCHUYLKILL COUNTY

Amend/Adopt Civil Rules of Procedure 1915.1(b); 1915.3(a), (a.1), (a.2); 1915.4(f.1); 1915.4-2(b.1), (1)—(5); S-2092-12

Order of Court

And Now, this 27th day of September at 2:00 p.m., Schuylkill County Civil Rules of Procedure previously stated are amended/adopted for use in the Court of Common Pleas of Schuylkill County, Pennsylvania, Twenty-First Judicial District, Commonwealth of Pennsylvania, effective thirty days after publication in the *Pennsylvania Bulletin*.

The Prothonotary of Schuylkill County is Ordered and Directed to do the following:

- 1) File one (1) certified copy of this Order and Rule with the Administrative Office of Pennsylvania Courts.
- 2) Forward two (2) certified copies of this Order and Rule and a computer diskette containing the text of the local rules to the Legislative Reference Bureau.
- 3) Forward one (1) certified copy of this Order and Rule with the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania.
- 4) Forward one (1) copy to the Law Library of Schuylkill County for publication in the *Schuylkill Legal Record*.
- 5) Copies shall be kept continuously available for public inspection in the Office of the Schuylkill County Prothonotary and the Schuylkill County Law Library.

It is further *Ordered* that said rule as it existed prior to the amendment is hereby repealed and annulled on the effective date of said rule as amended, but no right acquired thereunder shall be disturbed.

By the Court

WILLIAM E. BALDWIN,
President Judge

CUSTODY PROCEDURE

Rule 1915.1(b). Definitions.

These rules shall govern all actions for custody, partial custody and visitation, including original actions, petitions for relocation, petitions to modify decrees, registration of foreign decrees and petitions for contempt. The

rules shall be interpreted as supplementing the Rules of Civil Procedure governing custody actions Pa.R.C.P. 1915.1 et seq.

Rule 1915.3. Commencement of Action. Complaint. Order.

(a) Other than pleadings related to relocation, the moving party shall file in the office of the Prothonotary an original and one (1) copy of all pleadings involving custody issues, including complaints, petitions for modifications, special relief or contempt and preliminary objections. The filing shall be accompanied by the payment of the designated filing and administrative fees. The Prothonotary shall immediately transmit the original and copy to the Civil Court Administrator for assignment and scheduling. The Court Administrator will return the original to the Prothonotary and give the copy to the Conciliation Office, which will send to the moving party a copy of the scheduling order and a conciliation questionnaire. The moving party shall be responsible for service of a copy of the pleading, scheduling order and conciliation questionnaire upon all other parties pursuant to Pa.R.C.P. 402.

(a.1) *Relocation*—A party filing a counter-affidavit regarding relocation shall file in the office of the Prothonotary an original and one (1) copy of the counter-affidavit, accompanied by the payment of the designated filing and administrative fees. Upon receipt of service of the counter-affidavit, the relocating party shall expeditiously file in the office of the Prothonotary an original and one (1) copy of the notice of the proposed relocation that was served on the non-relocating party, accompanied by payment of the designated filing and administrative fees, which shall include a custody conciliation conference fee. The relocating party shall attach to this filing a copy of any existing order(s) of Court affecting the custody of the subject child(ren). The Prothonotary shall, immediately after filing, transmit the original and copy of each filing to the Civil Court Administrator for scheduling. The Court Administrator will hold the counter-affidavit of the non-relocating party until the relocating party files the notice of the proposed relocation and pays the required fees, after which the Court Administrator will return the originals to the Prothonotary and give the copies to the Conciliation Office, which shall schedule a conciliation conference within fourteen (14) days and send to all parties a copy of the scheduling order and a conciliation questionnaire.

(a.2) If there is no existing order of Court awarding any of the parties primary custody of the subject child(ren), a party seeking primary custody of the child(ren) shall file a complaint for custody before the case will be assigned for disposition.

Rule 1915.4. Prompt Disposition of Custody Cases.

(f.1) *Relocation*—If at the conclusion of the conciliation conference, a custody relocation case remains contested, the Custody Conciliation Officer shall determine if a party is seeking a change in primary custody, partial custody, or visitation. Where primary custody is in dispute, the case shall be transferred to the Civil Court Administrator for assignment to a Judge to be expeditiously heard. Where partial custody or visitation is in dispute, the case shall be transferred to a hearing officer.

Rule 1915.4-2. Office Conference. Hearing. Record. Exceptions. Order.

(b.1) *Relocation*

(1) In cases of relocation where primary custody is not in dispute, the hearing officer shall schedule a hearing within fourteen days after the case is assigned for hearing.

(2) Within seven days of the conclusion of the hearing, the hearing officer shall file with the court and serve upon all parties a report in conformance with P.R.C.P. No. 1915.4-2(b)(3).

(3) Exceptions to the hearing officer's report, with an accompanying brief, shall be filed by any party excepting to the hearing officer's report within fourteen days after the report is mailed. A party who opposes exceptions filed by another party shall file an opposing brief within ten days after service of the exceptions.

(4) When exceptions are filed to the hearing officer's report, the Custody Office shall immediately notify the stenographer, who shall complete and file the transcript of the proceedings before the hearing officer within twenty days. Unless granted leave by the court to proceed in forma pauperis, the party filing exceptions shall pay the cost of transcription. If exceptions are filed by more than one party, the transcription costs shall be shared by the excepting parties on a pro rata basis. The transcription costs shall be paid within twenty days of the date of filing exceptions. If the costs are not timely paid, the stenographer shall so notify the court after which the exceptions of the non-paying party may be dismissed.

(5) Exceptions to the hearing officer's report shall be decided on the parties' briefs unless oral argument is requested by praecipe of one of the parties.

[Pa.B. Doc. No. 12-1988. Filed for public inspection October 12, 2012, 9:00 a.m.]

SCHUYLKILL COUNTY
Amend Civil Rule of Procedure 1915.15 Form of Complaint; S-2093-12

Order of Court

And Now, this 27th day of September at 2:00 p.m., Schuylkill County Civil Rule of Procedure No. 1915.15, Form of Complaint, is amended for use in the Court of Common Pleas of Schuylkill County, Pennsylvania, Twenty-First Judicial District, Commonwealth of Pennsylvania, effective thirty days after publication in the *Pennsylvania Bulletin*.

The Prothonotary of Schuylkill County is Ordered and Directed to do the following:

- 1) File one (1) certified copy of this Order and Rule with the Administrative Office of Pennsylvania Courts.
- 2) Forward two (2) certified copies of this Order and Rule and a computer diskette containing the text of the local rules to the Legislative Reference Bureau.
- 3) Forward one (1) certified copy of this Order and Rule with the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania.
- 4) Forward one (1) copy to the Law Library of Schuylkill County for publication in the *Schuylkill Legal Record*.
- 5) Copies shall be kept continuously available for public inspection in the Office of the Schuylkill County Prothonotary and the Schuylkill County Law Library.

It is further *Ordered* that said rule as it existed prior to the amendment is hereby repealed and annulled on the effective date of said rule as amended, but no right acquired thereunder shall be disturbed.

By the Court

WILLIAM E. BALDWIN,
President Judge

**THE COURT OF COMMON PLEAS OF
SCHUYLKILL COUNTY
TWENTY-FIRST JUDICIAL DISTRICT OF
PENNSYLVANIA**

	:	
Plaintiff	:	No: S-
	:	
vs.	:	Custody
	:	
	:	
Defendant	:	

ORDER OF COURT

AND NOW, this ____ day of _____, 20__ , at ____ o'clock __.m.; you are hereby ORDERED to appear as follows:

You have been sued in Court to obtain Custody or Partial Custody of the child(ren) named in the Complaint.

I. PARENT EDUCATION PROGRAM

1. ALL PARTIES NAMED ABOVE SHALL ATTEND AND COMPLETE THE "KIDS FIRST" PROGRAM. THE PROGRAM IS REQUIRED FOR ALL PARTIES PARTICIPATING IN A CUSTODY ACTION. PARTICIPATION IS REQUIRED WHETHER OR NOT AN AGREEMENT IS SUBMITTED.

2. EACH OF YOU SHALL CONTACT "KIDS FIRST" WITHIN TEN (10) DAYS OF RECEIVING THIS ORDER TO REGISTER AND ATTEND THE NEXT AVAILABLE PROGRAM. IF YOU FAIL TO COMPLY WITH THE PROVISIONS OF THIS ORDER, CONTEMPT CHARGES AGAINST YOU SHALL BE FILED WITH THE COURT.

TO SCHEDULE AND REGISTER FOR THE "KIDS FIRST" PROGRAM CONTACT ANTHONY LIBASSI BY ONE OF THE FOLLOWING:

- (a) internet: WWW.LIBASSIMEDIATION.COM
- (b) telephone: 570-558-1002
888-215-7445 (toll free)
- (c) mail: ANTHONY LIBASSI
200 Adams Avenue, First Floor
Scranton, PA 18503

YOU ARE EACH REQUIRED TO PAY A FEE OF FORTY DOLLARS (\$40.00) DIRECTLY TO THE "KIDS FIRST" PROGRAM AT THE TIME OF REGISTRATION.

3. LOCATION OF 'KIDS FIRST' PROGRAMS:

SCHUYLKILL COUNTY COURTHOUSE
401 N. 2ND STREET
POTTSVILLE, PA 17901

FAILURE TO COMPLY WITH THE TERMS OF THIS ORDER MAY RESULT IN FINES, IMPRISONMENT OR OTHER SANCTIONS.

II. CUSTODY CONCILIATION CONFERENCE

You are ORDERED to appear in person at the Custody Conciliation Office, of the Schuylkill County Courthouse on _____, for a Custody Conciliation Conference.

You are further ORDERED to bring with you the fully completed conciliation questionnaire provided by the Court.

If you fail to appear as provided by the Order, an Order of Custody or Partial Custody may be entered against you or the Court may issue a Warrant for your arrest.

III. GENERAL PROVISIONS

YOU SHOULD TAKE THIS PAPER (and the attached papers) TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Pennsylvania Bar Association Lawyer Referral Service
100 South Street, P. O. Box 186, Harrisburg, PA 17108
1-800-692-7375

Counsel and pro se litigants without counsel are Ordered to immediately consult their schedules for conflicts and to promptly request a continuance where necessary because of a prior attachment or emergency situation. All requests for a continuance of a Custody Conciliation Conference must be made on the APPLICATION FOR CONTINUANCE form available from the offices of the Court Administrator, Custody Conciliator or Prothonotary in the Schuylkill County Courthouse. The application must be filed in the Prothonotary Office. A continuance will be granted only upon good cause shown.

The moving party shall immediately serve on all interested parties a copy of the original pleading, this order, "Kids First" registration and information, and a custody conciliation questionnaire; and shall further file an affidavit verifying service.

Americans With Disabilities Act of 1990: The court of Common Pleas of Schuylkill County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the court. You must attend the scheduled conference or hearing.

IV. INMATE PROVISIONS

YOU ARE A NAMED PARTY IN AN ACTION SEEKING CUSTODIAL RIGHTS REGARDING YOUR CHILD(REN). THE SCHUYLKILL COUNTY CUSTODY CONCILIATION OFFICE WILL AFFORD YOU THE OPPORTUNITY TO HAVE INPUT VIA TELEPHONE AT THE CONFERENCE WITH THE CUSTODY CONCILIATOR. YOU ARE RESPONSIBLE FOR ARRANGING THE TELEPHONE CONFERENCE THROUGH THE APPROPRIATE PRISON PERSONNEL ONCE YOU ARE NOTIFIED OF THE DAY AND TIME OF THE CONFERENCE. YOU MUST PROVIDE THE CUSTODY CONCILIATION OFFICE WITH A TELEPHONE NUMBER AND A CONTACT PERSON SO THAT THE CUSTODY CONCILIATION OFFICE CAN CONTACT THE PERSON AT THE SCHEDULED TIME FOR THE CUSTODY CONFERENCE.

IN THE EVENT THAT YOU ELECT TO PARTICIPATE IN THE CONFERENCE VIA TELEPHONE CONFERENCE YOU MUST NOTIFY OUR OFFICE WITH THE APPROPRIATE CONTACT INFORMATION AT LEAST FORTY-EIGHT (48) HOURS PRIOR TO THE SCHEDULED CONFERENCE.

IN ADDITION YOU HAVE THE RIGHT TO FILE A WRIT OF HABEAS CORPUS AD TESTIFICANDUM.

IF YOU ELECT NEITHER APPROACH, YOU MAY SUBMIT AN INFORMAL BRIEF AT LEAST TWENTY-FOUR (24) HOURS PRIOR TO THE SCHEDULED CONFERENCE THAT SETS FORTH YOUR PROPOSAL REGARDING THE CUSTODIAL ISSUES REGARDING YOUR CHILD(REN). YOUR BRIEF WILL BE CONSIDERED AT THE TIME OF THE SCHEDULED CONFERENCE.

BY THE COURT,

Date: _____

[Pa.B. Doc. No. 12-1989. Filed for public inspection October 12, 2012, 9:00 a.m.]

WESTMORELAND COUNTY

Adoption of Rule of Judicial Administration WJ110; No. 3 of 2012

Order

And Now This 18th day of September, 2012 *It Is Hereby Ordered* that this Court's Order of August 23, 2012 adopting Westmoreland County Rule of Judicial Administration WJ110 is rescinded.

It Is Further Ordered that Westmoreland County Rule of Judicial Administration WJ110 is hereby adopted.

By the Court

GARY P. CARUSO,
President Judge

Rule WJ110. Oaths and Acknowledgments.

All court assistants, whether full-time, part-time or temporary, and all court reporters are authorized to administer oaths and affirmations and to take acknowledgments pursuant to 42 Pa.C.S.A. § 327.

[Pa.B. Doc. No. 12-1990. Filed for public inspection October 12, 2012, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Layne Scott Gordon, having been disbarred from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey dated September 6, 2011, the Supreme Court of Pennsylvania issued an Order on September 28, 2012, disbaring Layne Scott Gordon from the Bar of this Commonwealth, effective October 28, 2012. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary

*The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 12-1991. Filed for public inspection October 12, 2012, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that Arleen Caballero Gonzalez having been suspended from the practice of law in the State of New Jersey for a period of 3 months by Order of the Supreme Court of New Jersey dated December 6, 2011, the Supreme Court of Pennsylvania issued an Order dated September 28, 2012 suspending Arleen Caballero Gonzalez from the practice of law in this Commonwealth for a period of 3 months, effective October 28, 2012. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 12-1992. Filed for public inspection October 12, 2012, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 77]

Noncoal Mining Fees

The Environmental Quality Board (Board) amends Chapter 77 (relating to noncoal mining). The final-form rulemaking incorporates amendments necessary to provide funding for the implementation of the Noncoal Surface Mining Conservation and Reclamation Act (act) (52 P. S. §§ 3301—3326).

This order was adopted by the Board at its meeting of April 17, 2012. On July 17, 2012, the Board adopted the final rulemaking, without revisions or further modifications, for resubmission to the Independent Regulatory Review Commission (IRRC) and the Senate and House Environmental Resources and Energy Committees under section 7(b) of the Regulatory Review Act (71 P. S. § 745.7(b)).

A. *Effective Date*

This final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*, except that the annual administration fee established under § 77.106(b) (relating to fees) will become effective on January 1, 2013, and will be applied to all mining licenses being renewed which have an expiration date occurring on or after January 1, 2013.

B. *Contact Persons*

For further information, contact Thomas Callaghan, Director, Bureau of Mining Programs, P. O. Box 8461, Rachel Carson State Office Building, Harrisburg, PA 17105-8461, (717) 787-5103; or Richard S. Morrison, Executive Deputy Chief Counsel, Office of Chief Counsel, P. O. Box 2063, Rachel Carson State Office Building, Harrisburg, PA 17105-2063, (717) 787-4449. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.pa.us>.

C. *Statutory Authority*

The amendments are proposed under sections 7(a) and 11(a) of the act (52 P. S. §§ 3307(a) and 3311(a)) and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

D. *Background and Purpose*

The purpose of this final-form rulemaking is to establish fees as authorized by the act. Section 7(a) of the act states "The department is authorized to charge and collect from persons a reasonable filing fee, which shall not exceed the cost of reviewing, administering and enforcing the permit." The act thus authorizes the Department to collect fees from noncoal mining permit applicants and permittees in an amount sufficient to cover the Department's costs of administering the noncoal mining regulatory program so long as the amount of fees collected does not exceed those costs. The Department calculated its costs of administering the noncoal mining

program and will establish fees through this final-form rulemaking which are sufficient to cover most of its costs.

The final-form rulemaking implements the statutory authorization of the act to collect a reasonable filing fee through two kinds of fees—the permit application fee and the administration fee. The permit application fee is intended to cover the Department's cost to review noncoal mining permit applications. The permit fees have been set according to the type of permit application submitted. The amounts of these fees are based on the number of hours typically required to review a specific type of permit application. A large noncoal surface mining permit where the pumping of groundwater will take place is substantially more complex, and requires significantly more review time, than a small noncoal surface mining permit. Consequently, the amount of the respective permit fees reflects the average review time for each type of permitting action.

The annual administration fee is intended to cover the Department's costs to administer the permit. These include, among other things, the cost of performing inspections of noncoal mining operations, compliance assistance and other compliance related activities, as well as tracking of required reporting and monitoring by permittees. As with the permit fees, the annual administration fees have been set based on workload analyses. A large surface mining permit with blasting activity necessitates substantially more administrative activity by the Department. The annual administration fee reflects the differences between types of operations based on the Department's respective administrative workload.

The assessment of the two kinds of fees is necessary to fairly represent the cost to the Commonwealth for reviewing, and administering, a noncoal mining permit. This final-form rulemaking is necessary in large part due to recent funding cuts. General appropriation funding to support the Department's regulatory/permitting programs was significantly reduced in Fiscal Year 2009-10, so it has become necessary to pay for all of the noncoal mining program staff costs through collection of fees paid by the regulated industry. These staff costs total approximately \$2.5 million per year.

Permit Application Fee

The permit application fee amounts were calculated based on a workload analysis that the Department uses to manage the work force. The workload analysis assigns a certain number of hours for the review time for each type of application.

Permit applications vary in their complexity based on a number of factors. The primary factor relates to hydrologic impacts. Applications that propose to pump groundwater take significantly more time to review. Therefore, the application fee for these permits is higher. Similarly, if blasting is proposed, then the blasting inspector is involved in the review of the blast plan for the application. Therefore, a fee is being proposed for blast plans.

The permit application fees will be applicable to applications submitted after the date of publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

Annual Administration Fee

The annual administration of a noncoal mining permit is accomplished through routine inspections to assure that the mining activities are being conducted in compli-

ance with the permit requirements. The Department established inspection frequencies based upon the type of permit and the status of the activity.

There are two types of permits—small and large. Small permits authorize up to 10,000 tons per year in production. Large permits are needed for production that exceeds 10,000 tons per year. The inspection frequency for large permits is four per year. For small permits, the frequency is two per year.

For large permits that authorize blasting, one inspection per year by a Department blasting inspector is needed. This results in a higher annual administration fee amount for the large noncoal permits where blasting is authorized.

The annual administration fee will become effective on January 1, 2013, and will be applied to mining licenses being renewed which have an expiration date occurring on or after January 1, 2013.

There is not an advisory board for the noncoal mining program. The Department conducted outreach with the regulated community through meetings with trade groups (Pennsylvania Aggregate and Concrete Association, Pennsylvania Bluestone Association and the Society of Mining Engineers). Also, the Department held four outreach meetings throughout this Commonwealth. Licensed noncoal mine operators were invited to attend these meetings through a mass mailing that included information about the proposed fees. The Department also used an e-mail distribution list to keep interested parties informed through the process.

E. *Summary of Changes to the Proposed Rulemaking*

§ 77.106. *Fees*

The permit application fee schedule has been revised to clarify the description of the two categories of large noncoal sites. In the proposed rulemaking, these categories were described as “mining below the water table” and “not mining below the water table.” For clarity, the descriptions have been changed to “groundwater pumping authorized” and “no groundwater pumping.” This clarifies that it is the pumping of the groundwater, and assessing the impacts of that pumping, that makes a difference in the complexity of the review. Sites where mining is occurring below the water table but where pumping is not being done (that is, dredge operations) are in the less complex category.

In the fee schedule, the fee category and amount have been deleted for the small surface mining permit transfer since these permits are not transferable. The fee category and amount have also been deleted for general permits (GP). This was done because application fee amounts vary with each GP and are published in the *Pennsylvania Bulletin* when a GP is proposed. Final application fee amounts for GPs are included with the final publication of each permit after the opportunity for comment. These GPs are alternatives to large or small noncoal permits where the applicant voluntarily chooses to apply for coverage under the GP rather than obtaining a small or large noncoal permit. Also, the annual administration fee description for GPs has been revised to delete the reference to the GP for short-term construction. At the time the rulemaking was proposed, this was the only GP available. This revision applies the same administration fee amount to all GPs.

F. *Summary of Comments and Responses on the Proposed Rulemaking*

Opposition to Imposition of Fees

Several commentators voiced general opposition to the imposition of permit fees on noncoal mining operators stating that the fees would burden small businesses during a difficult economic time and the noncoal mining program should be funded by the Commonwealth through general fund appropriations. Comments stated that the Department’s administration of the mining permitting program is a fundamental function of State government and should be funded by taxpayers. Objections to the amount of the fees in the proposed fee schedule were also raised as well as concerns that the substantial fee increases will decrease competition by reducing the number of noncoal operators in this Commonwealth.

The act clearly authorizes the collection of reasonable fees from operators as the means of funding the Department’s implementation and administration of the act. While the concern of the regulated community is understandable, these fees are required as part of a shift to a self-sustaining program. The fee amounts are reasonable, in part because they have been tailored to the scale of the mining operation, and the amounts compare favorably with fees assessed by neighboring and other states so they are not expected to have any anticompetitive impacts.

Support for Fees

Several commentators voiced general support for the proposed rulemaking to increase the permit application fees and to add annual administration fees to be paid by noncoal mine operators. Support was also noted for assessing fees for the small operators differently, including increasing the proposed fee amounts for the smaller operations because they are not self-supporting.

The Board acknowledges and appreciates the support expressed for the rulemaking. While the individual fee amounts are lower for small noncoal operators, there are more of these operators in this Commonwealth, therefore, they are self-supporting. The fee amounts are based on the workload analysis which accounts for the differences between small and large permits.

Fee Amounts

Comments were made that the proposed permit application fee schedule is unreasonable because the Department takes too much time to complete its permit review and administration work, excessive inspections are conducted, the Department salaries are too high or fees should not be based on salaries for Department personnel in the noncoal mining program. Commentators also objected that the Department’s operations are inefficient and therefore the overall cost of operating the program is too high.

The fee amounts are based upon a well-developed workload analysis. The fee calculations reflect the cost to the Department to review applications to assure that they comply with the regulations and to administer permits to assure compliance. Regulatory compliance prevents pollution, protects the environment and assures that resources are preserved. The Department is continuously looking to improve efficiency. For example, the Department has revised an existing GP to expand its use. Unfortunately, many of the permit applications the Department receives are often not well prepared, and the Department has historically made extensive efforts to assist the permit applicant with correcting an application. Since the regula-

tion requires that the Department review the fee amounts at least every 3 years, and report its analysis to the Board, program efficiencies will be evaluated as part of this effort.

Professional Seals

Comments were made that the Department's review time is too lengthy and cumbersome for work that is submitted under a professional seal and that the Department is unwilling to accept work performed by a licensed professional without further review. The commentator contends that the Department duplicates work by not accepting application materials that have been sealed by a professional.

The information submitted with a permit application requires review. The professional seal ensures that conclusions drawn by the consultant have been prepared in the best professional opinion of that particular consultant. The Department review of the work submitted with a permit application is necessary to assure that it meets the regulatory requirements. In the Department's experience, however, meeting generally accepted engineering or geology standards does not guarantee that the work meets the regulatory requirements. The Department does not duplicate work; it reviews the work of consultants. Revisions to the permit application may be required to meet regulatory requirements, correct an error or clarify a conclusion reached in an application.

Administration Fee by Site Rather than Permit

Commentators suggested that the annual administration fee should be applied to a site and not to each individual permit, that is, the annual administration fee should be tied to a location rather than a permit.

The Department's workload analysis is based on the average amount of time for each category of permits.

"Annual administration fee" is defined in § 77.1 (relating to definitions) as: "A nonrefundable filing fee assessed on an annual basis for the cost to the Department of inspecting a permitted activity or facility to administer the permit." Section 77.106(f) lists eight different types of permits that would be subject to the annual administration fee. A commentator stated that each mining facility could have several permits and asked whether a mining facility could be subject to more than one annual administration fee, or is the fee only applicable to the facility.

The permit fees are set on a per-permit basis. Administratively, inspections are conducted on a permit-specific basis, not on a facility basis. Each permit file is reviewed for the permit requirements. A separate inspection report is needed for each permit. An alternative for a permittee with multiple permits, subject to multiple fees, would be to consolidate its facility under one permit.

Industry Advisory Board

According to a commentator, the industry needs to be heard in a formal setting and it is not reasonable for the industry to be 100% responsible for the management costs of the program given that there is not an advisory board for the noncoal mining program.

To comply with the act, a sustainable funding source is required. Since other funds are not available, the rulemaking is based on 100% program funding from these fees. The Department is committed to providing the highest level of interaction possible with the regulated industry. The Department meets on a quarterly basis with the Pennsylvania Aggregate and Concrete Association and regularly with the Pennsylvania Bluestone Asso-

ciation as issues arise. These meetings will continue to identify and understand industry concerns and to work to improve program efficiency.

Miscellaneous

A commentator questioned what the large permit fee covers and if the fee covers all processing fees associated in the correction of an application, if an application is returned by the Department.

The large noncoal permit fee (new) includes all of the processing time in the review of an application. This may include multiple correction letters to resolve application deficiencies. Typically, the Department provides assistance to applicants and their consultants throughout the course of the application review (including before the application is submitted). The Department strives to review applications as promptly as possible. For permits that are rejected, the fees remain applicable because the review is still needed to determine that the permit cannot be issued. The Department strives to accommodate permit applicants.

The Pennsylvania Bluestone Association commented that it did not have sufficient interaction with the Department concerning the proposed rulemaking.

The Department conducted outreach with the regulated community on the proposed rulemaking. The outreach included a series of meetings with industry groups (Pennsylvania Aggregate and Concrete Association and Pennsylvania Bluestone Association) and roundtable meetings with industry representatives. The Department meets regularly with the Pennsylvania Bluestone Association as issues arise. These meetings will continue to identify and understand industry concerns and to work to improve program efficiency.

A commenter suggested that there has been no clear evidence given of the budget for the Industrial Minerals administration and permit reviews other than what the Department has generated, and that an external independent audit should be conducted to verify the Department's need for this fee increase and future fee increases.

The Department's costs are based on actual expenditures. The workload analysis used is continually evolving to keep up with changing circumstances. During the outreach to industry, data was shared. The detailed data is available and was provided to individuals who requested it during the outreach process.

G. Summary of Comments and Responses Solicited by the Department

The Department published a notice at 42 Pa.B. 553 (January 28, 2012) announcing it was accepting comments for 30 days relating to the noncoal fee regulations.

Comments were received from 20 commentators during this comment period. These comments were mostly (13 of 20) related to sand and gravel operations in northwest Pennsylvania. The comments primarily focused on the adverse impact the increased fees will have on small businesses that operate sand and gravel pits. Four comments of support for the fees were received.

The Department appreciates that the fees impose a burden on noncoal mine operators, including small businesses that operate sand and gravel pits. The fees are necessary to provide funding to enforce the act.

Other comments related to general noncoal program implementation through permitting and compliance activity. The Department continues to endeavor to improve efficiency and reduce costs.

H. Benefits, Costs and Compliance

This final-form rulemaking will enable the Commonwealth to fulfill its obligations to enforce the act.

Compliance Costs

It is estimated that this final-form rulemaking will impose total additional compliance costs of about \$2.5 million on the regulated community.

Compliance Assistance Plan

The Department will provide written notification to noncoal mine operators to inform them of the final promulgation of these regulatory changes. The Department may also hold roundtable meetings with mine operators and consultants to explain program changes and answer questions.

Paperwork Requirements

This final-form rulemaking requires the Department to update its application forms.

I. Pollution Prevention

This final-form rulemaking will not modify the pollution prevention approach by the regulated community and maintains the multi-media pollution prevention approach of existing requirements in 25 Pa. Code (relating to environmental protection).

J. Sunset Review

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

K. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 18, 2010, the Department submitted a copy of the notice of proposed rulemaking, published at 40 Pa.B. 4963 (August 28, 2010), to IRRC and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on June 20, 2012, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 21, 2012, and disapproved the Board's final-form rulemaking.

Under section 7(b) of the Regulatory Review Act (71 P. S. § 745.7(b)), on July 26, 2012, the Department submitted a copy of the final-form rulemaking without revisions or further modifications to IRRC and the House and Senate Committees. Under section 7(d) of the Regulatory Review Act on August 31, 2012, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 7(c.1) of the Regulatory Review Act, on August 16, 2012, IRRC approved the final-form rulemaking.

L. Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968

(P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

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

(3) These regulations do not enlarge the purpose of the proposal published at 40 Pa.B. 4963.

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

M. Order

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

(a) The regulations of the Department, 25 Pa. Code Chapter 77, are amended by amending §§ 77.1, 77.51, 77.106 and 77.126 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

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

(e) This order shall take effect immediately except that the annual administration fee established under § 77.106(b) will become effective on January 1, 2013, and will be applied to all mining licenses being renewed which have an expiration date occurring on or after January 1, 2013.

MICHAEL L. KRANCER,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 5710 (September 1, 2012).)

Fiscal Note: Fiscal Note 7-460 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE I. LAND RESOURCES

CHAPTER 77. NONCOAL MINING

Subchapter A. GENERAL PROVISIONS

§ 77.1. Definitions.

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

* * * * *

Adjacent area—Land located outside the permit area within 1,000 feet.

Annual administration fee—A nonrefundable filing fee assessed on an annual basis for the cost to the Department of inspecting a permitted activity or facility to administer the permit.

Applicant—A person who seeks to obtain a permit from the Department to conduct noncoal mining activities under this chapter.

* * * * *

Landowner—The person or municipality in whom legal title to the land is vested.

Large noncoal permit—A mining permit that authorizes the extraction of greater than 10,000 tons per year of noncoal materials

Major permit revision—A revision to a permit that requires public notice.

Mine opening blasting—Blasting conducted for the purpose of constructing a shaft, slope, drift or tunnel mine opening for an underground mine, either operating or under development, from the surface down to the point where the mine opening connects with the mineral strata to be or being extracted.

Minor permit revision—A revision to a permit that does not require public notice.

Mulch—Vegetation residue or other suitable materials that are placed on the soil surface to aid in soil stabilization and soil moisture conservation, thus providing microclimatic conditions suitable for seed germination and plant growth.

* * * * *

Permit—A permit issued by the Department to conduct noncoal mining activities.

Permit application fee—A nonrefundable filing fee due at the time of submission of an application. The permit application fee is required for an application to be considered complete.

Permit area—

(i) For noncoal surface mining activities: the area of land and water within the boundaries of the permit which is designated on the permit application maps, as approved by the Department. The term includes an area which is or will be affected by the surface noncoal mining activities during the term of the permit.

(ii) For the surface effects of noncoal underground mining activities: the area which is designated on the permit application maps as approved by the Department. The term includes a surface area which is or will be affected by the underground noncoal mining activities.

Permit status—An indicator of the level of progress of mining activity at a permitted facility. Permit statuses are as follows:

(i) *Not started.* Mine sites where the mining permit has been issued, but mining activities have not begun,

(ii) *Active.* Mine sites that do not qualify for inactive status, not started status or released status,

(iii) *Inactive.* Mine sites where mineral extraction activity has been completed but final bond release has not been completed,

(iv) *Released.* Mine sites where the final bond release has been completed.

Permittee—A person holding, or required to hold by the act and the environmental acts, a permit issued by the Department to conduct noncoal mining activities.

* * * * *

Slope—Average inclination of a surface, measured from the horizontal, generally expressed as the ratio of a unit of vertical distance to a given number of units of horizontal distance (for example, 1v:5h). The term may also be expressed as a percent or in degrees.

Small noncoal permit—A mining permit that authorizes the extraction of up to 10,000 tons of noncoal minerals per year.

Soil horizons—Contrasting layers of soil parallel or nearly parallel to the land surface. Soil horizons are differentiated on the basis of field characteristics and laboratory data. The three major soil horizons are as follows:

(i) *A horizon*—The uppermost mineral layer, often called the surface soil or topsoil. It is the part of the soil in which organic matter is most abundant, and leaching of soluble salts and soil elements is typically the greatest.

(ii) *B horizon*—The layer that typically is immediately beneath the A horizon and often called the subsoil. The middle layer commonly contains more clay, iron or aluminum than the A or C horizon.

(iii) *C horizon*—The deepest layer of soil profile. It consists of loose material or weathered rock that is relatively unaffected by biologic activity and closely resembles the parent material.

* * * * *

Subchapter B. SURFACE MINING OPERATOR'S LICENSE

§ 77.51. License requirement.

* * * * *

(e) *Refusal to issue or renew license.* The Department will not issue a noncoal surface mining operator's license or renew or amend a license if it finds, after investigation and an opportunity for informal hearing, that a person, partner, associate, officer, parent corporation or subsidiary corporation has been subject to a bond forfeiture under the act and environmental acts or has failed to comply with an adjudicated proceeding, cessation order, consent order and agreement or decree under the act and environmental acts. The Department will not renew a license for an operator who uses the provisions for payment in lieu of bond unless the operator submits his annual payment with the license renewal application. The Department will not renew a noncoal mining operator's license for an applicant who has not made full payment of the annual administration fee required under § 77.106(f) (relating to fees). A person who opposes the Department's decision on issuance or renewal of a license has the burden of proof.

* * * * *

**Subchapter C. PERMITS AND PERMIT APPLICATIONS
GENERAL**

§ 77.106. Fees.

(a) A permit application for noncoal mining activities shall be accompanied by a nonrefundable payment for the permit application fee payable to the "Commonwealth of Pennsylvania." The applicable permit application fee

amount is specified in subsection (e). For purposes of this subsection, permit applications include all of the applications listed in subsection (e).

(b) The Department will assess an annual administration fee for each permitted activity and facility. For licensed mine operators, this annual administration fee will be assessed annually, will be collected as part of the mine operator's license renewal application and will include the appropriate annual administration fee for each of the licensee's permitted facilities. If the permittee is not required to maintain a mining license, a notice of the annual administration fee will be sent to the permittee for all of the permittee's permitted facilities and the fee must be paid within 30 days of receipt of the notice. The applicable fee amounts are specified in subsection (f).

(c) Fees collected under this section and all enforcement cost recovery funds will be deposited in the Noncoal Surface Mining Conservation and Reclamation Fund. The fees collected under this section will be used by the department for the purposes specified by the act.

(d) At least every 3 years, the Department will recommend regulatory changes to the fees in this section to the EQB to address any disparity between the program income generated by the fees and program costs. The regulatory amendment will be based upon an evaluation of the program fees income and the Department's costs of administering the program.

(e) The permit application fee schedule is as follows:

	<i>Fee</i>
<i>(1) New permits</i>	
Large Surface Mining Permit— Groundwater Pumping Authorized	\$20,225
Large Surface Mining Permit—No Groundwater Pumping	\$13,500
Small Surface Mining Permit	\$525
Underground Mining Permit	\$20,225
<i>(2) Major amendments</i>	
Large Surface Mining Permit— Groundwater Pumping Authorized	\$3,850
Large Surface Mining Permit—No Groundwater Pumping	\$1,600
Underground Mining Permit	\$2,650
<i>(3) Minor Amendments</i>	
Large Surface Mining Permit	\$700
Small Surface Mining Permit	\$175
<i>(4) Transfers</i>	
Large Surface Mining Permit	\$900
Underground Mining Permit	\$900
<i>(5) Other Actions</i>	
Bonding Increment	\$450
Completion Report Application	\$600
Blast Plan	\$475
Notice of Intent to Explore	\$60
Pre-applications	\$3,375

(f) The annual administration fee schedule will be as follows:

<i>Permit Category—Permit Status</i>	<i>Annual Fee</i>
Large Surface Mining Permit—Active	\$1,450
Large Surface Mining Permit—Active with Blasting	\$1,850
Small Surface Mining Permit—Active	\$200
Small Surface Mining Permit—Active with Blasting	\$300
Underground Mining Permit—Active	\$1,450
General Permit	\$200

<i>Permit Category—Permit Status</i>	<i>Annual Fee</i>
All Permits—Not Started	\$100
All Permits—Inactive	\$100

REVIEW, PUBLIC PARTICIPATION, ITEMS AND CONDITIONS OF PERMIT APPLICATIONS

§ 77.126. Criteria for permit approval or denial.

* * * * *

(b) No incremental phase approval of the permit will be granted to conduct mining or reclamation operations, or permission to expand mining or reclamation operations within a permit area which has been limited to a portion or phase of the entire area until the applicant:

(1) Has filed with the Department a bond under § 77.193 (relating to requirement to file a bond).

(2) Has met the requirements of subsection (a)(5)—(8).

(c) A permit, permit renewal or revised permit application will not be approved unless the applicant has made full payment of the permit application fee required under § 77.106(e) (relating to fees) and the annual administration fee required under § 77.106(f) for all of the applicant's permitted mining facilities.

[Pa.B. Doc. No. 12-1993. Filed for public inspection October 12, 2012, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS

[49 PA. CODE CH. 36]

Deadline to Submit an Application for Certification

The State Board of Certified Real Estate Appraisers (Board) amends §§ 36.11 and 36.12 (relating to qualifications for certification as residential real estate appraiser; and qualifications for certification as general real estate appraiser) to read as set forth in Annex A.

Background and Purpose

Under section 6 of the Real Estate Appraisers Certification Act (act) (63 P. S. § 457.6), the Board is authorized to issue certificates to real estate appraisers that meet the minimum education and experience requirements established by the Appraiser Qualifications Board under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (Pub. L. No. 101-73). The Board amended §§ 36.11 and 36.12 at 37 Pa.B. 3367 (July 21, 2007) to implement new Federally-mandated education criteria for the initial certification of residential real estate appraisers and general appraisers that would take effect in January 2008. At that time, the Board adopted a segmented approach to implementing the new education criteria so that those applicants who completed the less stringent education requirements prior to January 1, 2008, would have until January 1, 2012, to apply for certification. This provision was necessary to minimize potential disruptions to the career plans of applicants who were already taking steps to become certified. Once a candidate completed the educational requirement, he

would then obtain an appraiser trainee license for the purpose of completing the experience requirements in §§ 36.11(e) and 36.12(e), that is, 2,500 hours of experience for residential appraisers and 3,000 hours of experience for general appraisers. Because there are not a minimum number of hours of experience that must be acquired in any given year, it can take a candidate many years to obtain the required experience after obtaining the required education before applying for an appraiser certificate. Thus, the Board determined that it should allow applicants up to 4 years to complete the necessary steps to become certified and set forth the January 1, 2012, deadline.

For a number of reasons, including budget constraints reducing the frequency of direct mailings to licensees, the elimination of the Board's annual hard copy newsletter in 2007 and changes in staff, the Board did not notify affected persons of the change in the educational requirements (other than the publication of the final-form rulemaking at 37 Pa.B. 3367) or the impending application deadline of January 1, 2012. After the deadline passed in January, the Board began to receive communications from affected individuals that had failed to meet the January 1, 2012, deadline and further requesting a waiver of the relevant provisions of the Board's regulations.

On February 9, 2012, in a public session, the Board considered these communications from interested persons and determined that the deadline for applying for certification, having met the then-existing educational requirements prior to January 1, 2008, should be extended until January 1, 2013. The Board made this determination in recognition of the fact that the Board had expressed its intentions to notify affected parties during the regulatory review process and failed to do so. At the February meeting, the Board authorized the publication of a statement of policy, extending the deadline. It was subsequently determined that a change to the regulation should be promulgated but that publication as proposed rulemaking was unnecessary under the circumstances for the reasons as follows. Therefore, at its meeting on May 10, 2012, the Board voted to proceed with this final-omitted rulemaking.

Omission of Proposed Rulemaking

Under section 204 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204), known as the Commonwealth Documents Law (CDL), the Board is authorized to omit the procedures for proposed rulemaking in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) if the Board finds that the specified procedures are impracticable, unnecessary or contrary to the public interest.

The Board determined that publication of proposed rulemaking is unnecessary under the circumstances previously stated because applicants are not disadvantaged by an extension of the deadline under which to apply for certification, having met the less stringent educational requirements by January 1, 2008. In addition, the Board will provide actual notice to affected parties of the extension in three ways. The Board will place a notice of this extension on its web site through February 1, 2013. The Board will publish in its electronic newsletter distributed to subscribers a notice of the extension on or before October 1, 2012. The Board will mail a notice by first class mail of the change to each individual who is certified as a licensed appraiser trainee, certified residential real estate appraiser, certified general real estate appraiser or broker appraiser.

Description of Amendments

Sections 36.11 and 36.12 are amended to extend the deadline for applicants who had met the less stringent educational requirements prior to January 1, 2008, to apply for certification as a certified residential real estate appraiser or as a certified general real estate appraiser until January 1, 2013.

Statutory Authority

This final-omitted rulemaking is authorized by section 5(1) and (2) of the act (63 P. S. § 457.5(1) and (2)), which provides the general rulemaking authority of the Board and requires the Board to adopt and revise rules and regulations regarding qualifications of applicants.

Fiscal Impact and Paperwork Requirements

The final-omitted rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The impact on prospective certificateholders in the private sector will be beneficial. In general, the final-omitted rulemaking is expected to tend to reduce paperwork requirements upon the Commonwealth, its political subdivisions and the private sector, including certificateholders.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on August 13, 2012, the Board submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and the House Professional Licensure Committee (HPLC). On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on September 19, 2012, the final-omitted rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 20, 2012, and approved the final-omitted rulemaking.

Additional Information

For additional information about the final-omitted rulemaking, submit inquiries to Christopher McNally, Counsel, State Board of Certified Real Estate Appraisers, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7200.

Findings

The Board finds that:

(1) Public notice of the Board's intention to amend its regulations under the procedures in sections 201 and 202 of the CDL has been omitted under the authority of section 204 of the CDL because public comment is unnecessary under the circumstances.

(2) The amendment of the Board's regulations in the manner provided in this order is necessary and appropriate for the administration of the act.

Order

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

(a) The regulations of the Board, 49 Pa. Code Chapter 36, are amended by amending §§ 36.11 and 36.12 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

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

DANIEL A. BRADLEY,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 6352 (October 6, 2012).)

Fiscal Note: 16A-7019. 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 36. STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS

Subchapter A. GENERAL PROVISIONS

QUALIFICATIONS FOR CERTIFICATION OR LICENSURE

§ 36.11. Qualifications for certification as residential real estate appraiser.

* * * * *

(b) *Appraisal classroom hours.* Effective January 1, 2008, an applicant shall submit evidence to the Board of having completed 200 classroom hours in the appraisal curriculum set forth in subsection (c)(2). This requirement does not apply to an applicant who submits an otherwise qualifying application before January 1, 2013, that shows evidence of the applicant's having completed 120 classroom hours of courses related to real estate appraisal, including the 15-hour National USPAP Course or equivalent course approved by the AQB, together with coverage of the topics listed in subsection (c)(1), before January 1, 2008.

* * * * *

§ 36.12. Qualifications for certification as general real estate appraiser.

* * * * *

(b) *Appraisal classroom hours.* Effective January 1, 2008, an applicant shall submit evidence to the Board of having completed 300 classroom hours in the appraisal curriculum set forth in subsection (c)(2). This requirement does not apply to an applicant who submits an otherwise qualifying application before January 1, 2013, that shows

evidence of the applicant's having completed 180 classroom hours of courses related to real estate appraisal, including the 15-hour National USPAP Course or equivalent course approved by the AQB, together with coverage of the topics listed in subsection (c)(1), before January 1, 2008.

* * * * *

[Pa.B. Doc. No. 12-1994. Filed for public inspection October 12, 2012, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notice of Federal Amendments to Radioactive Material Regulations

The Commonwealth is a United States Nuclear Regulatory Commission (NRC) Agreement State and has incorporated by reference many NRC regulations. The NRC has amended 10 CFR Parts 30—32, 40 and 70. The final rule, published at 77 FR 43666 (July 25, 2012), is effective on October 23, 2012. These amendments will be incorporated into the Commonwealth's regulations under 25 Pa. Code § 215.1(e) (relating to purpose and scope). The NRC's proposed changes to 10 CFR Parts 30—32, 40 and 70 were published at 77 FR 43544 (July 25, 2012).

The NRC has amended its regulations to make the requirements for distributors of byproduct material clearer, less prescriptive and more risk-informed. The NRC also redefined categories of devices to be used under exemptions, adding explicit provisions regarding the sealed source and device registration process and added flexibility to the licensing of users of sealed sources and devices. This action is primarily intended to make licensing processes more efficient and effective. These changes will affect manufacturers and distributors of sources and devices containing byproduct material and future users of some products currently used under a general or specific license.

For further information contact Joseph M. Melnic, Chief, Division of Radiation Control, P. O. Box 8469, Rachel Carson State Office Building, Harrisburg, PA 17105-8469, (717) 787-3720; or Curtis Sullivan, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-1995. Filed for public inspection October 12, 2012, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

DEPARTMENT OF GENERAL SERVICES

[4 PA. CODE CH. 58]

Small Business Self-Certification and Small Diverse Business Verification

The Department of General Services (Department), under the authority of Executive Order No. 2011-09 (4 Pa. Code Chapter 1, Subchapter VV (relating to Small Business Procurement Initiative)) and Executive Order No. 2011-10 (4 Pa. Code Chapter 1, Subchapter XX (relating to Veteran-Owned Small Business Procurement Initiative)), adopts this statement of policy to amend internal guidelines and expand upon the Department's former minority and women-owned business program. Chapter 58, Subchapter C, which dealt with Minority Business Enterprise (MBE)/Woman Business Enterprise (WBE) certification, has been rescinded and replaced with Chapter 58, Subchapter D (relating to internal guidelines for Small Business Self-Certification and Small Diverse Business Verification—statement of policy). This statement of policy expands upon the Department's minority and women-owned business program, as authorized by Executive Order No. 2004-6 (4 Pa. Code Chapter 1, Subchapter LL (relating to minority and women business enterprise)).

The Small Business Procurement Initiative allows small businesses to self-certify through an online application and compete for prime contracting opportunities on a level playing field. Through the Small Diverse Business program, the Department reaches out to Veteran Business Enterprises (VBEs) and Service-Disabled Veteran Business Enterprises (SDVBEs) in addition to MBEs and WBEs. The verification of MBE, WBE, VBE and SDVBE status will be available to vendors in lieu of the former certification process.

Fiscal Impact

This statement of policy is fiscal neutral.

Effective Date

This statement of policy takes effect immediately upon publication in the *Pennsylvania Bulletin*.

Contact Person

Specific questions regarding information in this statement of policy may be directed to the Department of General Services, Office of Chief Counsel, 603 North Office Building, 401 North Street, Harrisburg, PA 17120.

SHERI PHILLIPS,
Secretary

(Editor's Note: Title 4 of the Pennsylvania Code is amended by deleting the statements of policy in §§ 58.201—58.210 and by adding statements of policy in §§ 58.301—58.308 to read as set forth in Annex A.)

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

Annex A

TITLE 4. ADMINISTRATION

PART III. DEPARTMENT OF GENERAL SERVICES

Subpart C. CONSTRUCTION AND PROCUREMENT

ARTICLE I. GENERAL

CHAPTER 58. CONTRACT COMPLIANCE

Subchapter C. (Reserved)

Sec.
58.201—58.210. (Reserved).

Subchapter D. INTERNAL GUIDELINES FOR SMALL BUSINESS SELF-CERTIFICATION AND SMALL DIVERSE BUSINESS VERIFICATION—STATEMENT OF POLICY

Sec.
58.301. Policy.
58.302. Definitions.
58.303. Self-certification of eligible small businesses.
58.304. Verification of Small Diverse Businesses.
58.305. Voluntary withdrawal.
58.306. Decertification.
58.307. Review of decertifications.
58.308. Hearing.

§ 58.301. Policy.

(a) This subchapter establishes the criteria and processes for self-certification of small business status and verification of small diverse business status. The Commonwealth is committed to promoting the economic growth and success of small businesses. The underlying purpose of this subchapter is to increase small business participation in Commonwealth contracts by streamlining the certification process into a more accessible and efficient experience for vendors seeking opportunities as prime contractors, subcontractors, suppliers and professional service providers.

(b) In addition to Executive Order No. 2004-06 (4 Pa. Code Chapter 1, Subchapter LL (relating to minority and women business enterprise)), Executive Order No. 2011-09 (4 Pa. Code Chapter 1, Subchapter VV (relating to Small Business Procurement Initiative)) and Executive Order No. 2011-10 (4 Pa. Code Chapter 1, Subchapter XX (relating to Veteran-Owned Small Business Procurement Initiative)), 62 Pa.C.S. Part I (relating to Commonwealth Procurement Code) authorizes the Department to oversee the management and development of small business participation together with the formulation of general procurement policy under 62 Pa.C.S. § 301 (relating to procurement responsibility).

§ 58.302. Definitions.

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

Department—The Department of General Services of the Commonwealth.

MBE—Minority Business Enterprise—A small for-profit business which is at least 51% owned and controlled by one or more minorities. In the case of a corporation, at least 51% of the stock must be owned by one or more minorities.

Permanent caregiver—The spouse, or an individual who is at least 18 years of age, who is legally designated, in writing, to undertake responsibility for managing the well-being of the service-disabled veteran with permanent

and severe disability. See 13 CFR 125.8(c) (relating to what definitions are important in the Service-Disabled Veteran-Owned (SDVO) Small Business Concern (SBC) Program).

SBPI—The Small Business Procurement Initiative.

SDVBE—Service-Disabled Veteran-Owned Small Business Enterprise—A small for-profit business which is at least 51% owned and controlled by one or more service-disabled veterans (or in the case of a veteran with permanent and severe disability, the spouse or permanent caregiver of a veteran). See 13 CFR 125.10(a) (relating to who does SBA consider to control an SDVO SBC).

Secretary—The Secretary of the Department.

Service-disabled veteran—A veteran who possesses either a disability rating letter issued by the United States Department of Veterans Affairs or a disability determination from the United States Department of Defense.

Small business—

(i) A for-profit business in the United States which is independently owned, is not dominant in its field of operation, employs no more than the maximum number of employees established by 62 Pa.C.S. § 2102 (relating to definitions) and earns less than \$20 million in gross annual revenues (\$25 million in gross annual revenues for those businesses in the information technology sales or information technology service business and \$7 million in gross annual revenues for those businesses performing building design services).

(ii) The Department reserves the right to alter revenue limits in the future, and any changes will appear in the Department's guidelines at www.smallbusiness.pa.gov.

Small diverse business—For purposes of this subchapter, this designation includes MBEs, WBEs, VBEs and SDVBEs.

VBE—Veteran-Owned Small Business Enterprise—A small for-profit business which is at least 51% owned and controlled by one or more veterans. In the case of a corporation, at least 51% of the stock must be owned by one or more veterans.

Veteran—One of the following:

(i) A person who served on active duty in the United States Armed Forces, including the Reserve and National Guard, who was discharged or released from service under honorable conditions.

(ii) A Reservist or member of the National Guard who completed an initial term of enlistment or qualifying period of service.

(iii) A Reservist or member of the National Guard who was disabled in the line of duty during training.

WBE—Woman Business Enterprise—A small for-profit business which is at least 51% owned and controlled by one or more women. In the case of a corporation, at least 51% of the stock must be owned by one or more women.

§ 58.303. Self-certification of eligible small businesses.

(a) *Online self-certification for small businesses.* To participate in the SBPI and the Small Diverse Business Program, small businesses shall self-certify through an online application process at www.smallbusiness.pa.gov. The SBPI enables eligible small businesses to compete for prime contracting opportunities with the Commonwealth against other eligible small businesses. Upon successful completion of the SBPI self-certification process, the small

business will be issued a certificate. The self-certification will remain in effect for 1 year. The small business shall recertify on an annual basis to maintain its status as a small business.

(b) *Eligibility requirements.*

(1) A small business shall meet the following requirements to participate in the SBPI:

(i) The business shall be a for-profit United States business that is independently owned.

(ii) The business may not be dominant in its field of operation nor a subsidiary of another business.

(iii) The business may not employ more than 100 full-time equivalent employees.

(iv) The business shall earn less than the amounts designated by the Department, that is, \$20 million in gross annual revenues (\$25 million in gross annual revenues for those businesses in the information technology sales or information technology service business and \$7 million in gross annual revenues for those businesses performing building design services).

(2) The Department reserves the right to alter revenue limits. Changes will appear in the Department's guidelines at www.smallbusiness.pa.gov.

(c) *Program auditing.* The Department reserves the right to audit small business status either randomly or based on allegations of noneligibility. An applicant providing false information to the Commonwealth in connection with self-certification or as part of the bidding process is subject to debarment or suspension, exclusion from the SBPI, a determination that the bidder is not responsible under the Contractor Responsibility Program and criminal prosecution or other legal action.

§ 58.304. Verification of Small Diverse Businesses.

(a) *Scoring.* By verifying its status as MBE, WBE, VBE or SDVBE, a Small Diverse Business acquires an enhanced position within the context of Request for Proposal scoring.

(b) *Verification of VBE/SDVBEs.* The VBE/SDVBE shall submit correspondence from the United States Department of Veterans Affairs that the VBE/SDVBE has been verified and added to the veteran business database at www.VetBiz.gov. The verification will remain in effect for the period of time provided in the United States Department of Veterans Affairs www.VetBiz.gov business database. The VBE/SDVBE shall maintain its certification to participate in the Small Diverse Business program. Depending on the circumstances, the Department may request information from out-of-State businesses on current VBE/SDVBE certification from the business' home state governmental certifying body and from other public jurisdictions.

(c) *Verification of MBEs and WBEs.* In lieu of the Department's former MBE/WBE certification process, the Department will verify MBE/WBE status through the verification of certification from the Unified Certification Program, National Minority Supplier Development Council, Women's Business Enterprise National Council and the United States Small Business Administration 8(a) Program. Applicants shall submit proof of certifications documented by a current certificate or letter from the certifying entity. The verification will remain in effect for the period of time provided in the alternate certification and the MBE/WBE shall maintain its third-party certification to participate in the Small Diverse Business

program. The Department reserves the right to request additional information and conduct further review as needed.

(d) *Existing certification transition.* The certifications of firms presently certified in good standing by the Department as MBE, WBE, VBE or SDVBE will be valid through January 11, 2013. However, firms presently certified in good standing as MBE, WBE, VBE or SDVBE who successfully complete the Commonwealth's SBPI application prior to January 11, 2013, will automatically have the Small Diverse Business certification extended to the same expiration date as the SBPI certification expiration. Verification of Small Diverse Business status will occur annually on the expiration date of the third-party certification. Accordingly, firms shall maintain their alternate certifications to maintain their Department certifications.

§ 58.305. Voluntary withdrawal.

(a) A small business may voluntarily withdraw its self-certification or verification at any time for any reason.

(b) The date of withdrawal is the date on which the Department receives written notice from the small business of its intent to withdraw.

(c) As of the date of withdrawal:

(1) The small business will not receive notifications related to or be able to bid on an SBPI procurement.

(2) The small business will not receive notifications related to the Small Diverse Business program or be considered an active, verified small diverse business.

(d) A small business may return to self-certify or verify, or both, its status at any time so long as it still meets the eligibility requirements associated thereupon.

§ 58.306. Decertification.

(a) The Department will ordinarily decertify businesses from SBPI or verified Small Diverse Business status, or both, for the following reasons:

(1) The business received certification by knowingly submitting false and misleading information.

(2) The business knowingly allowed the misuse of its certification status.

(3) The business failed to cooperate with or respond to a request for information from the Department or another Commonwealth agency or official.

(4) The alternate certifying entity decertifies the business.

(b) The Department reserves the right to consider other causes that impact business status to be sufficient to warrant decertification.

(c) By certified mail, the Department will send the business a Notice of Proposal to Decertify that:

(1) Specifies the reasons for the proposed decertification in terms that will place the business on notice of the conduct or transactions upon which the notice is based.

(2) States the grounds relied upon under subsection (a) for proposing decertification.

(3) Advises that, within 20 days after receipt of the notice, the business may submit in person, in writing, or

through a representative, information in opposition to the proposed decertification, including information that raises a genuine dispute over the material facts.

(4) States the potential effect of the proposed decertification.

(5) Advises that the Secretary of the Department or a designee will make this decision.

(d) If the business is in fact decertified, the decision letter will also inform the decertified business of its rights of review.

(e) If the actions of the business are the subject of an indictment, information or other criminal charge, the Department may temporarily suspend the certification until the determination is made to decertify or reinstate. A review of this temporary suspension may be made by the Secretary or a designee.

§ 58.307. Review of decertifications.

(a) The request for review of decertification shall be made in writing to the Secretary and recite the grounds upon which the request is based. Relevant documents, if available, should also be submitted with the request for review.

(b) The Secretary or a designee may reject requests that are untimely (more than 30 days after the date of the decertification letter) or insufficient (do not raise issues suggesting that the decertification is in error).

(c) The Secretary or a designee will consider the request for review and may seek additional information as necessary. In addition, the Department will respond with a determination within 60 days from receipt of the request for review.

(d) The Secretary or a designee may direct that a hearing be conducted.

§ 58.308. Hearing.

(a) *Scope.* The Secretary may delegate to a designee the responsibility to conduct a fact-finding hearing and to prepare a report and recommendation. Fact-finding hearings will be held only when the business requests a review under § 58.307 (relating to review of decertifications).

(b) *Purpose.* The fact-finding hearing will be held to determine the operative facts forming the basis for the decertification action as delineated in the notice of decertification provided to the business. The hearing will also determine the sufficiency of the grounds for the review. The fact-finding hearing affords the business an additional opportunity to demonstrate that the facts upon which the decertification is based are insufficient, incorrect or otherwise do not warrant decertification. The business may present information and arguments in accordance with the grounds stated in the request for review indicating why it should not be decertified. Other information may be used by the designee to make a recommendation to the Secretary of the Department.

(c) *Conduct of the hearing.* If a hearing is warranted, it will be conducted under 2 Pa.C.S. §§ 502—508 and 701—704 (relating to Administrative Agency Law). If the Department is the moving party, it has the burden of proof.

[Pa.B. Doc. No. 12-1996. Filed for public inspection October 12, 2012, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending September 25, 2012.

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

BANKING INSTITUTIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-21-2012	PeoplesBank, A Codorus Valley Company Glen Rock York County	3160 Carlisle Road Dover York County	Filed
9-24-2012	Huntingdon Valley Bank Huntingdon Valley Montgomery County	900 Pine Valley Boulevard Philadelphia Philadelphia County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
9-19-2012	American Heritage Federal Credit Union Philadelphia Philadelphia County Application for approval to merge UTI Employees Credit Union, Collegeville, with and into American Heritage Federal Credit Union, Philadelphia.	Approved

The Department's web site at www.banking.state.pa.us includes public notices for more recently filed applications.

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 12-1997. Filed for public inspection October 12, 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. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

I. NPDES Renewal Applications

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0062499 (Sewage)	Southern Lehigh School District Lower Milford Elementary School 7350 Elementary Road Coopersburg, PA 18036	Lehigh County Lower Milford Township	Hosensack Creek (3-E)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0087017 (Sew)	Lower Paxton Township Authority—Springford Village 425 Prince Street, Suite 139 Harrisburg, PA 17109	Dauphin County / Lower Paxton Township	UNT Beaver Creek / 7D	Y

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-1915. Phone: 570-826-2511.

PAS202209, Storm Water, SIC Code 3471, **Apollo Metals Ltd**, 1001 14th Avenue, Bethlehem, PA 18018-2207. This proposed facility is located in Bethlehem City, **Lehigh County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of Storm Water.

The receiving stream(s), Unnamed Tributary to Monocacy Creek, is located in State Water Plan watershed 2-C 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 are based on stormwater.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

In addition, the permit contains the following major special conditions:

- Stormwater

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.

PA0038385 A-1, Sewage, SIC Code 4225, **DLA Installation Support@Susquehanna**, 3rd Street & S Avenue, New Cumberland, PA 17070-5002. Facility Name: DLA Installation Support Susquehanna. This existing facility is located in Fairview Township, **York County**.

Description of Existing Activity: The application is for an amended NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Susquehanna River, is located in State Water Plan watershed 7-E and is classified for Warm Water and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.5 MGD (interim) and 0.32 MGD (final).

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (Interim)	XXX	XXX	XXX	1.5	XXX	2.5
CBOD ₅	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	1000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2000	XXX	10000
Ammonia-Nitrogen	XXX	XXX	XXX	Geo Mean Report	XXX	XXX
Total Phosphorus	XXX	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.

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	9132			
Net Total Phosphorus	Report	1218			

This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is not in effect.

PA0086151, Sewage, SIC Code 6515, **Harmony Estates MHP**, 110 Inverness Drive, Blue Bell, PA 19422-3202. Facility Name: Harmony Estates MHP. This existing facility is located in North Middleton Township, **Cumberland County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary to Conodoguinet Creek, is located in State Water Plan watershed 7-B and is classified for Warm Water and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.016 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Annual Average</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Geo Mean</i>	
Flow (MGD)	Report Avg Mo	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD ₅	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 2,000	XXX	10,000
Nitrate-Nitrite as N	Report	XXX	XXX	Report Annl Avg	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report Annl Avg	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	2.5	XXX	5.0
Nov 1 - Apr 30	XXX	XXX	XXX	7.5	XXX	15
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report Annl Avg	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report Annl Avg	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	1.0	XXX	2.0

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.

PA0081787, Sewage, SIC Code 6515, **Telco Developers Inc.**, 5 Maple Avenue, Manheim, PA 17545-8911. Facility Name: Greta Springs MHP. This existing facility is located in West Cornwall Township, **Lebanon 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), Chickies Creek, is located in State Water Plan watershed 7-G and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0264 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Annual Average</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Geo Mean</i>	
Flow (MGD)	Report Avg Mo	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	0.22	XXX	0.73
CBOD ₅	XXX	XXX	XXX	25	XXX	50

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Annual Average</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>		
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	2,000	XXX	10,000
Nitrate-Nitrite as N	Report	XXX	XXX	Geo Mean	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen				Annl Avg		
May 1 - Oct 31	XXX	XXX	XXX	Report	XXX	XXX
Nov 1 - Apr 30	XXX	XXX	XXX	Annl Avg	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Annl Avg	XXX	4.0
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
				Annl Avg		

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.

PA0085006, Sewage, SIC Code 4952, **Conoy Township**, 211 Falmouth Road, Bainbridge, PA 17502-9801. Facility Name: Conoy Township Bainbridge STP. This existing facility is located in Conoy Township, **Lancaster County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary to Conoy Creek, is located in State Water Plan watershed 7-G and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.08 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>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅	17	27	XXX	25	40	50
BOD ₅		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	20	30	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
Nitrate-Nitrite as N	Report	XXX	XXX	2,000	XXX	XXX
Total Nitrogen	Annl Avg	XXX	XXX	Geo Mean	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Annl Avg	XXX	XXX	Annl Avg	XXX	XXX
	Report	XXX	XXX	Report	XXX	XXX
	Annl Avg			Annl Avg		

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.

PAS803507, Storm Water, SIC Code 4173, 4225, 5093, 9711, **Naval Support Activity**, 5450 Carlisle Pike, Mechanicsburg, PA 17055. Facility Name: Naval Support Activities Whse. This proposed facility is located in Hampden Township, **Cumberland County**.

Description of Proposed Activity: The application is for a new NPDES permit for an existing discharge of Stormwater, which replaces NPDES Permit No. PAR803555.

The receiving stream(s), Unnamed Tributary to Trindle Spring Run, is located in State Water Plan watershed 7-B 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 parameter list for Outfalls 001, 002, 003, 004, 005, 006, and 007:

Parameters*	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
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 permittee may conduct an annual inspection using the Annual Inspection Form (3800-PM-WSWM0083v) in lieu of annual monitoring for the parameters listed above.

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.

PA0085022, Sewage, SIC Code 4952, **Conoy Township**, 211 Falmouth Road, Bainbridge, PA 17502-9801. Facility Name: Conoy Township Falmouth STP. This existing facility is located in Conoy Township, **Lancaster County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary to Susquehanna River, is located in State Water Plan watershed 7-G and is classified for Warm Water Fishes, Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.025 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅	5.2	8.3	XXX	25	40	50
		Wkly Avg				
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	6.3	9.4	XXX	30	45	60
		Wkly Avg				
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
	Annl Avg			Annl Avg		
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
	Annl Avg			Annl Avg		
Ammonia-Nitrogen						
May 1 - Oct 31	1.9	XXX	XXX	9.0	XXX	18
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
	Annl Avg			Annl Avg		

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.

Northwest Regional Office: Regional Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Telephone: 814.332.6942.

PA0103713, Industrial Waste, SIC Code 4911, **Scrubgrass Generating Co. LP**, 2151 Lisbon Road, Kennerdell, PA 16374. Facility Name: Scrubgrass Generating Plant. This existing facility is located in Scrubgrass Township, **Venango County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial waste and stormwater.

The receiving stream(s), Allegheny River, Falling Spring Run, and an unnamed tributary to the Allegheny River, are located in State Water Plan watershed 16-G and are 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 0.135 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.1	0.13	0.50

The proposed effluent limits for Outfall 002 are based on a design flow of 0.000000 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Total Arsenic	XXX	XXX	XXX	XXX	XXX	Report
Total Copper	XXX	XXX	XXX	XXX	XXX	Report
Total Nickel	XXX	XXX	XXX	XXX	XXX	Report
Total Selenium	XXX	XXX	XXX	XXX	XXX	Report
Total Zinc	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 003 are based on a design flow of 0.000000 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
This discharge shall consist of uncontaminated stormwater only.						

The proposed effluent limits for Outfall 101 are based on a design flow of 0.0228 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	XXX	XXX	0.2
Total Chromium	Report	Report	XXX	0.2	0.2	0.5
Total Zinc	Report	Report	XXX	1.0	1.0	2.5

The proposed effluent limits for Outfall 201 are based on a design flow of 0.0867 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	Report	Report	XXX	30	100	100
Oil and Grease	Report	Report	XXX	15	20	30

The proposed effluent limits for Outfall 301 are based on a design flow of 0.005 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0

Parameters	Mass (lb/day)			Concentration (mg/l)	
	Average Monthly	Minimum	Maximum	Average Monthly	Instant. Maximum
CBOD ₅	Report	XXX	XXX	25	50
Total Suspended Solids	Report	XXX	XXX	30	60
Fecal Coliform (CFU/100 ml)					
May 1 - Sep 30	XXX	XXX	XXX	200	1000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	10000
				Geo Mean	

In addition, the permit contains the following major special conditions:

- Requirement to Use eDMR System
- Chemical Additives
- Chlorine Discharge Allowance at Suboutfall 101

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI01 091203	Liberty Commercial Development Corporation 347 New Street, Suite 200 Quakertown, PA 18951	Bucks	Milford Township	Unami Creek— Perkiomen Creek (HQ-TSF)
PAI01 461203	Gary Graham PO Box 67676 700 Eisenhower Boulevard Harrisburg, PA 17057	Montgomery	Salford Township	Ridge Valley Creek (HQ-TSF)
PAI01 5106002-R Phase 24	City of Philadelphia Division of Aviation Terminal D-E Philadelphia International Airport Philadelphia, PA 19153	Delaware	Tinicum Township	Delaware River (WWF)

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Lehigh County Conservation District: Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Road, Allentown, PA 18104, 610-391-9583.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI023912019	James Baker Baker Development Group LLC 1748 Central Park Orefield, PA 18069	Lehigh	Weisenberg Township	Unknown Tributary to Lyon Creek, HQ-CWF, MF

Northampton County Conservation District: 14 Gracedale Ave., Greystone Building, Nazareth, PA 18064, 610-746-1971.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024806029R	Gregory T. Rogerson J.G. Petrucci Co., Inc. 171 Route 173, Suite 201 Asbury, NJ 08802	Northampton	Forks Township	Bushkill Creek, 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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025411002(2)	Eagle Rock Resort Co. Attn: Dan Durange 1 Country Club Road Hazle Township, PA 18202	Schuylkill	North Union Twp., and East Union Twp.	Little Tomhicken Creek, CWF, MF; Little Crooked Run, HQ-CWF, MF

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

Crawford County Conservation District, Woodcock Creek Nature Center, 21742 German Road, Meadville PA 16335

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062007001R	Snow Waters Development LLC 1680 Dell Avenue Campbell CA 95008	Crawford	Summit Township	Inset Run HQ-WWF

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>
CVFF, LLC McClay's Farm 7597 McClay's Mill Rd. Newburg, PA 17240	Franklin	0 available for manure	647.29	Swine	NA	Renewal
D. Fred Miller & Sons 580 Church Road East Berlin, PA 17316	Adams	1292.7	1082.87	Turkey and Beef	NA	Renewal
Green Valley Farm 2266 Junction Road Seven Valleys, PA 17360	York	16.21	1892.79	Swine	None	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

Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790

Application No. 4812507, Public Water Supply.

Applicant	Aqua Pennsylvania, Inc.
[Township or Borough]	Moore Township Northampton County
Responsible Official	Patrick R. Burke, Regional Manager Northeast & Central Operations Aqua Pennsylvania, Inc. 1 Aqua Way White Haven, PA 18661
Type of Facility	Community Water System
Consulting Engineer	Jonathan W. Morris, PE CET Engineering Services—GHD 1240 North Mountain Road Harrisburg, PA 17112 717-541-0622
Application Received Date	September 17, 2012

Description of Action	Application for installation of a chemical feed system for manganese treatment at the Christian Springs community water system.
-----------------------	---

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

Permit No. 1112506, Public Water Supply.

Applicant	Cresson Township Municipal Authority 730 Portage Road Cresson, PA 16630
[Township or Borough]	Cresson Township
Responsible Official	Veronica Harkins, Chairperson Cresson Township Municipal Authority 730 Portage Road Cresson, PA 16630
Type of Facility	Water system
Consulting Engineer	Hegemann and Wray Consulting Engineers 429 Park Avenue Cresson, PA 16630
Application Received Date	September 28, 2012

Description of Action	Construction of a 295,000 gallon water storage tank and pump station; and installation of approximately 3,000 feet of waterline.
-----------------------	--

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

Permit No. 2012506, Public Water Supply

Applicant	Country Acres Mobile Home Park
Township or Borough	East Mead Township
County	Crawford
Responsible Official	Robert L. Braymer
Type of Facility	Public Water Supply
Consulting Engineer	Steven R. Halmi, P.E. Deiss & Halmi Engineering, Inc. 105 Meadville Street Edinboro, PA 16412
Application Received Date	September 26, 2012

Description of Action	Add storage at well house for chlorine contact time.
-----------------------	--

Permit No. 2512508, Public Water Supply

Applicant	Pebble Beach Campground
Township or Borough	Springfield Township
County	Erie
Responsible Official	Mark Colussi
Type of Facility	Public Water Supply

Consulting Engineer	Robert L. Rabell, P.E. R.L. Rabell Surveying & Engineering 10560 Walnut Street Albion, PA 16401
Application Received Date	September 25, 2012
Description of Action	Permitting of Public Water Supply for existing small private campground along the Lake Bluff (Lake Erie).

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401

Tube Methods, Bridgeport Borough, **Montgomery County**. Phil Gray, Jr., Compliance Management International, 1350 Wels Road, Suite 200, North Wales, PA 19454, on behalf of Matth Mankus, 416 Johnson Properties, Rambo & Depot Streets, PO Box, Bridgeport, PA 19405 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of chlorinated solvents. Remediation methods will be recommended following site characterization.

Old Firehouse LLC Property, Borough of Narberth, **Montgomery County**. Jeremy Bolyn, Environmental Maintenance Company Inc., 1420 Mermaid Lane, Glenside, PA 19038 on behalf of Paul Wilson, Old Firehouse, LLC, 1 Station Circle, Narberth, PA 19072 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same. A Notice of Intent to Remediate was to have been published in the *Times Herald* on August 17, 2012.

McDaniel's Residence, Perkiomen Township, **Montgomery County**. Charles Burger, Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, Jason Bean, Allstate Insurance Company, 309 Lakeside Drive, Suite 100, Horsham PA 19044 on behalf of Georg McDaniel, 210 Cemetery Road, Schwenksville, PA 19473 has submitted a Notice of Intent to Remediate. Soil and groundwater has been impacted with the release of unleaded gasoline. The future use of the site will remain the same.

Maple Glen Shopping Center, Upper Dublin Township, **Montgomery County**. Gloria Hunsberger, Kleinfelder, 180 Sheree Boulevard, Suite 3800, Exton, PA 19341 on behalf of Jeffery Brown, Genuradi Family Markets, LP, 5918 Stoneridge Mall Road, Pleasanton, CA 94588 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of petroleum hydrocarbons. The future use of the site will remain the same.

Texaco 100247, City of Philadelphia, **Philadelphia County**. Jeffery T. Bauer, Whitestone Associates Inc., 1600 Manor Drive, Suite 220, Chalfont, PA 18914, Robert Holland, Bottom Dollar Food Northeast, LLC, P. O. Box 1330, Salisbury, NC 28145 on behalf of Albert t Kuoch, Penn GMT Corporation, 1900 East Sedgley Avenue, Philadelphia, PA 19124 has submitted a Notice of Intent to Remediate. The future use of the site will remain the same.

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

General Dynamics—OTS (Pennsylvania) Inc., 200 East High Street, Red Lion, PA 17356, Red Lion Borough and Windsor Township, **York County**. Buchart Horn, Inc., 445 West Philadelphia Street, York, PA 17401, on

behalf of General Dynamics—OTS, 11399 16th Court North, Suite 200, St. Petersburg, FL 33716, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with VOCs, chlorinated solvents and PAHs. The site will be remediated to a combination of the Residential Statewide Health and Site-Specific standards. Future use of the site remains industrial.

RESIDUAL WASTE GENERAL PERMITS

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 Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Application No. WMGR140. Summit Anthracite, Inc., 196 Vista Road, Klingerstown, PA 17941. Site: Summit Breaker, 612 Main Street, Good Spring, PA 17981. The application is for a residual waste general permit for beneficial use of the sludge and filter cake from a Department permitted industrial wastewater treatment facility, treating wastewater from a textile dyeing and finishing plant, for use as a soil additive and soil conditioner. This waste material must be used in accordance with the site reclamation plan approved by the Bureau of Mining. The application was determined to be administratively complete by Central Office on September 28, 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 WMGR140” 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

Permit Issued 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.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401

Permit No. 101376. Waste Management of Pennsylvania, Inc., the Forge Recycling and Resource Recovery Center, 5245 Bleigh Avenue, Philadelphia PA 19136-4225. This minor permit modification is for the Forge Recycling and Resource Recovery Center, a municipal waste transfer and processing facility located at 5245 Bleigh Avenue, Philadelphia, PA 19136, in the City of Philadelphia, **Philadelphia County**. This approval incorporates the interface of existing operations at the facility and the adjacent WM Spec FUEL facility, a new process engineered fuel production facility permitted

separately under General Permit No. WMGM037. The permit was issued by the Southeast Regional Office on August 6, 2012.

Permit No. 301350. Eldredge Inc., 898 Fernhill Road, West Chester, PA 19380-4202. This minor permit modification is to modify some permit conditions related to the Waste Analysis and Classification Plan originally approved by the Department on October 16, 2007, for Eldredge, Inc., a residual waste oil processing facility, located at 898 Fernhill Road, West Chester, West Goshen Township, **Chester County**. The permit was issued by the Southeast Regional Office on August 10, 2012.

Permit No. 301254. Clean Earth of Southeast PA, LLC, 7 Steel Road East, Morrisville PA 19067. This permit modification is for approving the reissuance of the residual waste processing facility due to a name change from Clean Earth of Southeast Pennsylvania, Inc. to Clean Earth of Southeast Pennsylvania, LLC. The Clean Earth of Southeast Pennsylvania, LLC Facility is a residual waste processing facility located at 7 Steel Road East, Morrisville, PA, in Falls Township, **Bucks County**. The permit was issued by the Southeast Regional Office on August 10, 2012.

REGISTRATION FOR GENERAL PERMIT—MUNICIPAL WASTE

Registration Issued Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Registration No. WMGM037SE001. Waste Management of Pennsylvania, Inc., 5245 Bleigh Avenue, Philadelphia PA 19136-4225. This is a registration to operate under General Permit Number WMGM037 for the processing and conversion of municipal waste into a fuel product. The new facility is called “WM SpecFUEL Facility” and it will be operating within the Forge Recycling and Resource Recovery Center, a municipal waste transfer and recycling facility located at 5245 Bleigh Avenue, Philadelphia, PA 19136, in the City of Philadelphia. The application for registration was issued by the Southeast Regional Office on August 6, 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.

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

15-0041B: Eastern Shore Natural Gas Company—Daleville Compressor Station (604 Street Road, Cochranville, PA 19330) for an expansion at their facility in Londonderry Township, **Chester County**. The proposed expansion will entail the following:

- Retiring three existing compressor units (Sources 031, 032, and 033)
- Installation of oxidation catalyst pollution control systems on two existing units (Sources 034 and 035)
- Installation of two new natural gas-fired reciprocating internal combustion engine compressor units equipped with oxidation catalyst pollution control systems
- Expanding the existing auxiliary building to accommodate a new motor control and station control center
- Installation of up to four natural gas-fired heaters

The facility is a state only, Synthetic Minor facility. The existing permit limits the emissions of nitrogen oxides (NO_x) from the facility to less than or equal to 24.9 tons per year on a 12-month rolling sum basis.

The provisions of this plan approval will subsequently be incorporated into a State Only Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450. The Plan Approval will contain recordkeeping requirements and operating restrictions 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

54-399-044B: Future Power PA (72 Glenmaura National Boulevard, Moosic, PA 18507) to construct and operate a Natural Gas fired Combined Cycle plant with controls at their facility to be in Porter Township, **Schuylkill County**.

54-308-028: Sapa Extrusions, Inc. (53 Pottsville Street, Cressona, PA 17929) for installation of a new billet furnace and 5 age ovens at the site Cressona Borough, **Schuylkill County**.

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

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

11-00529A: Ebensburg Animal Hospital (922 Rowena Drive, Ebensburg, PA 15931) for installation of an IEB-16 Animal Cremator at the animal hospital in Ebensburg Borough, **Cambria County**. This is a minor facility Plan Approval application submittal.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

09-0027H: Fres-Co System USA, Inc. (3005 State Road, Telford, PA 18969) for a Title V Plan Approval application for a 6 ton per year VOC emission increase on Press 203 in West Rockhill Township, **Bucks County**. The Plan Approval will contain monitoring, recordkeeping and operating restrictions designed to minimize emissions and keep the facility operating within all applicable air quality requirements.

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

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

66-315-057: The Procter & Gamble Paper Products Co. P. O. Box 31, Mehoopany, PA 18692, for modification of paper machines 2M (Source 502) and 3M (Source 503) by adding one (1) 20 MMBtu/hr low nitrogen oxide (NO_x) for their plant in Washington Township, **Wyoming County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b) the Department of Environmental Protection (DEP) intends to issue a Plan Approval No. 66-315-057 to The Procter & Gamble Paper Products Co. P. O. Box 31, Mehoopany, PA 18692, for their plant in Washington Township, Wyoming County. The facility currently has

Title V Permit No. 66-00001. This plan approval will be incorporated into the Title V 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. 66-315-057 is for the modification of paper machines 2M (Source 502) and 3M (Source 503) by adding one (1) 20 MMBtu/hr low nitrogen oxide (NO_x) emitting duct burner each on the 2M and 3M paper machines to provide supplemental heat for drying thereby allowing an increase in machine speed and product output. The project will also include the modification of paper machines 2M and 3M to incorporate dissolved air

<i>Pollutant</i>	<i>2M New Burner TPY</i>	<i>3M new Burner TPY</i>	<i>DAF 2M & 3M TPY</i>	<i>Venturi Scrubber TPY</i>	<i>2M Production Increases TPY</i>	<i>3M Production Increases TPY</i>	<i>Total TPY</i>
PM	0.58	0.58		1.6	0.86	0.76	4.38
PM ₁₀	0.58	0.58		1.6	0.86	0.76	4.38
PM _{2.5}	0.58	0.58		1.35	0.70	0.62	3.83
NO _x	7.88	7.88			1.24	0.0	17.0
SO ₂	0.05	0.05			0.05	0.06	0.21
CO	11.83	11.83			6.94	8.48	39.08
VOC	0.42	0.42	1.5		2.02	0.43	4.79
CO ₂ e	9,231	9,231			9,923	12,142	40,527
Pb	0.0000384	0.0000384			0.0000412	0.0000497	0.0000167

The emissions of these pollutants are within all applicable emissions limitations.

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 18711.

Any person(s) wishing to provide DEP with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 66-315-057 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., Environmental Group Manager, Air Quality

flotation units (DAFs) for the removal of paper fiber from the paper making wastewater. A venturi style wet scrubber will be added to the Yankee end of paper machine 3M for the control of PM emissions.

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 emissions increases from the proposed modification of paper machines 2M & 3M.

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

36-03189A: Perdue Grain & Oil Seed, LLC (PO Box 1537, Salisbury, MD 21802-1537) for the installation of grain elevator in Conoy Township, **Lancaster County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to the abovementioned company for the abovementioned project.

Plan Approval No. 36-03189A is for the installation of grain elevator operations and will be Phase 1 of 2 in the overall project. Phase 2 will be for the installation of a soybean oil extraction facility; however, that portion will be addressed under a separate plan approval application. The proposed grain elevator will have the potential-to-emit 58.59 tpy PM, 15.86 tpy PM₁₀, 3.25 tpy PM_{2.5}, 0.20 tpy SO_x, 28.50 tpy CO, 24.58 tpy NO_x, 3.02 tpy VOC, 0.62 tpy of a single HAP (hexane), 0.64 tpy combined HAPs, and 47,270.50 tpy CO₂. The plan approval will contain monitoring, recordkeeping, reporting & work practice standards designed to keep the facility operating within all applicable air quality requirements. Among other items, the conditions include provisions derived from 40 CFR 60, Subpart DD—Standards of Performance for Grain Elevators.

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.

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, 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.

06-05128A: Reading Truck Body, LLC (P. O. Box 650, Reading, PA 19607-0650) for authorization to replace an existing paint booth with a new paint booth which will be used to apply touch-up topcoats to metal parts. The heavy duty truck manufacturing facility is located in the City of Reading, **Berks County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to the above mentioned company for the above mentioned project. Volatile organic compound (VOC) emissions from the sources will remain capped at less than 50 tons per year. The plan approval will contain additional testing, recordkeeping, and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The project will not trigger PSD or NSR requirements. The VOC emissions from the new paint booth are expected to be approximately 3.0 tons per year.

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, or for requests for a public hearing. 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.

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, protests, or requests for a public hearing.

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.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

20-040I: Advanced Cast Products (18700 Mill Street, Meadville, PA 16335) for installation of a new particulate matter collection and control system for the facility's charge & pre-heating process (Process 101) and the facility's melting-transfer magnesium treatment process (Process 102) in Vernon Township, **Crawford County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the Title V operating permit at a later date.

This project will result in projected actual emissions of 0.86 tpy for PM and 0.82 tpy for PM₁₀/PM_{2.5}. This Plan Approval will contain conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source including, but are not limited to, the following:

- Facility is now subject to the "large foundry" requirements of 40 CFR 63 Subpart ZZZZZ
- Sources 101 & 102:
- No person may permit the emission into the outdoor atmosphere of particulate matter in a manner that the concentration of total particulate matter (both filterable and condensable) in the effluent gas exceeds 0.020 grain per dry standard cubic foot.
- Emissions from the baghouse (BH15) shall not exceed the following:
 - PM: 0.860 tpy based on a 12-month rolling total
 - PM₁₀: 0.813 tpy based on a 12-month rolling total
 - The facility shall not exceed 30,000 tpy throughput based on a 12-month rolling total.
- Facility shall stack test for total PM (both filterable and condensable) while operating at 8 tons per hour or greater
- Facility shall record pressure drop daily and shall be maintained between 1.0 and 8.0 inches of water or as established during compliant testing.
- Facility shall record VE observations. VE observation shall be performed during tapping, if tapping operations are conducted during daylight hours. The VE observation shall be 60 seconds in length and if any visible emissions are observed, a Method 9 observation shall be conducted to determine compliance with the opacity limitations. The VE observations shall be done daily for a period of one month and if there is no detectable VE then the facility may perform weekly VE observations for a period of 4 weeks and if there is no detectable VE then the facility

may perform monthly VE observations during tapping. Any observation of VE will start the sequence over again.

- The facility may bypass the baghouse only during idle periods and only for performing preventative maintenance and / or repairs on the baghouse. Idle periods are defined as periods when the facility is not in production (charging, melting, tapping, preheating, or treating iron).

- The permittee shall perform quarterly "black-light" leak inspections of the baghouse. An excursion is defined as a failure to perform and record the quarterly leak inspections.

- The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

- All conditions from the facility operating permit dated March 2, 2010, for Sources 101 and 102 remain in effect unless modified in this plan approval.

In accordance with 25 Pa. Code § 127.44(e)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(e)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. 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 Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [20-040I] 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 Regional Air Quality Program Manager, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

If a plan approval has not undergone the above public notice process, the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in §§ 127.421—127.431 for state only operating permits or §§ 127.521—127.524 for Title V operating permits.

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

Contact: Edward Wiener, Chief—Telephone: 215-685-9426

AMS 12093: (Philadelphia Ship Repair, LLC—5195 South 19th Street, Philadelphia, PA 19112) for reactivation and operation of a ship repair and painting facility in the City of Philadelphia, **Philadelphia County**. The operation will include the installation of a painting equipment. Emissions from the facility are limited to the following:

- Volatile Organic Compounds shall be less than 37.91 tons per rolling 12-month period;

- Hazardous Air Pollutants (HAP) shall be less than 28.61 tons per rolling 12-month period of any individual HAP emissions and less than 34.94 tons per rolling 12 month period for any combination of HAP emissions;

The plan approval will contain operating, monitoring, testing, recordkeeping, and reporting 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.

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

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

56-00262: Mostoller Landfill, Inc. (7095 Glades Pike, Somerset, PA 15501) for continued operation of the current processes, sources, and devices at the Mostoller Landfill in Brothersvalley Township, **Greene County**. This is a Title V renewal submission.

63-00642: Equitrans, L.P. (EQT Plaza, 625 Liberty Avenue, Pittsburgh, PA 15222) for pipeline transportation of natural gas at the Hartson Compressor Station in Union Township, **Washington County**. This is a Title V Operating Permit renewal application submittal.

32-00059: GenOn Northeast Management Co. (121 Champion Way, Canonsburg, PA 15317) for fossil fuel electric power generation at the Conemaugh Power Plant in West Wheatfield Township, **Indiana County**. This is a Title V Operating Permit renewal application submittal.

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

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131

20-00035: Molded Fiber Glass Companies—Tray Co. (6175 US Highway 6, Linesville, PA 16424) for a Title V Operating Permit Renewal to operate a Reinforced Plastic Manufacturing Facility, in Linesville Borough, **Crawford County**. The facility is a major source due to their emissions of styrene. The potential styrene emissions, if this facility were operated around the clock, are 19 tons per year.

33-00140: Dominion Transmission Inc.—Punxsutawney Station (88, Laska Road, Punxsutawney, PA 15767) for a renewal of a Title V Permit to operate a natural gas transmission and distribution station in Perry Township, **Jefferson County**. The facility's major emission sources included, Boiler 1 (Ajax Egfd-5500), Miscellaneous Combustion Units (2.5 MMBTU / Hr.), Compressor Engine 1 (4200 HP), Compressor Engine 2 (4200 HP) Auxiliary Generator (550 HP Caterpillar), Miscellaneous Storage Tanks, Compressor Engines 3 (4735 HP). The potential emissions of the major pollutants from the facility are, NO_x: 243 TPY (tons per year)

and VOC: 85.4 TPY, Thus, the facility is subject to Title V requirements. Three compressors are exempted from 40 CFR Part 63, Subpart ZZZZ. The auxiliary emergency generator is also exempt from Subpart ZZZZ except for the requirements of § 63.6640(f)(2).

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

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

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

15-00071: Gourmet Delight Mushroom Co. (704 Garden Station Road, Avondale, PA 19311) for a Non-Title V Facility, State-Only, Natural Minor Permit in London Grove Township, **Chester County**. Gourmet Delights is a mushroom growing and manufacturing facility. The sources of emissions include boilers and emergency generators. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

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

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

54-00038: Hart Metals, Inc. (1415 East Broad Street, Tamaqua, PA 18252) for operation of a metal processing operation and associated air cleaning devices at their facility in Tamaqua Borough, **Schuylkill County**. This application is a renewal of the State-only (Natural Minor) Operating Permit for this facility. 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.

40-00120: ADM Cocoa—ADM East Coast Cocoa Plant (Humboldt Industrial Park North, 400 Stoney Creek Road, Hazle Township, PA 18202) for manufacturing of chocolate and cocoa products in Hazle Township, **Luzerne County**. The primary sources consist of a boiler, mills, a nib cooler, a roaster, a micronizer, and several material handling sources. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. This is an initial State-Only Synthetic Minor 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

36-05125: Department of Corrections (P. O. Box 598, Camp Hill, PA 17001) for operation of their Training Academy in Mount Joy 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 abovementioned facility.

The subject facility has past actual emissions of 23.3 tpy SO_x, 7.9 tpy NO_x, 7.0 tpy PM, 0.5 tpy CO, and 0.2 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 JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.

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.

21-03003: Norfolk Southern Railway Co. (218 N. Enola Road, Enola, PA 17025) for Enola Diesel Shop heating sources in East Pennsboro Township, **Cumberland County**. This is a renewal of their State-Only Operating Permit issued in January 2007.

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 primary emissions from the heating sources are oxides of nitrogen; the actual NO_x emissions are approximately 10 tpy. The emergency engine generators are subject to 40 CFR 60, Subpart IIII and 40 CFR 63, Subpart ZZZZ.

The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping, and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the 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.

Dan 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.

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

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

32-00101: Halliburton Energy Services, Inc. / Indiana Plant (101 Lucerne Road, Homer City, PA 15748) for the operation of a cement and fly ash storage facility for the oil and gas industry in Homer City Borough, **Indiana County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the above mentioned facility.

The subject facility consists of six cement storage tanks, one fly ash storage tank, one waste storage tank, one scale storage tank, one blend tank, two hydrochloric storage tanks and one acid rain return storage tank used to store materials used for oil and gas well isolation. The facility has the potential to emit 1.0 tpy PM₁₀, 1.0 tpy PM and 1.0 tpy HCl. The facility is required to conduct a weekly survey of the facility during daylight hours while the facility is operating to ensure compliance with the visible emission, fugitive emission and malodor restrictions. Records of the weekly survey performed must be recorded. Monthly preventative maintenance inspections are to be performed on the control devices and recorded in an on-site log. The facility is also required to water all in-plant roads once per day, dependent on the weather, maintain a set vehicle pattern, post speed limit sign of 15 mph as well as promptly remove earth or other material from paved roads onto with earth or other material has been transported by trucking or earth moving equipment, or other means. Particulate matter emissions are not to exceed 0.04 gr/dscf. The proposed authorization is subject to State and Federal Regulations. The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Sheila Shaffer, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (32-00101) and 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.

56-00153: Somerset Community Hospital (225 South Center Avenue, Somerset, PA 15501) for general medical and surgical hospital services at the hospital in Somerset Borough, **Somerset County**. This is a Synthetic Minor Operating Permit Renewal application submittal.

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

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

15-00071: Gourmet Delight Mushroom Co. (704 Garden Station Road, Avondale, PA 19311) for a Non-Title V Facility, State-Only, Natural Minor Permit in London Grove Township, **Chester County**. Gourmet Delights is a mushroom growing and manufacturing facility. The sources of emissions include boilers and emergency generators. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

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

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

54-00038: Hart Metals, Inc. (1415 East Broad Street, Tamaqua, PA 18252) for operation of a metal processing operation and associated air cleaning devices at their facility in Tamaqua Borough, **Schuylkill County**. This application is a renewal of the State-only (Natural Minor) Operating Permit for this facility. 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.

40-00120: ADM Cocoa—ADM East Coast Cocoa Plant (Humboldt Industrial Park North, 400 Stoney Creek Road, Hazle Township, PA 18202) for manufacturing of chocolate and cocoa products in Hazle Township, **Luzerne County**. The primary sources consist of a boiler, mills, a nib cooler, a roaster, a micronizer, and several material handling sources. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. This is an initial State-Only Synthetic Minor 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.

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

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

32-00101: Halliburton Energy Services, Inc. / Indiana Plant (101 Lucerne Road, Homer City, PA 15748) for the operation of a cement and fly ash storage facility for the oil and gas industry in Homer City Borough, **Indiana County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the above mentioned facility.

The subject facility consists of six cement storage tanks, one fly ash storage tank, one waste storage tank, one scale storage tank, one blend tank, two hydrochloric storage tanks and one acid rain return storage tank used to store materials used for oil and gas well isolation. The facility has the potential to emit 1.0 tpy PM₁₀, 1.0 tpy PM and 1.0 tpy HCl. The facility is required to conduct a weekly survey of the facility during daylight hours while the facility is operating to ensure compliance with the

visible emission, fugitive emission and malodor restrictions. Records of the weekly survey performed must be recorded. Monthly preventative maintenance inspections are to be performed on the control devices and recorded in an on-site log. The facility is also required to water all in-plant roads once per day, dependent on the weather, maintain a set vehicle pattern, post speed limit sign of 15 mph as well as promptly remove earth or other material from paved roads onto with earth or other material has been transported by trucking or earth moving equipment, or other means. Particulate matter emissions are not to exceed 0.04 gr/dscf. The proposed authorization is subject to State and Federal Regulations. The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Sheila Shaffer, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (32-00101) and 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.

56-00153: Somerset Community Hospital (225 South Center Avenue, Somerset, PA 15501) for general medical and surgical hospital services at the hospital in Somerset Borough, **Somerset County**. This is a Synthetic Minor Operating Permit Renewal application submittal.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131

25-00924: Erie Forge & Steel, Inc. (1341 West 16th Street, Erie, PA 16512-1522) for renewal of a Natural Minor Permit to operate machine shop and heat treating facility in City of Erie, **Erie County**. The facility's emitting sources included, 1) Heat Treat Furnaces (3), 2) Heat Treat Furnaces (3)—Forging Area, 3) Plant wide cleaning wiping operations and, 4) Epoxy painting operation. This is a Natural Minor facility due to its potential to emit of pollutants are less than the Title V threshold limits. The facility is not subject to 40 CFR Part 63, Subpart HHHHHH and XXXXXX. The potential emission statement, NO_x: 70 TPY (Tons per year), CO: 57 TPY, PM: 6 TPY, SO₂: 1 TPY, VOC: 15 TPY and CO₂: 72,000 TPY.

42-00194: Glenn O Hawbaker—Shinglehouse Plant 8 (711 East College Avenue, Bellefonte, PA 16823-6854) to issue a renewal of the State Only Operating Permit for the sand and gravel operations in Ceres Township, **McKean County**. The facility is a Natural Minor. The primary sources at the facility include crushers, conveyors, screening, and material stockpiles. The facility also received a GP3 and GP11 for a track mounted impact plant and the associated Caterpillar non road engine. The requirements of both GPs will be rolled into the permit during this renewal. The facility is subject to 40 CFR Part 60, Subpart OOO—pertaining to nonmetallic mineral processing. Water spray is used to minimize fugitive emissions from the mineral processing. The facility is restricted to 16 hours per day, 6 days per week, and 3,840

hours per year. The capacity of the crushers is limited to 350 TPH. The potential emissions from the facility are less than the following: 6.09 TPY NO_x; 16.8 TPY NO_x+HC; 4.0 TPY SO_x; 10.0 TPY PM₁₀; and, 5.8 TPY CO. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

61-00012: OMG Americas, Inc. (P. O. Box 111, Two Mile Run Road, Franklin, PA 16323) for a Synthetic Minor Permit to operate an industrial chemical manufacturing facility. The facility manufactures specialty chemicals, metal carboxylate, PVC stabilizers and cobalt and nickel salts using batch type processing manufacturing facility located in Sugarcreek Borough, **Venango County**. The Synthetic Minor Operating Permit will limit the emission of Volatile Organic Compound to 49.9 TPY (Tons per year) emissions of any single Hazardous Air Pollutants to 9.9 TPY, and emissions from all Hazardous Air Pollutants to 24.9 TPY. The emitting sources included, 1) Kewanee Boiler (50-03)- natural gas, 2) Hurst Boiler, 3) Carboxylate MFG—R4, 7, 4) Carboxylate Mfg—R12,18, 5) Light color process reactor, 6) Bepex dryer with controls, 7) Carboxylate MFG—R304,307, 8) Cobalt Carboxylate Process, 9) Packaging (filling drum), 10) Pastillator 1,2 & Hopper, 11) Reactor R-601 and tanks, 12) Miscellaneous natural gas usage, 13) Reactor R-601 and tanks, 14) Combination of miscellaneous small sources, 15) Foreburg mixer and hopper, 16) Kohler emergency generator, 17) Clarke Detroit Diesel fire pump engines (2), and 18) Miscellaneous cold cleaning degreasers (10). The emission statement: Ammonia: 1.39 TPY (Tons per year), Lead: 4.0280 TPY, NO_x: 2.14 TPY, PM₁₀: 0.2760 TPY, SO_x: 0.029 TPY, VOC: 23.62 TPY, Cobalt Compound: 0.1260 TPY, Glycol Ether: 0.2590 TPY and Phenol: 0.0420 TPY. The sources, two fire pumps and emergency generator are subject to 40 CFR Part 63, Subpart ZZZZ. All applicable conditions of Subpart ZZZZ have included in the source level of the permit.

25-00326: Foamex Innovations, Inc.—Corry Plant (466 Shady Avenue, Corry, PA 16407): The Department intends to issue a Natural Minor Operating Permit to operate this Flexible Polyurethane Foam Manufacturing Facility, located in Corry Borough, **Erie County**. This facility had been classified as a major source and has previously been issued a Title V Operating Permit but in recent years have completely eliminated the use of Methylene Chloride as an Auxiliary Blowing Agent. By using Carbon Dioxide as an Auxiliary Blowing Agent HAP emissions from this facility have been reduced to nearly zero without any emission control systems. Emissions of all other criteria pollutants are well below major source thresholds.

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

Contact: Edward Wiener, Chief—Telephone: 215-685-9426

N12-035: Kuusakoski Philadelphia LLC. (3150 Orthodox Street., Philadelphia, PA 19137) for the operation of an electronics scrap recycling plant in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include a process which consists of a pre-treatment crusher with a 275 HP diesel-fired internal combustion engine and a ring crusher with an electric motor. Ring crusher emissions vent to a cyclone and a fabric filter.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regula-

tion XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

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

N12-038: Methodist Hospital—Thomas Jefferson Health System (2301 South Broad Street, Philadelphia, PA 19148) for operation of a hospital facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes a two (2) No. 2 oil or natural gas fired 16.76 MMBTU/hr boilers, and two (2) No. 2 oil fired emergency generators

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

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

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state

or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

Coal Applications Received

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

30841316. Consol Pennsylvania Coal Company, LLC, (1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15323). To revise the permit for the Bailey Mine and Prep Plant in Morris Township, **Greene County** to install an overhead power line for the 7 North #2 Airshaft. Surface Acres Proposed 15.25. No additional discharges. The application was considered administratively complete on September 25, 2012. Application received: June 29, 2012.

32991301. AMFIRE Mining Company, LLC, (One Energy Place, Latrobe, PA 15650). To revise the permit for the Nolo Deep Mine in Buffington Township, **Indiana County** to change the water handling plan for surface runoff from the adjacent Barrett Mine parking lot. Surface Acres Proposed 0.6. No additional discharges. The application was considered administratively complete on September 25, 2012. Application received: February 29, 2012.

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

11100104 and NPDES No. PA0263087. RJC Kohl, Inc., 1927 Killen School Road, Nicktown, PA 15762, revision of an existing bituminous surface mine to add auger mining in Susquehanna, Elder and West Carroll Townships, **Cambria County**, affecting 98.5 acres. Receiving stream(s): unnamed tributaries to Fox Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 24, 2012.

32120105 and NPDES No. PA0269123. Britt Energies, Inc., P. O. Box 515, Indiana, PA 15701, commencement, operation and restoration of a bituminous surface and auger mine in Burrell Township, **Indiana County**, affecting 117.3 acres. Receiving stream(s): unnamed tributary to Blacklick Creek to Conemaugh River classified for the following use(s): cold water fishery and warm water fishery. There are no potable water supply intakes within

10 miles downstream. The application includes a stream encroachment to conduct surface mining operations up to 25 feet within the barrier area of an unnamed tributary to Blacklick Creek. Application received: September 19, 2012.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

54860110R5. Reading Anthracite Company, (P. O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in Cass and Foster Townships, **Schuylkill County** affecting 99.0 acres, receiving stream: West Branch Schuylkill River. Application received: September 24, 2012.

Noncoal Applications Received

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

PA0269131. Robert B. Colton, 11368 Oldtown Road, Huntingdon, PA 16652. Individual NPDES Permit Associated with Mining Activities, SMP No. 31120801 located in Miller Township, **Huntingdon County**. Receiving stream(s): Standing Stone Creek classified for the following use(s): high quality—cold water fishery. There are no potable water supply intakes within 10 miles downstream. Applicant is proposing to use non-discharge alternatives. Application received: June 5, 2012.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

58900302C and NPDES Permit No. PA0225339. Stateline Quarry, Inc., (1677 Creamery Road, Clifford Township, PA 18407), new NPDES Permit for discharge of mine drainage from a quarry operation in Apolaccon Township, **Susquehanna County** affecting 294.4 acres, receiving streams: unnamed tributary to Apalachin Creek and Cork Hill Creek, classified for the following uses: cold water fishes and HQ-cold water fishes. Application received: September 11, 2012.

7775SM8C5 and NPDES Permit No. PA0595748. Dyer Quarry, Inc., (P. O. Box 188, Birdsboro, PA 19508), renewal of NPDES Permit for discharge of treated mine

drainage from a quarry operation in Robeson Township, **Berks County** affecting 310.0 acres, receiving stream: Indian Corn Creek, classified for the following use: cold water fishes. Application received: September 21, 2012.

8274SM6C3 and NPDES Permit No. PA0595349. Pennsy Supply, Inc., (P. O. Box 3331, Harrisburg, PA 17105), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in East Hempfield Township, **Lancaster County** affecting 241.0 acres, receiving stream: unnamed tributary to Little Conestoga Creek, classified for the following use: trout stock fishes. Application received: September 24, 2012.

47032801. Richard L. Beachel, (524 Fairview Road, Danville, PA 17821), Stage I & II bond release of a quarry operation in Derry Township, **Montour County** affecting 2.0 acres on property owned by Levi Beiler. Application received: September 24, 2012.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

Effluent Limits for Coal Mining Activities

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

*The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in

surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Effluent Limits for Noncoal Mining Activities

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapter 77 are as follows:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer

and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal NPDES Draft Permits

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

NPDES No. PA0235806 (Mining Permit No. 30080701), Consol Pennsylvania Coal Company, (1525 Pleasant Grove Road, PO Box J, Claysville, PA 15323). A revision to the NPDES and mining activity permit for the Bailey Central Mine Complex Coal Refuse Disposal Areas No. 5 and No. 6 in Richhill Township, **Greene County** to add acreage for course refuse disposal area No. 6. One new NPDES discharge point will be added. Surface Acres Affected 111.6. Receiving stream: Unnamed Tributary to Owens Run, classified for the following use WWF. The application was considered administratively complete on August 2, 2012. Application received January 4, 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.

Outfall 601 discharges to: Unnamed Tributary to Owens Run

The proposed effluent limits for Outfall 601 (Lat: 39° 56' 58" Long: 80° 25' 28") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow		-	0.014	-
Iron (mg/l)		1.3	2.5	3.2
Manganese (mg/l)		1.1	2.1	2.7
Aluminum (mg/l)		0.4	0.8	1.0
Suspended Solids (mg/l)		35	70	90
Sulfates (mg/l)				REPORT
Osmotic Pressure (mOs/kg)		44	89	111
Total Dissolved Solids (mg/l)				REPORT
Specific Conductance (umho)				REPORT

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

NPDES No. PA0257672 (Mining Permit No. 17110106), Black Cat Coal, LLC (107 W. First Ave., Clearfield, PA 16830) new NPDES permit for surface coal mining in Brady Township, **Clearfield County**, affecting 89.0 acres. Receiving stream(s): Unnamed Tributary to East Branch Mahoning Creek and Stump Creek classified for the following use(s): HQ-CWF and CWF. [East Branch Mahoning Creek Watershed TMDL and Stump Creek Watershed TMDL] Application received: March 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 outfall(s) listed below require a non-discharge alternative: Unnamed Tributary to East Branch Mahoning Creek and Stump Creek

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	Yes
B	Yes
C	Yes
D	Yes
E	Yes
F	Yes
G	Yes
TB-1	Yes
TB-2	Yes
TB-3	Yes

There is no proposed surface discharge from the above listed facilities to the receiving stream due to the implementation of Best Management Practices.

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

Southwest Region: Wetlands & Waterways Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1678. Allegheny County Airport Authority, LP, Landside Terminal, 4th Floor Mezz, P. O. Box 12370, Pittsburgh, PA 15231-0370; Findlay Township, **Allegheny County**; ACOE Pittsburgh District.

Applicant is proposing to construct, operate, and maintain five stream enclosures totaling 756 feet to allow development Phase II of the Clinton Industrial Park Raredon Run and Unnamed Tributaries to Raredon Run (WWF). The project is located northwest of the intersection of Clinton Road and Sweeney Drive (Aliquippa and Clinton, PA Quadrangle; Aliquippa N: 1.3 inches, W: 6.7 inches; Latitude: 40° 30' 18"; Longitude: -80° 17' 52").

District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701

E4129-055: PVR Marcellus Gas Gathering, LLC, 100 Penn Tower Square, Suite 201 & 202, 25 West Third Street, Williamsport, PA 17701, Upper Fairfield Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) one 16 inch natural gas pipeline, one 8 inch water pipeline, and a timber mat bridge impacting 150 linear feet of unnamed tributaries to Loyalsock Creek (EV) (Montoursville North Quadrangle 41°18'14"N 76°54'29"W).

The project will result in 150 linear feet of stream impacts all for the purpose of installing a natural gas gathering line with associated access roadways for Marcellus well development.

E4129-056: Anadarko Marcellus Midstream, L.L.C., 33 West Third Street, Suite 200, Williamsport, PA 17701, Pine Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) two 6-inch natural gas pipelines, two 6-inch waterlines, one 24-inch natural gas line, one 12-inch waterline, one electric/fiber optic line, and a timber mat bridge impacting 913 square feet of a palustrine forested (PFO) wetland (English Center PA Quadrangle 41°29'42"N, 77°16'44"W);

2) two 6-inch natural gas pipelines, two 6-inch waterlines, one 24-inch natural gas line, one 12-inch waterline, one electric/fiber optic line, and a timber mat bridge impacting 100 linear feet of Fourmile Run (EV, MF) and 30 linear feet of an unnamed tributary to Fourmile Run (EV, MF) (English Center PA Quadrangle 41°29'51"N, 77°16'44"W);

3) two 6-inch natural gas pipelines, two 6-inch waterlines, one 24-inch natural gas line, one 12-inch waterline, one electric/fiber optic line, and a timber mat bridge

impacting 68 square feet of palustrine forested (PFO) wetland (English Center PA Quadrangle 41°29'52"N, 77°16'44"W);

4) two 6-inch natural gas pipelines, two 6-inch waterlines, one 24-inch natural gas line, one 12-inch waterline, one electric/fiber optic line, and a timber mat bridge impacting 2,784 square feet of a palustrine forested (PFO) wetland (Morris PA Quadrangle 41°30'08"N, 77°16'41"W);

5) two 6-inch natural gas pipelines, two 6-inch waterlines, one 24-inch natural gas line, one 12-inch waterline, one electric/fiber optic line, and a timber mat bridge impacting 86 linear feet of Smith Run (EV, MF) (Morris PA Quadrangle 41°30'28"N, 77°16'28"W);

6) two 6-inch natural gas pipelines, two 6-inch waterlines, one 24-inch natural gas line, one 12-inch waterline, one electric/fiber optic line, and a timber mat bridge impacting 80 linear feet of an unnamed tributary to Smith Run (EV, MF) and 10190 square feet of adjacent palustrine emergent (PEM) wetland (Morris PA Quadrangle 41°30'46"N, 77°16'35"W);

7) two 6-inch natural gas pipelines, two 6-inch waterlines, one 24-inch natural gas line, one 12-inch waterline, one electric/fiber optic line, and a timber mat bridge impacting 87 linear feet of an unnamed tributary to Smith Run (EV, MF) (Morris PA Quadrangle 41°30'48"N, 77°16'35"W);

8) two 6-inch natural gas pipelines, two 6-inch waterlines, one 24-inch natural gas line, one 12-inch waterline, one electric/fiber optic line, and a timber mat bridge impacting 2,238 square feet of palustrine forested (PFO) wetland (Morris PA Quadrangle 41°31'28"N, 77°16'27"W);

The project will result in 383 linear feet of stream impacts and a total of 0.37 acre of wetland impacts all for

the purpose of installing a natural gas gathering line, water pipeline, and associated access roadways for Marcellus well development.

E4129-057: Anadarko Marcellus Midstream, L.L.C., 33 West Third Street, Suite 200, Williamsport, PA 17701, Cogan House Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) two 6-inch natural gas pipelines, two 6-inch waterlines, one 12-inch waterline, one electric/fiber optic line, and a timber mat bridge impacting 6,921 square feet of palustrine forested (PFO) wetland (White Pine PA Quadrangle 41°24'18"N, 77°09'41"W).

The project will result in a total of 0.16 acre of wetland impacts all for the purpose of installing a natural gas gathering line, water pipeline, and associated access roadways for Marcellus well development.

ENVIRONMENTAL ASSESSMENTS

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Telephone: 717.705.4802

EA36-027: Jonathan Lantz, 930 Musser School Road, Gordonville, Pennsylvania 17529, in Salisbury Township, **Lancaster County**, ACOE Baltimore District

To grade and maintain 1,200.0 feet of the right bank and floodplain of Pequea Creek (TSF, MF) for the purpose of reducing erosion of the streambank. The project is located 0.3 mile southeast of the intersection of South New Holland Road and Hershey Church Road (New Holland, PA Quadrangle; N: 3.24 inches, W: 7.38 inches; Latitude: 40°01'4.2", Longitude: -76°03'9.9") in Salisbury Township, Lancaster County. No wetlands will be impacted by this project.

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: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0034428 (Sewage)	Cove Haven Resort WWTP Route 590 Lakeville, PA 18438	Wayne County Paupack Township	UNT to Lake Wallenpaupack (01C)	N
PA0063517 (Sewage)	Bonham Nursing Center STP 477 Bonnieville Road Stillwater, PA 17878	Luzerne County Huntington Township	Pine Creek (5-C)	Y
PA0032166 (Sewage)	Delaware Valley School District STP 236 Rte 6/209 Milford, PA 18337	Pike County Westfall Township	Delaware River (2-E)	Y
PA0062910 (Sewage)	Bowmanstown Borough WWTP Lincoln Avenue Bowmanstown, PA 18030	Carbon County Bowmanstown Borough	Lehigh River (2-B)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0082368 (Sew)	Amy Perry Abbottstown-Paradise Joint Sewer Authority PO Box 505 Abbottstown, PA 17301-0505	Adams County / Hamilton Township	Beaver Creek / 7-F	Y
PA0081582 (Sew)	Daniel Schriver Possum Valley Municipal Authority PO Box 420 Bendersville, PA 17306-0420	Adams County / Menallen Township	Opossum Creek / 7-F	Y
PA0042528 (Sew)	Robert L. Searer Margaretta MHP 1446 Prayer Mission Road York, PA 17406	York County / Lower Windsor Township	Cabin Creek / 7-I	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0004472 Industrial Waste	US Steel Corporation Mon Valley Works Clairton Plant 400 State Street Clairton, PA 15025-1855	Allegheny County City of Clairton	Monongahela River	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0102369 (Sewage)	Rainbow Valley MHP 400 Lord Road, Fairview, PA 16415-1526	Erie County Waterford Township	Unnamed Tributary to LeBoeuf Creek (16-A)	Y

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

NPDES Permit No. PA0026492 A-2, Sewage, SIC Code 4952, **Scranton Sewer Authority**, 312 Adams Avenue, Scranton, PA 18503.

This existing facility is located in the City of Scranton, **Lackawanna County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit amendment for an existing discharge of treated sewage, for the purpose of adding recently discovered CSO outfalls to the list of permitted CSO outfalls, deleting permitted CSO outfalls which have been eliminated, and revising the dates for contract award and certification of substantial completion (of wastewater treatment plant improvements for Biological Nutrient Removal) as contained in the Chesapeake Bay nutrient compliance schedule in Part C of the Permit.

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

NPDES Permit No. PA0023183, Amendment No. 1, Sewage, **Jim Williams**, Mount Holly Springs Borough Authority, 200 Harman Street, Mount Holly Springs, PA 17065-1339.

This proposed facility is located in Mount Holly Springs Borough, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to Mountain Creek in Watershed 7-E.

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

PA0263982, Sewage, SIC Code 8800, **Robert L. Thomas**, 6101 Cabot Court, Mentor, OH 44060. Facility Name:

R. L. Thomas SRSTP. This proposed facility is located at Cottage #4, Summer City; East Springfield, PA 16411, in Springfield Township, **Erie County**.

Description of Proposed Activity: A new NPDES permit for the discharge of treated wastewater from a proposed SRSTP utilizing an ECO FLO peat filter system that replaces a malfunctioning on-lot system.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

WQM Permit No. 4511402, Sewage, SIC Code 5900, **Snydersville Development Group, LLC**, P. O. Box K, Stroudsburg, PA 18360.

This proposed facility is located in Hamilton Township, **Monroe County**.

Description of Proposed Action/Activity: Issuance of a Water Quality Management Permit for an 18,000 gpd community on-lot sewage system to serve the proposed Hamilton Commons Commercial Development.

WQM Permit No. 3911402, Sewage, SIC Code 4952, **Catasauqua Borough Lehigh County**, 118 Bridge Street, Catasauqua, PA 18032.

This proposed facility is located in Catasauqua Borough, **Lehigh County**.

Description of Proposed Action/Activity: This Project involves replacing the existing chlorine disinfection system with a new ultraviolet disinfection system

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

WQM Permit No. 5012202, CAFO, **Porcine Farms, LLC**, 411 Chestnut Street Lebanon, PA 17042. This proposed facility is located in Jackson Township, **Perry County**.

Description of Proposed Action/Activity: To renovate/replace an existing swine barn with shallow pit manure storage at Perry Meadows Farm.

WQM Permit No. 3412401, Sewerage, **Thompstontown Municipal Authority**, 281 South Mill Street, Thompstontown, PA 17094.

This proposed facility is located in Delaware Township, **Juniata County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewerage facilities consisting of a WWTP upgrade.

Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570-327-0530

WQM Permit No. 1410403, Sewage, SIC Code 4952, **University Area Joint Authority**, 1576 Spring Valley Road, State College, PA 16801.

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

Description of Proposed Action/Activity: The University Area Joint Authority (UAJA) owns and operates an Advanced Water Treatment (AWT) Building, which was constructed as the initial phase of the Beneficial Reuse Project. The next phase of the project is to construct a pressurized extension from the current terminus of the recycled waterline (Centre Hills Booster Station) to the site of the proposed constructed wetland. The recycled waterline extension also includes taps for the Colonial Court residential development and Kissinger Farm.

WQM Permit No. 0812401, Sewage, SIC Code 8361, **Bradford County**, RR 3 Box 322, Troy, PA 16947-9441.

This proposed facility is located in West Burlington Township, **Bradford County**.

Description of Proposed Action/Activity: Construction of a new equalization tank and replacement of pumps in the existing pump station.

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

WQM Permit No. 3281205-A9, Industrial Waste, **EME Homer City Generation, LP**, 1750 Power Plant Road, Homer City, PA 15748

This existing facility is located in Center Township, **Indiana County**

Description of Proposed Action/Activity: Permit amendment issuance for the expansion of the facility's ash disposal site, and includes the construction of four (4) lined basins for leachate and contaminated storm water collection and five (5) sedimentation basins for the collection of storm water runoff. The existing WWTF will also be modified to include new chemical feed systems.

WQM Permit No. 6511201, Industrial Waste, **ArcelorMittal Monessen, LLC**, 345 Donner Avenue, Monessen, PA 15062-1156

This proposed facility is located in the City of Monessen, **Westmoreland County**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a wastewater treatment facility.

WQM Permit No. WQG026133, Sewerage, **Central Indiana County Joint Sewer Authority**, 603 South Main Street Extension, Homer City, PA 15748

This proposed facility is located in Center Township, **Indiana County**

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

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

WQM Permit No. WQG018839, Sewage, **Darlene T. Kimmel**, 8638 North Frederick Pike, Cross Junction, VA 22025.

This proposed facility is located in Lackawannock Township, **Mercer County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

WQM Permit No. 1612404, Sewage, **Pennsylvania American Water Company**, 425 Waterworks Road, Clarion, PA 16214.

This proposed facility is located in Clarion Borough, **Clarion County**.

Description of Proposed Action/Activity: Replacement and enlargement of the WWTP interceptor, the Trout Run interceptor, and the South Interceptor; replacement and enlargement of an approximately 4,000 foot long section of sewer line along Railroad Avenue; replacement of manholes along the Trout Run interceptor; a new manhole along the Railroad Avenue sewer; and related appurtences.

WQM Permit No. 2512402, Sewage, **Robert L. Thomas**, 6101 Cabot Court, Mentor, OH 44060.

This proposed facility is located in Springfield Township, **Erie County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 151224	Downingtown Area School District 540 Trestle Place Downingtown, PA 19335	Chester	Uwchlan Township	Shamona & East Branch Brandywine Creek (HQ-TSF)

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024509013	Snydersville Development Group, LLC P. O. Box K Stroudsburg, Pa 18360	Monroe	Hamilton Twp.	Appenzell Creek, HQ-CWF, MF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023512002	Pennsylvania American Water Company 800 W. Hershey Park Drive Hershey, Pa 17033	Lackawanna	Jermyn Borough, Mayfield Borough, City of Carbondale, Carbondale Twp.	Lackawanna River, HQ-CWF, MF
PAI024806002R	Ean Sussick & Sons Construction, Inc. 3034 E. Walker Rd. Bath, PA 18014	Northampton	Plainfield Twp.	Little Bushkill Creek, HQ-CWF, MF
PAI025810001	Thomas J. Simrell, DDS 514 Blakely St. Dunmore, PA 18512	Susquehanna	Clifford Twp.	Tinker Creek, HQ-CWF
PAI024506006R	PBE Companies, LLC c/o Sovereign Bank One Financial Plaza Providence, RI 02903	Monroe	Stroud Twp.	UNT to Brodhead Creek, HQ-CWF, MF
PAI024510013	MC Village Partners, LP 490 N. Main St. Pittston, PA 18640	Monroe	Smithfield Twp.	Marshalls Creek, HQ-CWF, MF
PAI024812003	Charles Chrin 400 S. Greenwood Ave. Easton, PA 18045	Northampton	Plainfield Twp. and Tatamy Borough	Bushkill Creek, HQ-CWF, MF and Shoeneck Creek, WWF, MF

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone 717.705.4802.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033112001	The Pennsylvania State University Physical Plant Building University Park, PA 16802-1118	Huntingdon	Barree Township	Shavers Creek (HQ-CWF)
PAI036712001	PPL Electric Utilities Two N. Ninth Street (GENN3) Allentown, PA 18101-1179	York	Chanceford, Lower Chanceford, and Peach Bottom Townships	Susquehanna River (WWF), Boyds Run (WWF), Wilson Run (WWF), Otter Creek (HQ-CWF), Sawmill Run (WWF), Furnace Run (CWF), Counselman Run (WWF), Oakland Run (CWF), Wallace Run (CWF), Orson Run (TSF), Muddy Creek (TSF), Neill Run (TSF), and Fishing Creek (TSF)

Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050212001	VAMCO International 555 Epsilon Drive Pittsburgh, PA 15222	Allegheny	O'Hara Township	UNT to Squaw Run (HQ-WWF)
PAI053210002	Bryan Force 1077 Route 119 Hwy North Indiana, PA 15701	Indiana	East Mahoning Township	Pickering Run Watershed (HQ-CWF) UNT to Pickering Run (HQ-CWF)
PAI056512005	Greensburg DPP VII, LLC 9010 Overbrook Boulevard Brentwood, TN 37027	Westmoreland	Mt. Pleasant Township	Sewickley Creek (HQ-CWF)

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

Butler County Conservation District, 122 McCune Drive, Butler PA 16001-6501

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI061012002	Cabot United Methodist Church Attn: Rev. Matthew R. Judd 707 Winfield Road Cabot PA 16023	Butler	Winfield Township	Trib. Little Buffalo Creek HQ-TSF

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
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:

Municipality & County	Permit No.	Applicant Name & Address	Receiving Water/Use	Contact Office & Phone No.
City of Philadelphia Philadelphia County	PAG0201 511214	Green Street School 146 West Walnut Street Philadelphia, PA 19144 Omnivest Properties Management, LLC 115 Pheasant Run, Ste 210 Newtown, PA 18940	Tacony-Frankford Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511220	US Construction, Inc. 340 North 12th St, Ste 240 Philadelphia, PA 19107	Delaware Direct South (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Mount Bethel Township, Northampton County	PAG02004810007R	Samuel D'Alessandro 112 N. Courtland St. East Stroudsburg, PA 18301	UNT to Delaware River, CWF, MF	Northampton Co. Cons. Dist. 610-746-1971

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
West Brunswick Township, Schuylkill County	PAG02005412005	Kevin Fanelli Fanelli Group Properties, LLC 1 Field of Dreams Drive Pottsville, PA 17901	Mahannon Creek, CWF, MF; Pine Creek, CWF, MF	Schuylkill Co. Cons. Dist. 570-622-3742
Cass Township, Schuylkill County	PAG02005412002	Fanelli Limited Partnership I 1298 Keystone Blvd. Pottsville, Pa 17901	West Branch of Schuylkill River, CWF, MF	Schuylkill Co. Cons. Dist. 570-622-3742

Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Middle Paxton Township Dauphin County	PAG02002207052R	Fishing Creek Valley Assoc., LP 4712 Smith Street Harrisburg, PA 17109	Fishing Creek/ WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Lower Paxton Township Dauphin County	PAG02002212038	Independence Excavating, Inc. 5720 Independence Boulevard Independence, OH 44131	Spring Creek/ CWF, MF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Swatara Township Dauphin County	PAG02002205046R	Living Water Community Church 206 Oakleigh Avenue Harrisburg, PA 17111	Spring Creek/ CWF, MF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Conewago and Londonderry Townships Dauphin County	PAG02002205051R	Adrian & Irvette Timms 37 Oakglade Drive Hummelstown, PA 17036 and Joseph & Louise Answine 60 Kirby Drive Elizabethtown, PA 17022	Iron Run/WWF and Brills Run/TSF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Lower Paxton Township Dauphin County	PAG02002212028	Lower Paxton Twp. Authority 425 Prince Street Harrisburg, PA 17109	Beaver Creek/WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
West Lampeter Township Lancaster County	PAG02003607075R	George Desmond 1085 Manheim Pike Lancaster, PA 17601	Mill Creek/ WWF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Drumore Township Lancaster County	PAG02003612041	Thomas & Kathy Graves 1134 Holtwood Road Holtwood, PA 17532	Muddy Run/TSF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5

NOTICES

6577

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Warwick Township Lancaster County	PAG02003612060	Manheim Twp. Development Co. 1002 Lititz Pike, Suite 177 Lititz, PA 17543	Bachman Run/TSF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Earl Township Lancaster County	PAG02003612065	G & G Leasing 108 Short Street New Holland, PA 17557	Mill Creek/CWF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Brecknock Township Lancaster County	PAG02003612067	Glen S. Webber 1451 Reading Road Mohnton, PA 19540	Muddy Creek/TSF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Manheim Township Lancaster County	PAG02003612070	Thomas W. Ponessa 160 Valley Road Lancaster, PA 17601	Landis Run/WWF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
North Codorus Township York County	PAG02006712033	Glatfelter 228 South Main Street Spring Grove, PA 17362	Main Stem Codorus Creek/WWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
West Manchester Township York County	PAG02006712019	York Railway Company 2790 West Market Street York, PA 17404-5531	UNT to Codorus Creek/WWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Conewago Township York County	PAG02006706040(1)	U.S. Home Corp D.B.A. 'Lennar' 10211 Wincopin Circle, Suite 300 Columbia, MD 21044	Little Conewago Creek/TSF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430

Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Somerset Borough Somerset County	PAG02005612004	Trek Development Group 130 7th Street Suite 300 Pittsburgh, PA 15222	UNT to East Branch of Coxes Creek (TSF)	Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15501
Butler Township Butler County	PAG02001008028(1)	John Haven Butler=Freeport Community Trail	Coal Run WWF	Butler County Conservation District 724-284-5270

*General Permit Type—PAG-4**Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Lackawannock Township Mercer County	PAG041072	Darlene T. Kimmel 8638 North Frederick Pike Cross Junction, VA 22025	Unnamed Tributary to the Little Neshannock Creek 20-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-12**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Swatara Township Lebanon	PAG123599	Martin Poultry Farm CAFO 331 Greble Road Jonestown, PA 17038	UNT Little Swatara Creek / WWF	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Granville Township Mifflin County	PAG123621	Robert Stitt Stitt Turkey Farm 136 Winding Lane Lewistown, PA 17044	UNT Buck Run / TSF	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

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**

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

Permit No. 3612519, Minor Amendment, Public Water Supply.

Applicant	W. L. Zimmerman & Sons, Inc.
Municipality	Leacock Township
County	Lancaster
Responsible Official	Kristine E. Shirk, Owner 3615 Old Philadelphia Pike Gordonville, PA 17534
Type of Facility	Installation of anion exchange for nitrate treatment
Consulting Engineer	Charles A Kehew II, P.E. James R. Holley & Associates, Inc. 18 South George Street York, PA 17401
Permit to Construct Issued:	9/25/2012

Operations Permit issued to: **Upper Lawn MHC**, 7380029, South Londonderry Township, **Lebanon County** on 8/2/2012 for the operation of facilities approved under Construction Permit No. 3811509 MA.

Operations Permit issued to: **Round Top RV, LLC**, 7010046, Cumberland Township, **Adams County** on 8/2/2012 for the operation of facilities approved under Construction Permit No. 0112503 MA.

Operations Permit issued to: **Mr. Ronald Taggart**, 7360019, Drumore Township, **Lancaster County** on 9/25/2012 for the operation of facilities submitted under Application No. 3612525 MA.

Operations Permit issued to: **South Mountain Spring Water Co., LLC**, 7386487, South Lebanon Township, **Lebanon County** on 9/25/2012 for the operation of facilities submitted under Application No. 7386487.

Operations Permit issued to: **East Hanover Hotel Corporation**, 7220506, East Hanover Township, **Dauphin County** on 9/25/2012 for the operation of facilities approved under Construction Permit No. 2212506 E.

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448

Permit No. 6012501—Construction Public Water Supply.

Applicant	PA American Water Company—White Deer
[Township or Borough]	East Buffalo Township
County	Union
Responsible Official	Mr. David R. Kaufman PA American Water Company 800 West Hershey Park Drive Hershey, PA 17033
Type of Facility	Public Water Supply
Consulting Engineer	Joel R. Mitchell PA American Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Permit Issued	September 28, 2012
Description of Action	Construction of a new 500,000 gallon elevated water storage tank with overflow containment basin on the Pennsylvania American Water site in Lewisburg, Pa. about 3,000 ft. from intersection with Salem Church Road in East Buffalo Township and the 16-inch diameter waterline leading to this tank.

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

Permit No. 2512502 Public Water Supply

Applicant	Majestic Heights Mobile Home Park
Township or Borough	Washington Township
County	Erie
Type of Facility	Public Water Supply
Consulting Engineer	Steven R. Halmi, P.E. Deiss & Halmi Engineering, Inc. 105 Meadville Street Edinboro, PA 16412
Permit to Construct Issued	December 19, 2011

WATER ALLOCATIONS

Actions taken on 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.

Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

WA 53-252C, Water Allocations. Galeton Borough Authority, 4 Sherman Street, Galeton, PA 16922, West Branch Township, West Branch Township, **Potter County**. This Water Allocation Permit grants Galeton Borough Authority the right to withdraw a maximum of 0.080 million gallons per day from Right Branch Wetmore Run and 0.170 million gallons per day from Wetmore Run (Main Stem), from infiltration galleries located in West Branch Township, Potter County.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401

Fedena Residence, Aston Township, **Delaware County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Paul Coppadge, All State Insurance, 1200 Atwater Drive, Suite 110, Malvern, PA 19355 on behalf of Charles Fedena, 4339 Park Lane, Aston, PA 19014 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

65th & Race Transformer Spill, City of Philadelphia, **Philadelphia County**. Bruce Middleman, Stantec Consulting Services, Inc. 400 Davis Drove, Suite 400, Plymouth Meeting, PA 19462 on behalf of George Horvat, PECO Energy Company, 3201 Market Street, S7-2, Philadelphia, PA 19103 has submitted a 90 day Final Report concerning remediation of site soil contaminated with PCB. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Pine Court Apartments City of Philadelphia, **Philadelphia County**. Tom Brady, PT Consultants, Inc., 629 Creek Road, Bellmawr, NJ 08031 on behalf of Michael Greenzang, Pine Court Apartments, LLC, 2015 Locust Street, Philadelphia, PA 19103 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Willow Bend Townhouses, West Goshen Township, **Chester County**. Staci Cottone, J&J Environmental, PO Box 370, Blue Bell, PA 19422 on behalf of Paul O'Conner, Apt Management Company, 112 North Swarthmore Avenue, Suite 2, Ridley Park, PA 19078 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Lukas Property, Radnor Township, **Delaware County**. Gary Drennen, Synergy Environmental, 155 Railroad Plaza, First Floor, Royersford PA 19468 on behalf of Joe Lukas, 714 Moonraker, Galloway, NJ 08205 has submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

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:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401

Gwynedd Mercy College, Lower Gwynedd Township **Montgomery County**. Staci Cottone, J&J Spills Service and Supplies Inc., PO Box 370, Blue Bell, PA 19422 on behalf of Kevin O'Flaherty, Gwynedd Mercy College, PO Box 901, Gwynedd Valley, PA 19437 has submitted a Final Report concerning the remediation of site soil contaminated with no. 4 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 25, 2012.

Waterford Walk, Lower Merion Township **Montgomery County**. Lawrence Bily, RYT Environmental Services, Inc. 215 West Church Road, King of Prussia, PA 19406 on behalf of D. Charles Houder, Hardy Houder Real Estate Group, LLC, 134 North Narberth Avenue, Narberth PA 19072 has submitted a Cleanup Plan and Remedial Investigation Report concerning the remediation of site soil contaminated with lead. The Cleanup Plan and Remedial Investigation Report was approved by the Department on September 26, 2012

777 Broad Street, City of Philadelphia, **Philadelphia County**. William F. Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of Josh Weingram, 777 South Broad Associates, LP, 3180 Chestnut Street, Philadelphia, PA 19104 has submitted a Final Report concerning the remediation of site soil and

groundwater contaminated with lead, benzo and unleaded gasoline. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 25, 2012.

Fedena Residence, Aston Township Delaware County. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Paul Coppadge, Allstate Insurance, 1200 Atwater Drive, Suite 110, Malvern, PA 19355 on behalf of Charles Fedena, 4339 Park Lane, Aston, PA 19014 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 26, 2012.

Grays Ferry Shop Center, City of Philadelphia, Philadelphia County. Bill Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19102 on behalf of Arnold Lurie, Korman Commercial Properties, 2 Neshaminy Interpley, Suite 305, Trevoese, PA 19053 has submitted a Cleanup Plan/Remedial Investigation and Final Report concerning the remediation of site groundwater and soil contaminated with inorganic and lead. The Cleanup Plan/Remedial Investigation Report and Final Report were approved by the Department on September 25, 2012.

BMW of the Main Line #41238, Lower Merion Township Montgomery County. Richard W. Werner, Environmental Consulting Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401, Samuel W. Galenty, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Steve Holstad, Bala Properties South LLC, Mini of the Main Line, 130 Montgomery Avenue, Bala Cynwyd, PA 19004 has submitted a Cleanup Plan/Remedial Investigation and Risk Assessment/Final Report concerning the remediation of site groundwater contaminated with TCL, VOC'S. The Cleanup Plan/Remedial Investigation and Risk Assessment/Final Report was approved by the Department on September 20, 2012.

Capozzi/David Property, City of Philadelphia Philadelphia County. Jeffery K. Walsh, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, Thomas S. Jones, Penn Environmental & Remediation, Inc. 2755 Bergey Road, Hatfield, PA 19440 on behalf of Bryan Cullen, Western Park Place, L.P., 370 Commerce Drive, Fort Washington, PA 19034 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with arsenic, benzo. The Final report demonstrated attainment of the Site Specific Standard and was approved by the Department on September 25, 2012.

Air Produce Chemical Inc., Morrisville Borough and Falls Township Bucks County. Kent V. Littlefield, SAIC Energy, Environment & Infrastructure, LLC, 6310 Allentown Boulevard, Harrisburg, PA 17112 on behalf of Edward J. Dulac, Air Products and Chemicals Inc., 7021 Hamilton Boulevard, Allentown, PA 18195-1501 has submitted a Cleanup Plan/Final Report concerning the remediation of site soil and groundwater contaminated with lead. The Cleanup Plan /Final Report were approved by the Department on September 26, 2012.

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

Property at 1170 Loucks Road, York, PA 17404, York City, York County. Hillis-Carnes Engineering Associates, 10975 Guilford Road, Suite A, Annapolis Junction, MD

20701, on behalf of 1170 Loucks Road, LLC, 2867 Westwind Lane, York, PA 17404, submitted a Final Report concerning the remediation of site soils contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on September 25, 2012.

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

Brian Anderson Property, Washington Township, Jefferson County. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412 on behalf of State Farm Insurance, One State Farm Drive, Ballston Spa, NY 12020 and Brian Anderson 137 Anderson Drive, Falls Creek, PA 15840 has submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Ethylbenzene, Isopropylbenzene (Cumene), Methyl tert-butyl ether (MTBE), Naphthalene, Toluene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 24, 2012.

Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Christianson Well Pad Site, 216 Knupp Road, Fairfield Township, Westmoreland County. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066 on behalf of XTO Energy, 395 Airport Road, Indiana, PA 15701 has submitted a Final Report concerning the remediation of site soil contaminated with biodegradable base oil from an inadvertent release. The Final Report demonstrated attainment of the Statewide Health standard and was approved by the department on September 26, 2012

W. Risinger Well Pad #8376, 9th & 8th Street intersection, Center Township, Indiana County. Hull & Associates, Inc., 300 Business Center Drive, Pittsburgh, PA 15205 on behalf of XTO Energy, 395 Airport Road, Indiana, PA 15701 has submitted a Final Report concerning the remediation of site soil contaminated with oil from a leaking valve. The Final report demonstrated attainment of the residential Statewide Health standard and was approved by the Department on September 26, 2012.

ExxonMobil USA Indiana Terminal #2024, White Township, Indiana County. ARCADIS U.S. Inc., One Adams Place, Seven Fields, PA 16046 on behalf of ExxonMobil Environmental Services Company, 1545 Route 22 East, Annandale, NJ 08801 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with petroleum-related constituents. The Final Report demonstrated attainment of the Site Specific Standard and was approved by the Department on September 27, 2012.

Gilmour Manufacturing, Somerset Township, Somerset County. AMEC Environmental & Infrastructure, Inc. 800 North Bell Avenue, Suite 200, Pittsburgh, PA 15106 on behalf of Robert Bosch Tool Corporation, Mount Prospect, Illinois has submitted a Remedial Investigation Report, Risk Assessment and Final Report concerning the remediation of site soil and groundwater contaminated with semi-volatile organic compounds and chlorinated solvents. The reports demonstrated attainment of a combination of Statewide Health and Site Specific Standards and were approved by the Department on September 28, 2012.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Southwest Regional Office, Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412.442.4000.

Permit ID No. 300491. EME Homer City Generation, LP, 1750 Power Plant Road, Homer City, PA 15748 for operation of the Homer City Station Ash Disposal Site Landfill located in Center and Blacklick Townships, **Indiana County**. Permit modification authorizing expansion of the existing captive residual waste landfill issued in the Regional Office on October 1, 2012.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

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

58-399-049GP5: Williams Field Services LLC (51 Warren Street, Tunkhannock, PA 18657) on September 18, 2012, to construct and operate three (3) IC Engines, one Emergency Generator and three (3) dehy/reboilers at their Church natural Gas Compressor Station site to be in Dimock Township, **Susquehanna 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

GP1-01-03028B: Hain Pure Protein Corp. (304 South Water Street, New Oxford, PA 17350-0038) on September 24, 2012, for two (2) natural gas fired boilers with heat input of 10.4 mmBtu/hr and 14.3 mmBtu/hr in New Oxford Borough, **Adams County**. The Authorization was renewed.

GP4-01-07-03044: Electric Motor & Supply, Inc. (1000 50th Street, PO Box 152, Altoona, PA 16603) on September 25, 2012, for a burn-off oven under GP4 at the electric motor repair/rebuild facility in the City of Altoona, **Blair County**. This authorization was renewed.

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

GP3-63-00973: Arthur J. Boyle, Jr. (P. O. Box 400, Laughlintown, PA 15665) on September 27, 2012, to install and operate a portable crusher, one vibratory screen, and one stacker at Sandy Plains LNC, in East Bethlehem Township, **Washington County**.

GP9-63-00973: Arthur J. Boyle Jr. (P. O. Box 400, Laughlintown, PA 15665) on September 27, 2012, to install and operate three diesel-fired engines at Sandy Plains LNC, in East Bethlehem Township, **Washington County**.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

GP5-33-192A: Texas Keystone, Inc. (560 Epsilon Drive, Pittsburgh, PA 15238) on September 30, 2012, to construct and operate a Caterpillar Natural Gas Engine at the Clover Compressor Station, Clover Township, **Jefferson County** (BAQ/GPA-GP-5).

GP14-37-327A: R. Cunningham Funeral Home & Crematory, Inc. (2429 Wilmington Road, New Castle PA 16105) on September 30, 2012, to construct and operate a Matthews Cremation International Crematory in Neshannock Township, **Lawrence County**. (BAQ/GPA-GP-14).

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.

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

38-05028C: Milprint, Inc. (5 Keystone Drive, Lebanon Valley Business Park, Lebanon, PA 17042) on September 24, 2012, to install two (2) rotogravure printing presses, two (2) additional regenerative thermal oxidizers, and a wax coater at their facility in South Lebanon Township, **Lebanon County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

46-0108C: Highway Materials, Inc. (1750 Walton Road, Blue Bell, PA 19422) on September 25, 2012, to operate a secondary cone crusher in Marlborough Township, **Montgomery County**

09-0196D: Abington Reldan Metals, LLC. (550 Old Bordertown Road, Fairless Hills, PA 19030) on September 21, 2012, to operate an acid room, strip room process equipment and three associated wet scrubber units in Falls Township, **Bucks 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

21-03081A: Keystone BioFuels, Inc. (2850 Appleton Street, Camp Hill, PA 17011) on September 28, 2012, for the extension of a plan approval for the construction of a

biodiesel manufacturing plant in Lower Allen Township, **Cumberland County**. The plan approval has been extended.

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

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

65-00016I: Latrobe Specialty Metals—A Carpenter Co. (2626 Ligonier Street, PO Box 31, Latrobe, PA 15650) on September 30, 2012, with an expiration date of March 30, 2013, to allow for continued temporary operation of the sources and controls therein specified at their Latrobe Plant in the City of Latrobe, **Westmoreland County**. The plan approval has been extended.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

10-284E: Seneca Landfill, Inc. (421 Hartmann Road, Evans City, PA 16033) on September 30, 2012, for the modification of plan approval 10-284D conditions with regards to start-up, shutdown, and ceramic media curing procedures associated with the thermal oxidizer in Jackson Township, **Butler County**. This is a Title V facility. The plan approval has been extended.

10-374A: Three Rivers Aggregates, LLC, Black Run Mine (225 North Shore Drive, Pittsburgh, PA 15212) on September 30, 2012, for installation of sand and gravel processing plant at 144 Brandon Road, Slippery Rock, PA 16057. Sources at the site will include primary and secondary crushing, conveying systems, material stockpiles, screening operations, plant roadways and truck loading/unloading. This facility is located in Worth Township, **Butler County**. The plan approval has been extended.

62-017R: United Refining Company (15 Bradley Street, Warren, PA 16365) on September 30, 2012, for the removal of the external cyclones and expansion of the electric static precipitator that controls the FCC in Warren City, **Warren County**. This is a Title V facility. The plan approval has been extended.

37-307C: PSC Metals Inc. (5875 Landerbrook Drive, Suite 200, Mayfield Heights, OH 44124) on September 30, 2012, for modifications to the exhaust capture system associated with scrap cutting activities at their facility in the City of New Castle, **Lawrence County**. The plan approval has been extended.

10-265B: Iron Mountain Information Management—The Underground (1137 Branchton Road, Boyers, PA 16020) on Sept 30, 2012, for the installation of ten (10) emergency generators at their facility in Cherry Township, **Butler County**. The plan approval has been extended.

37-317B: Ellwood Mill Products (712 Moravia Street, New Castle, PA 16101) on September 30, 2012, for the construction of a natural gas-fired forge furnace with a total heat input of 26.4 mmbtu/hr in New Castle City, **Lawrence County**. This is a State Only facility. The plan approval has been extended.

42-223A: Tennessee Gas Pipeline Co.—Compressor Station 310 (Off of State Route 146, Tax Map 29-002-300-02, Clermont, PA 16740) on September 30, 2012, for the construction of a compressor turbine, emergency

generator, hot water boiler, and fuel preheater in Sergeant Township, **McKean County**. The plan approval has been extended.

61-218A: Tennessee Gas Pipeline Co.—Compressor Station 303 (Meadow Church Road, Map AS 08-15 Lot 71, Seneca, PA 16346) on September 30, 2012, for the construction of a compressor turbine, emergency generator, hot water boiler, and fuel preheater in Cranberry Township, **Venango County**. This is a State Only facility. The plan approval has been extended.

Title V Operating Permits Issued 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

15-00031: Henry Co. (336 Cold Stream Road, Kimberton, PA 19442) on September 26, 2012, for renewal of the Title V Operating Permit in East Pikeland Township, **Chester County** which expired on July 12, 2012. The facility manufactures protective asphalt coatings and operates numerous mixing tanks, storage tanks and various process piping.

The facility is major for Volatile Organic Compounds (VOC) and Particulate Matter (PM) emissions; the facility is an area source for Hazardous Air Pollutants (HAP). There is a new boiler operating at the facility, which is exempt from plan approval requirements according to 25 Pa. Code § 127.14(a)(3). A statement has been added to Section G of the permit indicating that the facility chooses to restrict the fuel used in all boilers on site in order to escape the requirements of 40 C.F.R. Part 63 Subpart JJJJJJ. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting. The sources at this facility are subject to Compliance Assurance Monitoring (CAM) under 40 CFR Part 64 for PM emissions. The source is not a major source for Greenhouse Gases (GHG).

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

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

46-00262: Penn Color, Inc. (2755 Bergey Road, Hatfield, PA 19440) on September 24, 2012, for issuance of a State Only Operating Permit to operate pigment manufacturing equipment at their pigment manufacturing facility in Hatfield Township, **Montgomery County**. Plan Approvals, 46-313-146 and 46-0262A, are being incorporated into the facility synthetic minor initial operating permit, 46-00262. This Operating Permit shall include monitoring and recordkeeping requirements to ensure that this facility complies with all applicable air quality regulations.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

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

23-00016: PQ Corp. (1201 West Front Street, Chester, PA 19013) on September 25, 2012, is a Title V facility in the City of Chester, **Delaware County**. The Title V Operating Permit No. 23-00016 has been amended to incorporate the requirements of General Plan Approval No. GP1-23-0148 and Request for Determination Nos. 2023 and 2617. GP1-23-0148 was issued for the installation of a Donlee Tech Boiler (Source ID 038), rated at 10.0 MMBtu/hr. RFD No. 2023 was approved for the replacement of a batch conditioning (wetting) system. RFD 2617 was approved for the modification to the #4 Furnace, to allow for additional air from the burner tip cool-down process. This amendment also addresses 40 CFR Part 63, Subpart JJJJJ. PQ Corporation has two boilers, a Cleaver Brooks (CBLE200-350) Boiler (Source ID 037) and the Donlee Technologies Boiler (Source ID 038). The permittee has agreed to only use fuel oil in their two boilers during periods of gas curtailment, gas supply emergencies, or for periodic testing (not to exceed 48 hours during any calendar year) such that the two boilers will not be subject to Subpart JJJJJ. The Title V Operating Permit will continue to contain requirements to keep the facility operating within all applicable air quality requirements for this source.

46-00100: Saint-Gobain Abrasives, Inc. (200 Commerce Drive Montgomeryville, PA 18936) on September 27, 2012, the Operating Permit was amended for the Saint-Gobain Abrasives Montgomeryville plant, a State Only facility in Montgomery Township, **Montgomery County**. The Administrative Amendment includes changes in responsible official, permit contact and contact information for the 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 Applications Returned

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

03120101 and NPDES Permit No. PA0252204. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Application has been returned for commencement, operation and reclamation of a bituminous surface mine,

located in Freeport Borough and South Buffalo Township, **Armstrong County**, affecting 111.6 acres. Receiving streams: unnamed tributary to Buffalo Creek and Buffalo Creek Application received: July 2, 2012. Application returned: September 27, 2012.

Coal Permits Actions

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

32061303. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Heilwood Mine in Pine and Cherryhill Townships, **Indiana County** to add underground permit and subsidence control plan area acres. Underground Acres Proposed 1777.0, Subsidence Control Plan Acres Proposed 1777.0. No additional discharges. The first downstream potable water supply intake from the point of discharge is Central Indiana Water Authority and intake: Yellow Creek. The application was considered administratively complete on May 27, 2011. Application received: March 3, 2011. Permit issued: September 25, 2012.

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

32110104 and NPDES No. PA0263303. Simpson Coal Company, 1003 Bush Road, New Alexandria, PA 15670, revision of an existing bituminous surface mine to add 2.5 acres for support in Young Township, **Indiana County**, affecting 40.5 acres. Receiving stream(s): Nesbit Run and unnamed tributary to Whiskey Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 19, 2012. Permit issued: September 18, 2012.

32110106 and NPDES No. PA0263320. Amerikohl Mining, Inc., 1384 State Route 711, Stahlstown, PA 15687, commencement, operation and restoration of a bituminous surface mine in Brushvalley Township, **Indiana County**, affecting 67.1 acres. Receiving stream(s): UTS to Blacklick Creek to the Conemaugh River classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 22, 2011. Permit issued: September 25, 2012.

32110106 and NPDES No. PA0263320 and General Permit GP-12-32110106. Amerikohl Mining, Inc., 1384 State Route 711, Stahlstown, PA 15687, application to obtain coverage for coal processing under air quality general permit GP-12 for a proposed surface mine site in Brushvalley Township, **Indiana County**, affecting 67.1 acres. Receiving stream(s): unnamed tributaries to Blacklick Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 22, 2011. Permit issued: September 25, 2012.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

49111301. S & N Coal Company, LLC, (8689 Route 25, Spring Glen, PA 17978), commencement, operation and restoration of an anthracite underground mine operation in Mt. Carmel Township, **Northumberland County** affecting 4.1 acres, receiving stream: Locust Creek. Application received: November 8, 2011. Permit issued: September 26, 2012.

49111301GP104. S & N Coal Company, LLC, (8689 Route 25, Spring Glen, PA 17978), General NPDES Permit for stormwater discharges associated with mining activities on Underground Mining Permit No. 49111301 in

Mt. Carmel Township, **Northumberland County**, receiving stream: Locust Creek. Application received: November 8, 2011. Permit issued: September 26, 2012.

Noncoal Permits Actions

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

11950301. Tube City IMS LLC, 1155 Business Center Drive, Horsham, PA 19044, revision of an existing bituminous surface mine to change the name from Waylite Division, International Mill Service, Inc. to Tube City IMS LLC in East Taylor and Conemaugh Townships, **Cambria County**, affecting 212.4 acres. Receiving stream(s): Little Conemaugh River classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 13, 2012. Permit issued: September 20, 2012.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

57080802. James M. Corl (43 Ramsey Hollow Road, Beech Creek, PA 16822). Final bond release for a small industrial mineral surface mine located in Colley Township, **Sullivan County**. Restoration of 2.0 acres completed. Receiving stream: Unnamed Tributary to Scotia Brook. Application received: September 10, 2012. Final bond release approved: September 27, 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

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

41124114. Midstream Explosives LLC (289 Southside Drive, Newville PA 17241). Blasting for pipeline located in McIntyre Township, **Lycoming County**. Permit issued: September 25, 2012. Permit expires: September 25, 2013.

08124145. Maurer & Scott Sales, Inc. (122 Thomas Street, Coopersburg PA 18036-2100). Blasting for natural gas well pad and construction located in Terry Township, **Bradford County**. Permit issued: September 24, 2012. Permit expires: February 28, 2013.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

36124154. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Nolt Propane Connections Warehouse in Earl Township, **Lancaster County** with an expiration date of December 30, 2012. Permit issued: September 24, 2012.

36124155. Abel Construction Co., Inc., (P. O. Box 476, Mountville, PA 17554), construction blasting for Brooklawn Phase I in Manheim Township, **Lancaster County** with an expiration date of September 29, 2013. Permit issued: September 24, 2012.

38124122. Abel Construction Co., Inc., (P. O. Box 476, Mountville, PA 17554), construction blasting for Fox

Ridge in South Lebanon Township, **Lebanon County** with an expiration date of September 23, 2013. Permit issued: September 25, 2012.

67124111. M & J Explosives, Inc., (P. O. Box 608, Carlisle, PA 17013), construction blasting for Lexington Estates in Newberry Township, **York County** with an expiration date of September 25, 2013. Permit issued: September 25, 2012.

36124156. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Sweet Briar in Penn Township, **Lancaster County** with an expiration date of December 31, 2012. Permit issued: September 26, 2012.

36124157. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Daniel Glick Jr. Manure Pit in Manheim Township, **Lancaster County** with an expiration date of November 30, 2012. Permit issued: September 26, 2012.

58124187. Maine Drilling & Blasting, Inc., (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Sheldon Hill Pipeline in Springville Township, **Susquehanna County** with an expiration date of September 17, 2013. Permit issued: September 26, 2012.

58124188. Maine Drilling & Blasting, Inc., (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Auburn Four Pipeline in Auburn Township, **Susquehanna County** with an expiration date of September 17, 2013. Permit issued: September 26, 2012.

36124158. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Auction Road Alteration in Rapho Township, **Lancaster County** with an expiration date of December 31, 2012. Permit issued: September 27, 2012.

46124113. Eastern Blasting Co., Inc., (1292 Street Road, New Hope, PA 18938), construction blasting for Montgomery Pointe in Montgomery Township, **Montgomery County** with an expiration date of December 25, 2012. Permit issued: September 27, 2012.

66124118. Maine Drilling & Blasting, Inc., (P. O. Box 1140, Gardiner, ME 04345), construction blasting for P & G 5 Pad to Mattocks Well Pipeline in Washington Township, **Wyoming County** with an expiration date of December 31, 2012. Permit issued: September 27, 2012.

09124103. Maine Drilling & Blasting, Inc., (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Carriage Hill Off-Site trench in Doylestown and Plumstead Townships, **Bucks County** with an expiration date of September 24, 2013. Permit issued: October 1, 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.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-1915, Telephone 570-826-2511.

E64-293. William & Julia Roudi, 3 Driftwood Road, Parlin, NJ 08859. Lehigh Township, **Wayne County**, Army Corps of Engineers Philadelphia District.

To remove the existing structure and to construct and maintain a 20-foot by 20-foot dock on precast concrete piers in Pocono Peak Lake (EV). The project is located at 15 G Place at Pocono Springs Estates (Sterling, PA Quadrangle Latitude: 41°16'50"; Longitude: -75°24'7"). Subbasin: 2A.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.

E36-897: Quarryville Borough Authority, 300 Saint Catherine Street, Quarryville, Pennsylvania 17566, in Providence Township, **Lancaster County**, ACOE Baltimore District

To remove existing structures, remove 7,490.0 cubic feet of material in the floodplain of the South Fork of Big Beaver Creek (TSF, MF), and install and maintain: 1) 220.0 feet of chain link fence in the floodplain of an Unnamed Tributary to the South Fork of Big Beaver Creek (TSF, MF); 2) 730.0 feet of chain link fence; and 3) 7,410.0 cubic feet of fill, all for the purpose of complying with the annual nutrient cap loads of the Authority's NPDES discharge permit. The project is located near the

intersection of Old Road and U.S. 222 (Quarryville, PA Quadrangle; N: 5.6 inches, W: 8.53 inches; Latitude: 39°54'21", Longitude: -76°11'09") in Providence Township, Lancaster County. No wetlands will be impacted by this project.

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E19-296. Frank T. Yun, III, 577 Pond Road, Mehoopany, PA 18629. Yun Cabin, in Cleveland Township, **Columbia County**, ACOE Baltimore District (Danville, PA Quadrangle Latitude: 40-52-35.4; Longitude: 76-30-19.8).

To construct, operate and maintain 18 concrete piers to support the raising of a cottage structure on the existing footprint and to include 4 additional piers to support the open deck structure in the floodplain of Roaring Creek. The structures first floor elevating shall be a minimum of 18 inches above elevation of 618.5 feet. The cottage is 33 feet wide and 43 feet long. This property is located On West Railroad Avenue at the entrance of Knoebels Campground. This permit was issued under Section 105.13(e) "Small Projects."

Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E63-644. Columbia Gas Transmission, 1700 MacCorkle Avenue, SE, Charleston, WV 25314; Robinson Township, **Washington County**; ACOE Pittsburgh District.

Applicant has been given consent to place and maintain gravel; to construct and maintain a chain link fence and to operate and maintain the existing facility along the left bank floodway of a UNT to Robinson Run (WWF) for a distance of approximately 80 feet for the purpose of expanding the facility and to provide a permanent secure enclosure around the NGT&S Primrose Meter and Regulator (M&R) station. The project is located on the west side of Cooks Road approximately 0.2 mile north of its intersection with Noblestown Road (Midway, PA Quadrangle; N: 20.3 inches; W: 2.0 Inches; Latitude: 40° 21' 44"; Longitude: 80° 15' 53") in Robinson Township, Washington County.

District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701

E5829-018. Williams Field Services Company, LLC., 2800 Post Oak Blvd, Houston, TX 77056; Brooklyn and Dimock Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. a 10 inch diameter natural gas gathering pipeline and a temporary timber mat crossing impacting 105 linear feet of an unnamed tributary to Meshoppen Creek (CWF) (Montrose East, PA Quadrangle 41°45'17"N, 75° 51' 54"W);

2. a 10 inch diameter natural gas gathering pipeline and a temporary timber mat crossing impacting 57 linear feet of an unnamed tributary to Meshoppen Creek (CWF) (Montrose East, PA Quadrangle 41°45'12"N, 75°51'45"W);

3. a 10 inch diameter natural gas gathering pipeline impacting 4 linear feet of an unnamed tributary to Meshoppen Creek (CWF) (Montrose East, PA Quadrangle 41°45'12"N, 75° 51' 03"W);

4. a 10 inch diameter natural gas gathering pipeline impacting 15 linear feet of an unnamed tributary to Meshoppen Creek (CWF) (Montrose East, PA Quadrangle 41°45'11"N, 75° 51' 03"W);

5. a 10 inch diameter natural gas gathering pipeline and a temporary timber mat crossing impacting 60 linear feet of the Meshoppen Creek (CWF) (Montrose East, PA Quadrangle 41°45'13"N, 75°50'53"W);

6. a 10 inch diameter natural gas gathering pipeline and a temporary timber mat crossing impacting 0.09 acre of Palustrine Forested Wetlands (PFO) (Montrose East, PA Quadrangle 41°45'12"N, 75°51'43"W);

7. a 10 inch diameter natural gas gathering pipeline and a temporary timber mat crossing impacting 0.26 acre of Palustrine Emergent Wetlands (PEM) (Montrose East, PA Quadrangle 41°45'18"N, 75°50'55"W);

8. a 10 inch diameter natural gas gathering pipeline and a temporary timber mat crossing impacting 0.02 acre of Palustrine Emergent Wetlands (PEM) (Montrose East, PA Quadrangle 41°45'13"N, 75°50'53"W);

9. a 10 inch diameter natural gas gathering pipeline and a temporary timber mat crossing impacting 0.13 acre of Palustrine Forested Wetlands (PFO) (Montrose East, PA Quadrangle 41°45'13"N, 75°50'46"W).

The project will result in 241 linear feet of temporary stream impacts, 0.28 acre of temporary wetland impacts, and 0.22 acre of permanent wetland impacts, all for the purpose of installing a natural gas gathering line in Brooklyn and Dimock Townships, Susquehanna County. The permittee will provide 0.34 acre of compensatory mitigation for impacts throughout the project at the Stalter and Havartine properties (Lenoxville, PA Quadrangle 41°43'01"N, 75°41'32"W) in Lenox Township, Susquehanna County.

E5929-027: Talisman Energy USA, Inc., 50 Pennwood Place, Warrendale, PA 15086, Bloss, Hamilton, Liberty, Union, and Ward Townships, **Tioga County**, ACOE Baltimore District. To construct, operate, and maintain:

1. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 214 square feet of a palustrine emergent (EV-PEM) wetland (Blossburg, PA Quadrangle 41°39'28"N 77°06'03"W);

2. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 75 linear feet of an unnamed tributary to Johnson Creek (CWF) (Blossburg, PA Quadrangle 41°39'29"N 77°06'03"W);

3. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 110 square feet of a palustrine emergent (EV-PEM) wetland (Blossburg, PA Quadrangle 41°39'27"N 77°05'56"W);

4. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 5 linear feet of an unnamed tributary to Johnson Creek (CWF) (Blossburg, PA Quadrangle 41°39'27"N 77°05'56"W);

5. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 260 square feet of a palustrine emergent (EV-PFO) wetland (Blossburg, PA Quadrangle 41°39'26"N 77°05'51"W);

6. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 30 linear feet of an unnamed tributary to Johnson Creek (CWF) (Blossburg, PA Quadrangle 41°39'26"N 77°05'50"W);

7. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 88 square feet of a palustrine emergent (EV-PEM) wetland (Blossburg, PA Quadrangle 41°39'26"N 77°05'49"W);

8. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 6 linear feet of an unnamed tributary to Johnson Creek (CWF) (Blossburg, PA Quadrangle 41°39'26"N 77°05'49"W);

9. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a temporary road crossing using seven 20 foot long 36 inch diameter corrugated metal pipes impacting 110 linear feet of Bellman Run (CWF) (Blossburg, PA Quadrangle 41°39'22"N 77°05'36"W);

10. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 122 linear feet of an unnamed tributary to Bellman Run (CWF) (Blossburg, PA Quadrangle 41°39'04"N 77°05'22"W);

11. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 103 linear feet of an unnamed tributary to Long Run (CWF) (Blossburg, PA Quadrangle 41°38'01"N 77°05'12"W);

12. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 186 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°38'17"N 77°04'32"W);

13. Timber matting impacting 2,095 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°38'17"N 77°04'25"W);

14. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 433 square feet of a palustrine emergent wetland (PEM) (Blossburg, PA Quadrangle 41°38'17"N 77°04'24"W);

15. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 190 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°38'18"N 77°04'15"W);

16. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 1,394 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°38'17"N 77°04'07"W);

17. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a temporary road crossing using two 20 foot long 36 inch diameter corrugated metal pipes impacting 89 linear feet of a Dibble Run (EV) (Blossburg, PA Quadrangle 41°38'7"N 77°03'53"W);

18. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 116 linear feet of an unnamed tributary to Dibble Run (EV) (Blossburg, PA Quadrangle 41°38'05"N 77°03'47"W);

19. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 111 linear feet of an unnamed tributary to Dibble Run (EV) (Blossburg, PA Quadrangle 41°38'06"N 77°03'41"W);

20. Timber matting impacting 167 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°38'15"N 77°03'34"W);

21. Timber matting impacting 554 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°38'15"N 77°03'34"W);

22. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 199 of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°38'18"N 77°05'28"W);

23. Two 12 inch diameter gas pipelines and one 10 diameter inch waterline and a temporary road crossing using five 20 foot long 36 inch diameter corrugated metal pipes impacting 151 linear feet of a Taylor Run (EV) (Blossburg, PA Quadrangle 41°38'24"N 77°02'43"W);

24. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 110 linear feet of an unnamed tributary to Taylor Run (EV) (Blossburg, PA Quadrangle 41°38'24"N 77°02'41"W);

25. Timber matting impacting 1,035 square feet of a palustrine scrub-shrub/emergent (EV-PSS/PEM) wetland (Blossburg, PA Quadrangle 41°38'25"N 77°02'32"W);

26. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 2,057 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°38'47"N 77°02'15"W);

27. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 113 linear feet of an unnamed tributary to Carpenter Run (EV) (Blossburg, PA Quadrangle 41°38'55"N 77°02'19"W);

28. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 889 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'02"N 77°02'12"W);

29. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 97 linear feet of an unnamed tributary to Carpenter Run (EV) (Blossburg, PA Quadrangle 41°39'04"N 77°02'09"W);

30. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a temporary road crossing using six 20 foot long 36 inch diameter corrugated metal pipes crossing impacting 101 linear feet of Carpenter Run (EV) (Blossburg, PA Quadrangle 41°39'05"N 77°02'07"W);

31. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and timber matting impacting 1,370 square feet of a palustrine emergent (EV-PEM) wetland (Blossburg, PA Quadrangle 41°39'05"N 77°02'05"W);

32. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and timber matting impacting 1,991 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'05"N 77°02'01"W);

33. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 39 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'04"N 77°02'01"W);

34. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 108 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'06"N 77°01'57"W);

35. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and timber matting impacting 1,962 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'06"N 77°01'57"W);

36. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and timber matting bridge impacting 3,903 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'05"N 77°01'55"W);

37. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 103 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'05"N 77°01'54"W);

38. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and timber matting impacting 2,918

square feet of palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'05"N 77°01'54"W);

39. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 99 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'06"N 77°01'47"W);

40. A timber mat bridge impacting 24 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'06"N 77°01'44"W);

41. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and timber matting impacting 11,586 square feet of palustrine emergent /scrub shrub (PEM/PSS) wetland (Blossburg, PA Quadrangle 41°39'06"N 77°01'42"W);

42. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and timber matting impacting 630 square feet of palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'10"N 77°01'41"W);

43. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 92 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'09"N 77°01'23"W);

44. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 106 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'10"N 77°01'20"W);

45. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 948 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'10"N 77°01'19"W);

46. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 926 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'12"N 77°01'17"W);

47. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 844 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'15"N 77°01'09"W);

48. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and timber matting impacting 3,910 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'16"N 77°01'08"W);

49. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and timber matting impacting 2,505 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'16"N 77°01'04"W);

50. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 105 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'17"N 77°01'03"W);

51. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 647 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'17"N 77°01'01"W);

52. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 116 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'18"N 77°01'01"W);

53. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 617 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'18"N 77°01'01"W);

54. Timber matting impacting 579 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'19"N 77°00'59"W);
55. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 111 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'18"N 77°00'59"W);
56. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 1,564 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'18"N 77°00'58"W);
57. Timber matting impacting 774 square feet of a palustrine emergent/scrub shrub (PEM/PSS) wetland (Blossburg, PA Quadrangle 41°39'19"N 77°00'58"W);
58. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and timber matting impacting 5,306 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'20"N 77°00'56"W);
59. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 88 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'20"N 77°00'55"W);
60. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 209 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'19"N 77°00'45"W);
61. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 3,341 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'19"N 77°00'43"W);
62. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 188 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'19"N 77°00'43"W);
63. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 187 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'19"N 77°00'42"W);
64. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 2,445 square feet of a palustrine emergent/forested (PEM/PFO) wetland (Blossburg, PA Quadrangle 41°39'19"N 77°00'35"W);
65. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 103 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'19"N 77°00'35"W);
66. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 1,426 square feet of a palustrine emergent/scrub shrub/forested (PEM/PSS/PFO) wetland (Blossburg, PA Quadrangle 41°39'21"N 77°00'27"W);
67. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and timber matting impacting 113 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'21"N 77°00'19"W);
68. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and timber matting impacting 4,349 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'22"N 77°00'18"W);
69. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 183 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'22"N 77°00'17"W);
70. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and a timber mat bridge impacting 120 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'22"N 77°00'13"W);
71. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline and timber matting impacting 1,530 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'23"N 77°00'12"W);
72. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 34 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'25"N 77°00'08"W);
73. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 37 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'26"N 77°00'07"W);
74. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 36 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'28"N 77°00'06"W);
75. Two 12 inch diameter gas pipelines and one 10 inch diameter waterline impacting 145 linear feet of Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'28"N 77°00'05"W);
76. Timber matting impacting 2,333 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'28"N 77°00'05"W);
77. A temporary road crossing using six 30 foot long 36 inch diameter corrugated metal culverts impacting 30 linear feet of Carpenter Run (EV) (Blossburg, PA Quadrangle 41°39'8"N 77°02'06"W);
78. A temporary road crossing using timber mats impacting 1,324 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'9"N 77°02'05"W);
79. A temporary road crossing using timber mats impacting 345 square feet of a palustrine open water (POW) wetland (Blossburg, PA Quadrangle 41°39'10"N 77°02'05"W);
80. A temporary road crossing using timber mats impacting 380 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'15"N 77°01'49"W);
81. A temporary road crossing using a timber mat bridge impacting 53 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'15"N 77°01'49"W);
82. A temporary road crossing using timber mats impacting 42 square feet of a palustrine forested/scrub shrub/emergent (PFO/PSS/PEM) wetland (Blossburg, PA Quadrangle 41°39'15"N 77°01'50"W);
83. A temporary road crossing using timber mats impacting 13 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'16"N 77°01'47"W);
84. A temporary road crossing using a timber mat bridge impacting 42 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'16"N 77°01'45"W);
85. A temporary road crossing using timber mats impacting 39 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'17"N 77°01'43"W);

86. A temporary road crossing using timber mats impacting 53 square feet of a palustrine open water (POW) wetland (Blossburg, PA Quadrangle 41°39'17"N 77°01'42"W);

87. A temporary road crossing using a timber mat bridge impacting 36 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'19"N 77°01'35"W);

88. A temporary road crossing using a timber mat bridge impacting 36 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'20"N 77°01'33"W);

89. A temporary road crossing using timber mats impacting 922 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'23"N 77°01'16"W);

90. A temporary road crossing using timber mats impacting 2,029 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'23"N 77°01'15"W);

91. A temporary road crossing using timber mats impacting 648 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'20"N 77°01'02"W);

92. A temporary road crossing using timber mats impacting 233 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'20"N 77°00'59"W);

93. A temporary road crossing using a timber mat bridge impacting 47 linear feet of an unnamed tributary to Tioga River (CWF) (Blossburg, PA Quadrangle 41°39'20"N 77°00'59"W);

94. A temporary road crossing using timber mats impacting 1,757 square feet of a palustrine emergent (PEM) (Blossburg, PA Quadrangle 41°39'20"N 77°00'58"W);

95. A temporary road crossing using timber mats impacting 346 square feet of a palustrine emergent (PEM) wetland (Blossburg, PA Quadrangle 41°39'20"N 77°00'57"W).

The project will result in 3,313 linear feet of temporary stream impacts, a total of 32,025 square feet (0.74 acre) of temporary wetland impacts, and 44,776 square feet (1.03 acres) of permanent wetland impacts all for the purpose of installing natural gas gathering lines, a fresh waterline, and associated access roads for Marcellus well development in Ward, Union, Hamilton, Liberty, and Bloss Townships, Tioga County.

E5829-027. Angelina Gathering Company, LLC; 2350 North Sam Houston Parkway, Suite 125, Houston, TX 77032; Lenox Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) Two 12 inch diameter steel natural gas gathering lines, one 16 inch diameter HDPE waterline, and a temporary timber mat crossing impacting 4,342 square feet of PEM wetlands (Lenoxville, PA Quadrangle; Latitude: 41° 39' 42", Longitude: -75° 41' 06"),

2) Two 12 inch diameter steel natural gas gathering lines, one 16 inch diameter HDPE waterline, and a temporary timber mat crossing impacting 4,657 square feet of PEM wetlands (Lenoxville, PA Quadrangle; Latitude: 41° 39' 45", Longitude: -75° 41' 02"),

3) Two 12 inch diameter steel natural gas gathering lines and one 16 inch diameter HDPE waterline impact-

ing 2,376 square feet of PEM wetlands (Lenoxville, PA Quadrangle; Latitude: 41° 40' 12", Longitude: -75° 40' 34"),

4) Two 12 inch diameter steel natural gas gathering lines and one 16 inch diameter HDPE waterline impacting 2,909 square feet of PEM/PSS wetlands (Lenoxville, PA Quadrangle; Latitude: 41° 40' 13", Longitude: -75° 40' 34"),

5) Two 12 inch diameter steel natural gas gathering lines, one 16 inch diameter HDPE waterline, and a temporary timber mat crossing impacting 71 linear feet of an unnamed tributary to East Branch of the Tunkhannock Creek (Lenoxville, PA Quadrangle; Latitude: 41° 39' 44", Longitude: -75° 41' 03"),

6) Two 12 inch diameter steel natural gas gathering lines, one 16 inch diameter HDPE waterline, and a temporary timber mat crossing impacting 71 linear feet of an unnamed tributary to East Branch of the Tunkhannock Creek (Lenoxville, PA Quadrangle; Latitude: 41° 40' 03", Longitude: -75° 40' 42"),

7) Two 12 inch diameter steel natural gas gathering lines, one 16 inch diameter HDPE waterline, and a temporary timber mat crossing impacting 86 linear feet of an unnamed tributary to East Branch of the Tunkhannock Creek (Lenoxville, PA Quadrangle; Latitude: 41° 40' 12", Longitude: -75° 40' 36"),

8) Two 12 inch diameter steel natural gas gathering lines, one 16 inch diameter HDPE waterline, and a temporary timber mat crossing impacting 109 linear feet of an unnamed tributary to East Branch of the Tunkhannock Creek (Lenoxville, PA Quadrangle; Latitude: 41° 40' 12", Longitude: -75° 40' 35").

The project will serve wells on the FF and GG pads and convey natural gas to the HH Gathering Line, all located in Lenox Township, Susquehanna County. The project will result in 338 linear feet of temporary impacts to stream channels and 0.33 acre of temporary wetland impacts. The FF Gathering Line is all for the purpose of installing two 16 inch diameter steel natural gas gathering lines and one 16 inch diameter HDPE waterline to convey natural gas to the Tennessee Gas Transmission Line (i.e. market) and convey freshwater for the development of wells.

E5929-033: SWEPI LP., 190 Thorn Hill Road, Warrendale, PA 15086, Delmar Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a 20 foot long, 30 inch diameter corrugated metal pipe, a 12 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 118 linear feet of an unnamed tributary to West Branch Stony Fork (EV) (Tiadaghton, PA Quadrangle 41°39'53"N 77°25'14"W);

2) a temporary road crossing using a 20 foot long, 18 inch diameter corrugated metal pipe, a 12 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 109 linear feet of an unnamed tributary to West Branch Stony Fork (EV) (Tiadaghton, PA Quadrangle 41°39'41"N 77°25'13"W);

3) a temporary road crossing using a wood mat bridge, a 12 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 1,447 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Tiadaghton, PA Quadrangle 41°40'01"N 77°25'07"W);

4) a temporary road crossing using a wood mat bridge, a 12 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 865 square feet of a palustrine scrub-shrub (PSS) wetland (Tiadaghton, PA Quadrangle 41°39'47"N 77°25'15"W);

5) a temporary road crossing using a wood mat bridge impacting 505 square feet of a palustrine forested/palustrine emergent (PFO/PEM) wetland (Tiadaghton, PA Quadrangle 41°39'33"N 77°25'09"W).

The project will result in 227 linear feet of temporary stream impacts and 2,817 square feet (0.07 acre) of temporary wetland impacts, all for the purpose of installing a natural gas gathering line, a fresh waterline, a fiber optic cable, and associated access roadways in Delmar Township, Tioga County.

E5829-029: Appalachia Midstream Services, LLC, 100 IST Center, Horseheads, NY 14845, Rush Township, **Susquehanna County**, ACOE Baltimore District.

To construct and maintain:

1. an 8 inch diameter natural gas pipeline and temporary bridge crossing impacting 9,867 square feet (0.23 acre) of a PEM, PSS, and PFO wetland (Lawton, PA Quadrangle; Lat. 41° 48' 38", Long. -76° 2' 5");

2. an 8 inch diameter natural gas pipeline and temporary bridge crossing impacting 122 lineal feet of an unnamed tributary to East Branch Wyalusing Creek (Lawton, PA Quadrangle; Lat. 41° 48' 38", Long. -76° 2' 6");

3. an 8 inch diameter natural gas pipeline and temporary bridge crossing impacting 2,950 square feet (0.07 acre) of a PEM wetland (Lawton, PA Quadrangle; Lat. 41° 48' 30", Long. -76° 2' 13");

4. an 8 inch diameter natural gas pipeline crossing impacting 2,048 square feet (0.05 acre) of a PEM wetland (Lawton, PA Quadrangle; Lat. 41° 48' 9", Long. -76° 2' 36").

The Parks natural gas pipeline project will gather natural gas from the O'Dowd and Richard well pads and convey it to the Devine Ridge trap site to the North located in Rush Township, Susquehanna County. The project will result in 122 linear feet (597 square feet) of temporary stream impacts and a total of 0.34 acre (14,865 square feet) of wetland impacts all for the purpose of constructing, operating, and maintaining a natural gas gathering line.

E5829-030: Appalachia Midstream Services, LLC, 100 IST Center, Horseheads, NY 14845, Auburn Township, **Susquehanna County**, ACOE Baltimore District.

To construct and maintain:

1. a 10 inch diameter natural gas pipeline impacting 452 square feet (0.01 acre) of a PEM wetland (Auburn Center, PA Quadrangle; Lat. 41° 41' 27", Long. -76° 04' 37");

2. a 10 inch diameter natural gas pipeline and temporary timber mat crossing impacting 4,986 square feet (0.11 acre) of a PSS wetland (Auburn Center, PA Quadrangle; Lat. 41° 41' 29", Long. -76° 05' 29");

3. a 10 inch diameter natural gas pipeline and temporary timber mat crossing impacting 2,729 square feet (0.06 acre) of a PSS wetland (Auburn Center, PA Quadrangle; Lat. 41° 41' 42", Long. -76° 06' 02");

4. a 10 inch diameter natural gas pipeline and temporary bridge crossing impacting 150 lineal feet of Transue Creek (Lawton, PA Quadrangle; Lat. 41° 41' 41", Long. -76° 06' 00");

5. a 10 inch diameter natural gas pipeline and temporary timber mat crossing impacting 5,975 square feet (0.14 acre) of a PEM/PSS wetland (Auburn Center, PA Quadrangle; Lat. 41° 41' 48", Long. -76° 06' 35");

6. a 10 inch diameter natural gas pipeline and temporary timber mat crossing impacting 574 square feet (0.01 acre) of a PEM wetland (Auburn Center, PA Quadrangle; Lat. 41° 42' 02", Long. -76° 07' 13");

7. a 10 inch diameter natural gas pipeline and temporary timber mat crossing impacting 1,267 square feet (0.03 acre) of a PEM/PSS wetland (Auburn Center, PA Quadrangle; Lat. 41° 41' 53", Long. -76° 06' 57");

8. a 10 inch diameter natural gas pipeline impacting 1,766 square feet (0.04 acre) of a PEM wetland (Auburn Center, PA Quadrangle; Lat. 41° 41' 30", Long. -76° 07' 13").

The Jaishawoo gathering line project will convey natural gas from the Ramblin Rose and Susan well pads and convey it to the Verex Pipeline located in Auburn Township, Susquehanna County and ultimately to the Tennessee Gas Transmission Line. The project will result in 230 linear feet (2,104 square feet) of temporary stream impacts and a total of 0.41 acre (17,749 square feet) of wetland impacts all for the purpose of constructing, operating, and maintaining a natural gas gathering line.

E0829-044: Chief Gathering LLC, 999 North Loyalsock Ave. Suite G, Montoursville, PA 17754, Leroy, Franklin and Burlington Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. one 12 inch diameter natural gas line impacting 120 linear feet of an unnamed tributary to Preacher Brook (CWF, MF) and impacting 4,688 square feet of an adjacent Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°43'14", Longitude: -76°33'57");

2. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 15,933 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°42'58", Longitude: -76°33'47");

3. one 12 inch diameter natural gas line impacting 1,389 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°42'41", Longitude: -76°34'06");

4. one 12 inch diameter natural gas line impacting 44 linear feet of an unnamed tributary to Preacher Brook (CWF, MF) (Powell, PA, Latitude: 41°42'40", Longitude: -76°34'11");

5. one 12 inch diameter natural gas line impacting 61 linear feet of Preacher Brook (CWF, MF) (Powell, PA, Latitude: 41°42'39", Longitude: -76°34'14");

6. one 12 inch diameter natural gas line impacting 22 linear feet of an unnamed tributary to Preacher Brook (CWF, MF) (Powell, PA, Latitude: 41°42'39", Longitude: -76°34'17");

7. a temporary timber mat bridge impacting 15 linear feet of an unnamed tributary to Preacher Brook (CWF, MF) (Powell, PA, Latitude: 41°42'34", Longitude: -76°34'25");

8. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 73 linear feet of an

unnamed tributary to Preacher Brook (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°42'26", Longitude: -76°34'33");

9. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 1,182 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°42'23", Longitude: -76°34'36");

10. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 2,298 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°42'09", Longitude: -76°34'56");

11. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 30 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°42'09", Longitude: -76°34'57");

12. one 12 inch diameter natural gas line impacting 104 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'56", Longitude: -76°34'56");

13. one 12 inch diameter natural gas line impacting 116 linear feet of Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'54", Longitude: -76°34'56");

14. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 103 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) and impacting 2,435 square feet of an adjacent Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°41'51", Longitude: -76°34'56");

15. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 8 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'53", Longitude: -76°35'02");

16. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 68 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'53", Longitude: -76°35'07");

17. one 12 inch diameter natural gas line, and a temporary timber mat bridge impacting 8 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°41'53", Longitude: -76°35'11");

18. one 12 inch diameter natural gas line, and a temporary timber mat bridge impacting 325 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°41'52", Longitude: -76°35'13");

19. one 12 inch diameter natural gas line, and a temporary timber mat bridge impacting 314 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°41'54", Longitude: -76°35'14");

20. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 43 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'54", Longitude: -76°35'30");

21. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 71 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'52", Longitude: -76°35'35");

22. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 67 linear feet of

an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'40", Longitude: -76°35'37");

23. one 12 inch diameter natural gas line, and a temporary timber mat bridge impacting 12,040 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°41'39", Longitude: -76°35'39");

24. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 69 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) and impacting 7,798 square feet of an adjacent Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°41'38", Longitude: -76°35'47");

25. one 12 inch diameter natural gas line, and a temporary timber mat bridge impacting 3,874 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°41'39", Longitude: -76°35'53");

26. one 12 inch diameter natural gas line impacting 37 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'42", Longitude: -76°35'52");

27. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 115 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'25", Longitude: -76°35'50");

28. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 154 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'18", Longitude: -76°35'51");

29. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 69 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'21", Longitude: -76°35'51");

30. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 94 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'15", Longitude: -76°35'51");

31. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 63 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'11", Longitude: -76°35'54");

32. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 151 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'10", Longitude: -76°36'07");

33. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 61 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'09", Longitude: -76°36'08");

34. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 35 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'09", Longitude: -76°36'10");

35. one 12 inch diameter natural gas line, and a temporary timber mat bridge impacting 874 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°41'19", Longitude: -76°36'19");

36. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 743 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°41'23", Longitude: -76°36'21");

37. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 62 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'30", Longitude: -76°36'50");

38. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 24 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) and impacting 973 square feet of an adjacent Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°41'32", Longitude: -76°36'52");

39. one 12 inch diameter natural gas line impacting 94 linear feet of Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'48", Longitude: -76°36'56");

40. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 77 linear feet of North Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'48", Longitude: -76°37'56");

41. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 51 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'33", Longitude: -76°37'52");

42. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 3,150 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°41'27", Longitude: -76°38'11");

43. one 12 inch diameter natural gas line impacting 113 linear feet of Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'24", Longitude: -76°38'11");

44. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 4,289 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°41'15", Longitude: -76°38'11");

45. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 34 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°41'32", Longitude: -76°36'54");

46. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 32 linear feet of an unnamed tributary to Preacher Brook (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°42'40", Longitude: -76°33'47");

47. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 72 linear feet of an unnamed tributary to Preacher Brook (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°42'38", Longitude: -76°33'46");

48. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 60 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°42'24", Longitude: -76°33'45");

49. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 15 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) and impacting 981 square feet of an adjacent Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°42'23", Longitude: -76°33'45");

50. one 12 inch diameter natural gas line, and a temporary timber mat bridge impacting 400 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°42'29", Longitude: -76°33'46");

51. one 12 inch diameter natural gas line, and a temporary timber mat bridge impacting 689 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°42'23", Longitude: -76°33'46");

52. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 3 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°42'25", Longitude: -76°33'41");

53. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 123 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°42'26", Longitude: -76°33'41");

54. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 122 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°42'19", Longitude: -76°33'47");

55. one 12 inch diameter natural gas line 30 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°42'15", Longitude: -76°33'52");

56. one 12 inch diameter natural gas line impacting 200 linear feet of Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°42'09", Longitude: -76°33'51");

57. one 12 inch diameter natural gas line, and a temporary timber mat bridge impacting 2,276 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°42'06", Longitude: -76°33'52");

58. one 12 inch diameter natural gas line and a temporary timber mat bridge impacting 137 linear feet of an unnamed tributary to Towanda Creek (CWF,MF) (Powell, PA Quadrangle, Latitude: 41°42'05", Longitude: -76°33'54");

The project will result in 2,888 linear feet or 31,479 square feet of temporary stream impacts and 63,678 square feet (1.46 acres) of PEM wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105

D28-126EA. Jaime Cacciola, Director of Corporate and Foundation Relations, Wilson College, 1015 Philadelphia Avenue, Chambersburg, PA 17201. Chambersburg Borough and Greene Township, Franklin County, ACOE Baltimore District.

Project proposes to remove Wilson College Dam for the purpose of restoring the stream to a free flowing condition and eliminating a threat to public safety. The dam is located across Conococheague Creek (WWF, MF). In addition, approximately 3,560 feet of stream stabilization and in-stream habitat enhancement is proposed utilizing rock cross vanes, log deflectors, j-hook vanes and the removal of concrete structures and abandoned utility lines. (Chambersburg, PA Quadrangle, Latitude: 39.9533; Longitude: -77.6517).

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.

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701

ESCGP-1 # ESX12-115-0171

Applicant Name Southwestern Energy Production Company

Contact Person Mr. Dave Sweeley
Address 917 State Route 92 North
City, State, Zip Tunkhannock, PA 18657
County Susquehanna
Township(s) New Milford

Receiving Stream(s) and Classification(s) Butler Creek Watershed—CWF/MF/natural trout

ESCGP-1 # ESX12-015-0189

Applicant Name Southwestern Energy Production Company

Contact Person Mr. Dave Sweeley
Address 917 State Route 92 North
City, State, Zip Tunkhannock, PA 18657
County Bradford

Township(s) Stevens
Receiving Stream(s) and Classification(s) UNT to Ross Creek—WWF Ross Creek—WWF
Secondary: Wyalusing Creek—WWF

ESCGP-1 # ESX12-081-0131

Applicant Name Anadarko E&P Company LP

Contact Person Rane Wilson
Address 33 W Third St, Suite 200
City, State, Zip Williamsport, PA 17701
County Lycoming
Township(s) Cogan House

Receiving Stream(s) and Classification(s) Little Sandy Run—HQ-CWF/MF
Big Sandy Run (Secondary)—HQ-CWF/MF
Big Sandy Run—HQ-CWF/MF
Hoagland Run (Secondary)—HQ-CWF/MF
Hoagland Run—HQ-CWF/MF
Lycoming Creek (Secondary)—EV/MF

UNT Hoagland Run—HQ-CWF/MF
Hoagland Run (Secondary)—HQ-CWF/MF
Dibbler Hollow Run—HQ-CWF/MF
Larry's Creek (Secondary)—HQ-CWF/MF
Birch Run—HQ-CWF/MF
Larry's Creek (Secondary)—HQ-CWF/MF

ESCGP-1 # ESX12-081-0132

Applicant Name Anadarko E&P Company LP

Contact Person Rane Wilson
Address 33 W Third St, Suite 200
City, State, Zip Williamsport, PA 17701

County Lycoming
Township(s) Pine
Receiving Stream(s) and Classification(s) Bonnell Run—EV/MF

Fourmile Run—EV/MF

Smith Run—EV/MF

Hughes Run—EV/MF

ESCGP-1 # ESX12-015-0174

Applicant Name Chesapeake Appalachia LLC

Contact Person Eric Haskins
Address 101 N Main St
City, State, Zip Athens, PA 18810

County Bradford
Township(s) Monroe
Receiving Stream(s) and Classification(s) Satterlee Run—HQ

UNT to Ladds Creek—CWF

Secondary: South Branch Towanda Creek—CWF

ESCGP-1 # ESX12-117-0082

Applicant Name SWEPI LP

Contact Person H James Sewell
Address 190 Thorn Hill Rd
City, State, Zip Warrendale, PA 15086

County Tioga
Township(s) Delmar
Receiving Stream(s) and Classification(s) Heise Run—CWF/MF

Secondary: Marsh Creek

ESCGP-1 # ESX12-115-0168

Applicant Name Chesapeake Appalachia LLC

Contact Person Eric Haskins
Address 101 N Main St
City, State, Zip Athens, PA 18810

County Susquehanna
Township(s) Rush
Receiving Stream(s) and Classification(s) UNT to Wyalusing Creek—WWF

Secondary: Susquehanna River—WWF

ESCGP-1 # ESX12-081-0134

Applicant Name Anadarko E&P Company LP

Contact Person Rane Wilson
Address 33 W Third St, Suite 200
City, State, Zip Williamsport, PA 17701

County Lycoming
Township(s) Cogan House
Receiving Stream(s) and Classification(s) Bear Run—EV/MF

Pine Creek

Wendell Run—HQ/CWF

Larry's Creek

ESCGP-1 # ESX12-015-0186

Applicant Name Talisman Energy USA Inc

Contact Person Tracy Gregory
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845

County Bradford

Township(s) Columbia
Receiving Stream(s) and Classification(s) Tributary to
Sugar Creek—TSF
Secondary: Sugar Creek

ESCGP-1 # ESX11-081-0110(01)
Applicant Name Inflection Energy LLC
Contact Person Salar Nabavian
Address 1200 17th St, Suite 1350
City, State, Zip Denver, CO 80202
County Lycoming
Township(s) Upper Fairfield
Receiving Stream(s) and Classification(s) Loyalsock
Creek—TSF/EV

ESCGP-1 # ESX12-115-0173
Applicant Name WPX Energy Appalachia LLC
Contact Person David Freudenrich
Address 6000 Town Center Blvd, Ste 300
City, State, Zip Canonsburg, PA 15317
County Susquehanna
Township(s) Choconut
Receiving Stream(s) and Classification(s) UNT to
Choconut Creek/ Choconut Creek Watershed—
WWF/MF
Choconut Creek/Choconut Creek Watershed—WWF/MF
Secondary: Susquehanna River

ESCGP-1 # ESX12-115-0163
Applicant Name Williams Field Services LLC
Contact Person Kristy Flavin
Address 1605 Coraopolis Heights Rd
City, State, Zip Moon Township, PA 15108
County Susquehanna
Township(s) Harford & Gibson
Receiving Stream(s) and Classification(s) Unnamed tribu-
taries to Butler Creek, unnamed tributaries to
Susquehanna Creek, and Butler Creek/Upper
Susquehanna-Tunkhannock Watershed—Other

ESCGP-1 # ESX11-015-0318(03)
Applicant Name Angelina Gathering Co LLC
Contact Person Danny Spaulding
Address 2350 N Sam Houston Parkway E, Ste 125
City, State, Zip Houston, TX 77032
County Bradford
Township(s) Herrick
Receiving Stream(s) and Classification(s) Rummerfield
Creek & Unnamed Tributaries to Rummerfield Creek—
Other
Secondary—WWF/MF

ESCGP-1 # ESX12-115-0143
Applicant Name Southwestern Energy Production Com-
pany
Contact Person Mr. Dave Sweeley
Address 917 State Route 92 North
City, State, Zip Tunkhannock, PA 18657
County Susquehanna
Township(s) New Milford
Receiving Stream(s) and Classification(s) Nine Partners
Creek—CWF/MF UNT to Nine Partners Creek—
CWF/MF

ESCGP-1 # ESX12-115-0146
Applicant Name Cabot Oil & Gas Corp
Contact Person Kenneth Marcum
Address Five Penn Center West, Suite 401
City, State, Zip Pittsburgh, PA 15276
County Susquehanna
Township(s) Bridgewater
Receiving Stream(s) and Classification(s) Unnamed
Tributaries to East Branch Wyalusing Creek—CWF
East Branch Wyalusing Creek—CWF

ESCGP-1 # ESX12-081-0130
Applicant Name Anadarko E&P Company LP
Contact Person Rane Wilson
Address 33 W Third St, Suite 200
City, State, Zip Williamsport, PA 17701
County Lycoming
Township(s) Pine
Receiving Stream(s) and Classification(s) English Run—
CWF/MF
Bonnell Run—EV/MF
Secondary: English Run—CWF/MF
Little Pine Creek—EV/MF

ESCGP-1 # ESX10-115-0015(01)
Applicant Name Cabot Oil & Gas Corp
Contact Person Kenneth Marcum
Address Five Penn Center West, Suite 401
City, State, Zip Pittsburgh, PA 15276
County Susquehanna
Township(s) Harford
Receiving Stream(s) and Classification(s) Unnamed
Tributaries to Leslie Creek and Nine Partners Creek—
CWF/MF
Secondary: Leslie Creek and Nine Partners Creek—
CWF/MF

ESCGP-1 # ESX12-117-0073
Applicant Name SWEPI LP
Contact Person H James Sewell
Address 190 Thorn Hill Rd
City, State, Zip Warrendale, PA 15086
County Tioga
Township(s) Liberty
Receiving Stream(s) and Classification(s) Unnamed
Tributary to Salt Spring Run—EV
Secondary: Salt Spring Run—EV/MF

ESCGP-1 # ESX12-081-0135
Applicant Name PVR Marcellus Gas Gathering LLC
Contact Person Kevin Roberts
Address 100 Penn Tower, Suite 201 & 202, 25 W Third
St
City, State, Zip Williamsport, PA 17701
County Lycoming
Township(s) Cogan House
Receiving Stream(s) and Classification(s) Hoagland
Run—HQ
Secondary: Lycoming Creek

ESCGP-1 # ESX12-115-0166
Applicant Name Susquehanna Gathering Co 1 LLC
Contact Person John Miller
Address PO Box 839, 1299 Oliver Rd
City, State, Zip New Milford, PA 18834
County Susquehanna
Township(s) New Milford
Receiving Stream(s) and Classification(s) Salt Lick Creek,
UNT to Salt Lick Creek, Salt Lick Creek Watershed—
HQ-CWF/MF Butler Creek Watershed—CWF/MF

ESCGP-1 # ESX12-117-0071(01)
Applicant Name PVR Marcellus Gas Gathering LLC
Contact Person Kevin Roberts
Address 100 Penn Tower, Suite 201 & 202, 25 W Third
St
City, State, Zip Williamsport, PA 17701
County Tioga
Township(s) Liberty
Receiving Stream(s) and Classification(s) Salt Spring
Run—HQ-CWF/EV

ESCGP-1 # ESX12-015-0188
Applicant Name Appalachia Midstream Services LLC

Contact Person Patrick Myers
 Address 100 IST Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Monroe, Terry, West Burlington
 Receiving Stream(s) and Classification(s) Unnamed
 Tributaries to Sugar Creek—TSF/MF
 Sugar Creek—TSF/MF
 North Branch Sugar Run—CWF/MF
 Unnamed Tributaries to Sugar Run—CWF/MF
 Unnamed Tributaries to Susquehanna River—
 WWF/MF
 Unnamed Tributaries to South Branch Towanda
 Creek—CWF/MF

ESCGP-1 # ESX11-081-0148(01)
 Applicant Name EXCO Resources PA LLC
 Contact Person Gregg Stewart
 Address 3000 Ericsson Drive, Ste 200
 City, State, Zip Warrendale, PA 15086
 County Lycoming
 Township(s) Penn
 Receiving Stream(s) and Classification(s) UNT to Little
 Muncy Creek—Other
 Secondary: Little Muncy Creek

ESCGP-1 # ESX12-081-0073
 Applicant Name EXCO Resources PA LLC
 Contact Person Gregg Stewart
 Address 3000 Ericsson Drive, Ste 200
 City, State, Zip Warrendale, PA 15086
 County Lycoming
 Township(s) Franklin
 Receiving Stream(s) and Classification(s) UNT to Little
 Muncy Creek—Other
 Secondary: Little Muncy Creek

ESCGP-1 # ESX12-131-0025
 Applicant Name Appalachia Midstream Services LLC
 Contact Person Patrick Myers
 Address 100 IST Center
 City, State, Zip Horseheads, NY 14845
 County Wyoming
 Township(s) Windham, Mehoopany & Forkston
 Receiving Stream(s) and Classification(s) Fox Hollow—
 CWF
 1 UNT to Fox Hollow—CWF
 Mehoopany Creek—CWF
 Tributary 29251 to Mehoopany Creek—CWF
 2 UNT to Mehoopany Creek—CWF
 Rogers Hollow—CWF
 9 UNT to Rogers Hollow—CWF
 Tributary 29245 to Susquehanna River—WWF
 Mehoopany-Bowman Creeks Watershed
 Secondary: Susquehanna River—WWF

ESCGP-1 # ESX11-081-0101(01)
 Applicant Name EXCO Resources PA LLC
 Contact Person Gregg Stewart
 Address 3000 Ericsson Drive, Ste 200
 City, State, Zip Warrendale, PA 15086
 County Lycoming
 Township(s) Franklin
 Receiving Stream(s) and Classification(s) Big Run, UNT
 Little Muncy Creek—Other
 Secondary: Little Muncy Creek

ESCGP-1 # ESX12-015-0175
 Applicant Name Southwestern Energy Production Com-
 pany
 Contact Person Mr. Dave Sweeley
 Address 917 State Route 92 North
 City, State, Zip Tunkhannock, PA 18657

County Bradford
 Township(s) Orwell
 Receiving Stream(s) and Classification(s) South Creek—
 CWF
 Secondary: Johnson Creek—CWF

ESCGP-1 # ESX12-117-0080
 Applicant Name SWEPI LP
 Contact Person H James Sewell
 Address 190 Thorn Hill Rd
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Richmond
 Receiving Stream(s) and Classification(s) Elk Run—
 CWF/MF
 North Elk Run—CWF/MF
 Secondary: Elk Run & Tioga River

ESCGP-1 # ESX12-117-0049
 Applicant Name SWEPI LP
 Contact Person H James Sewell
 Address 190 Thorn Hill Rd
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Liberty
 Receiving Stream(s) and Classification(s) Unnamed
 Tributary to Blockhouse Creek
 Secondary: Blockhouse Creek

ESCGP-1 # ESX12-131-0013(01)
 Applicant Name PVR NEPA Gas Gathering LLC
 Contact Person Nicholas Bryan
 Address 100 Penn Tower, Suite 201 & 202, 25 W Third
 St
 City, State, Zip Williamsport, PA 17701
 County Wyoming
 Township(s) Eaton & Forkston
 Receiving Stream(s) and Classification(s) Mehoopany
 Creek—HQ-CWF/MF
 Roaring Run—HQ-CWF/MF
 Newton Run—HQ-CWF/MF

ESCGP-1 # ESX12-015-0185
 Applicant Name EOG Resources Inc
 Contact Person Jon Jorgenson
 Address 2039 South Sixth St
 City, State, Zip Indiana, PA 15701
 County Bradford
 Township(s) Athens & Ridgebury
 Receiving Stream(s) and Classification(s) Fall Creek and
 Orcutt Creek Watersheds—Other
 Secondary: Bentley Creek, Chemung River

ESCGP-1 # ESX11-117-0018(01)
 Applicant Name SWEPI LP
 Contact Person H James Sewell
 Address 190 Thorn Hill Rd
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Chatham
 Receiving Stream(s) and Classification(s) UNT to Norris
 Brook/Susquehanna River (List-H)—EV
 Secondary: Crooked Creek—WWF

ESCGP-1 # ESX12-117-0081
 Applicant Name SWEPI LP
 Contact Person H James Sewell
 Address 190 Thorn Hill Rd
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Richmond
 Receiving Stream(s) and Classification(s) Mad Run—
 TSF/MF
 Secondary: Mill Creek—TSF/MF

ESCGP-1 # ESX11-117-0040(02)
 Applicant Name SWEPI LP
 Contact Person H James Sewell
 Address 190 Thorn Hill Rd
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Charleston
 Receiving Stream(s) and Classification(s) UNT to North
 Elk Run—Susquehanna River Basin (List L)—CWF
 Secondary: North Elk Run/Elk Run/Susquehanna River
*Northwest Region: Oil and Gas Program Manager, 230
 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX12-085-0008—Delaware—McCullough
 Central Facility
 Applicant Hilcorp Energy Company
 Contact Stephanie McMurray
 Address 1201 Louisiana Street, Suite 1400
 City Houston State TX Zip Code 77002
 County Mercer Township(s) Delaware(s)
 Receiving Stream(s) and Classification(s) UNT to the
 Shenango River (WWF)

ESCGP-1 #ESX12-121-0017—Desko 2H (Sylvan Pad 1)
 Applicant Halcon Operating Co., Inc.
 Contact Mr. Floyd Wilson
 Address 1000 Louisiana Street
 City Houston State TX Zip Code 77002
 County Venango Township(s) Clinton(s)
 Receiving Stream(s) and Classification(s) Bullion Run—
 Ohio River Basin in PA

ESCGP-1 #ESX12-083-0069—Sugar Run Phase VI
 Applicant Minard Run Oil Company
 Contact Charles Lang
 Address 609 South Avenue
 City Bradford State PA Zip Code 16701
 County Mckean Township(s) Corydon(s)
 Receiving Stream(s) and Classification(s) Pigeon Run,
 Sugar Run, Hammond Run

ESCGP-1 # ESX12-073-0022—Kinkela-Whiting Pipeline
 Applicant Hilcorp Energy Company
 Contact Jeffrey Robertson
 Address 1201 Louisiana Street Suite 1400
 City Houston State TX Zip Code 77002
 County Lawrence Township(s) Pulaski(s)
 Receiving Stream(s) and Classification(s) UNT to Deer
 Creek/Deer Creek-WWF; UNT to Shenango River/
 Shenango River Watershed—WWF

ESCGP-1 #ESG12-123-0020-Metzgar Lease
 Applicant Chautauqua Energy
 Contact Ernest Rammelt
 Address PO Box 100
 City Westfield State NY Zip Code 14787
 County Warren Township(s) Pleasant(s)
 Receiving Stream(s) and Classification(s) UNT to Sill
 Run—CWF

ESCGP-1 # ESX12-039-0003—NW Pad
 Applicant SWEPI LP
 Contact H. James Sewell
 Address 190 Thorn Hill Road
 City Warrendale State PA Zip Code 15086
 County Crawford Township(s) East Fallowfield(s)
 Receiving Stream(s) and Classification(s) Unnamed
 Tributaries to Minis Hollow Run (TSF)

OIL AND GAS MANAGEMENT

The following Well Permits have been issued with a waiver under 58 Pa.C.S. § 3215(b)(4) (relating to well location restrictions).

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 which 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.

*Northwest Region District Oil and Gas Operations,
 Program Manager, 230 Chestnut St., Meadville, PA 16335*

Well Permit #: 121-44979-00-00
 Well Farm Name Stephens 53
 Applicant Name: Vista Operating, Inc.
 Contact Person: Thomas R. Michael
 Address: 61 McMurray Road, Suite 300
 County: Venango
 Municipality Richland Township:
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Cranberry, Bear Run, Cold Water Fishes

Well Permit #: 121-44980-00-00
 Well Farm Name Stephens 54
 Applicant Name: Vista Operating, Inc.
 Contact Person: Thomas R. Michael
 Address: 61 McMurray Road, Suite 300
 County: Venango
 Municipality Richland Township:
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Cranberry, Bear Run, Cold Water Fishes

Well Permit #: 113-20174-00-00
 Well Farm Name Cherry Mills SE SUL 1H
 Applicant Name: Chesapeake Appalachia, LLC.
 Contact Person: Mr. Eric Haskins
 Address: 101 North Main Street, Athens, PA 18810
 County: Sullivan
 Municipality Cherry Township:
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: DuShore, Lick Creek

Well Permit #: 113-20175-00-00
 Well Farm Name Cherry Mills NE SUL 1H
 Applicant Name: Chesapeake Appalachia, LLC.
 Contact Person: Mr. Eric Haskins
 Address: 101 North Main Street, Athens, PA 18810
 County: Sullivan
 Municipality Cherry Township:
 Name of Stream, Spring, Body of Water as identified on
 the most current 7 1/2 minute topographic quadrangle
 map of the United States Geologic Survey subject to
 the Section 3215(b)(4) waiver: DuShore, Lick Creek

Well Permit #: 113-20176-00-00
 Well Farm Name Cherry Mills SW SUL 3H
 Applicant Name: Chesapeake Appalachia, LLC.
 Contact Person: Mr. Eric Haskins
 Address: 101 North Main Street, Athens, PA 18810
 County: Sullivan
 Municipality Cherry Township:
 Name of Stream, Spring, Body of Water as identified on
 the most current 7 1/2 minute topographic quadrangle
 map of the United States Geologic Survey subject to
 the Section 3215(b)(4) waiver: DuShore, Lick Creek

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, PO Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
12-42-013	American Refining Group 77 N. Kendall Avenue Bradford, PA 16701 Attn: Stephen Sherk	McKean	City of Bradford	1 AST storing base oil additive	46,637 gallons

SPECIAL NOTICES

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of September 2012 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P. L. 238, No. 43 (63 P. S. Sections 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
A-1 Realty Services, Inc.	P. O. Box 179 Kutztown, PA 19530	Testing
John Bertone	420 William Street Downingtown, PA 19335	Testing
Terrance Best	65 Johnson Street Pittston, PA 18640	Testing
James Bucciarelli Certified Testing Services, Inc.	474 Easton Road Horsham, PA 19044	Testing
Nathaniel Burden Fidelity Inspection & Consulting Services	626 Jacksonville Road Suite 200 Warminster, PA 18974	Testing
J. L. Camp Inspection Services, Inc	6006 Forest Drive Monaca, PA 15061	Testing
Andrew Dionne	421 West Chocolate Avenue Hershey, PA 17033	Testing
Stephen Fiorelli	700 Braxton Road Ridley Park, PA 19078	Testing
John Fleenor	312 Gist Street Pittsburgh, PA 15219	Testing
Larry Frace	3642 Ridge Road Bloomsburg, PA 17015	Testing
Walter Hanes	516 Paradise Valley Road St. Marys, PA 15857	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Robert Klebanoff	6 Greenwood Place Wyncote, PA 19095	Testing
Richard D. Malin & Associates, Inc.	2075 Haymaker Road Monroeville, PA 15146	Testing
Deborah Mancini A Harmony Home Inspection, LLC	9401 McKnight Road Pittsburgh, PA 15237	Testing
Marcus Marasco	825 25th Street Altoona, PA 16601	Mitigation
Wade Martin	12228 Scott Road Waynesboro, PA 17268	Mitigation
Dale Metzger D & R Radon Specialists, Inc.	3450 Lurman Drive Macungie, PA 18062	Mitigation
John Moreck	201 Cooper Street Courtdale, PA 18704	Testing
Wesley Morgan	338 Rockhill Road Pittsburgh, PA 15243	Testing
David Mull	14 Crestmont Court Lititz, PA 17543	Testing
Gregory Newman	4364 Vista Drive Nazareth, PA 18064	Testing
Penoco, Inc.	485 East College Avenue Pleasant Gap, PA 16823	Testing
Jeffrey Schlaline	800 Locust Grove Road York, PA 17402	Testing
James Stever	411 5th Street Ocean City, NJ 08226	Testing
James Wandless	1424 West 30th Street Erie, PA 16508	Mitigation

[Pa.B. Doc. No. 12-1998. Filed for public inspection October 12, 2012, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.eLibrary.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular

document should call the contact person whose name and phone number is listed with each document.

Rescission of Technical Guidance

DEP ID: 254-2157-717. *Title:* Pumping Requirements for Construction and Demolition Waste Landfills in Non-Coal Mines. *Description:* This directive established a comprehensive Bureau policy on alternate means of determining pumping requirements for a facility that disposes of construction/demolition wastes in noncoal mines in this Commonwealth. This guidance is outdated and has been replaced with regulations, therefore, it is being rescinded and is no longer necessary.

Effective Date: November 16, 2012

Contact: Ali Tarquino Morris, (717) 783-2630 or altarquino@pa.gov.

DEP ID: 254-2157-718. *Title:* Liners for Construction and Demolition Waste Landfills. *Description:* This memorandum provided guidance concerning the liner requirements for construction and demolition waste landfills. This guidance is outdated and has been replaced with regulations, therefore, it is being rescinded and is no longer necessary.

Effective Date: November 16, 2012

Contact: Ali Tarquino Morris, (717) 783-2630 or altarquino@pa.gov.

DEP ID: 254-2160-762. **Title:** Management of Municipal Ash Waste from Resource Recovery Facilities. **Description:** This policy was developed to interpret existing State law and regulations concerning the management of municipal waste ash residue (fly ash and bottom ash) in this Commonwealth. Since the Department first established its municipal waste management regulations concerning ash management, numerous changes have taken place both at the Federal and State level. This policy explained and clarified the procedures for the handling of this waste stream to ensure consistent and uniform management by both incineration and landfill facility operators. This guidance is outdated and has been replaced with regulations, therefore, it is being rescinded and is no longer necessary.

Effective Date: November 16, 2012

Contact: Ali Tarquino Morris, (717) 783-2630 or altarquino@pa.gov.

DEP ID: 258-2000-765. **Title:** Residual Waste—General Permitting Procedure. **Description:** This policy was developed to establish a consistent and uniform general permitting process for the processing or beneficial use, or both, of residual waste. This guidance is outdated and the applicable permit application forms, information and fees are listed on the Department's web site. Therefore, it is no longer necessary and is being rescinded.

Effective Date: November 16, 2012

Contact: Ali Tarquino Morris, (717) 783-2630 or altarquino@pa.gov.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-1999. Filed for public inspection October 12, 2012, 9:00 a.m.]

Marsh and Rock Creek Critical Area Resource Plan

In accordance with 27 Pa.C.S. Chapter 31 (relating to water resources planning), the Department of Environmental Protection (Department) provides notice that the Department will submit a copy of the proposed Marsh and Rock Creek Critical Area Resource Plan (CARP) to the Adams County Planning Commission and the governing bodies of each municipality in the planning area.

The Marsh and Rock Creek CARP will be available for public comment for 60 days. The public comment period will include a public hearing and meeting. Notice of the public hearing and meeting will be published in the *Pennsylvania Bulletin*.

The Marsh and Rock Creek CARP can also be accessed on the Department's State Water Plan web site at <http://www.pawaterplan.dep.state.pa.us> (click on "View News" in the "What's New" section of the web page). Interested persons are invited to submit written comments regarding the Marsh and Rock Creek CARP by December 14, 2012. The Department will accept comments submitted by e-mail, but comments submitted by facsimile will not be accepted. Written comments should be submitted to Jay Braund, Bureau of Safe Drinking Water, Department of Environmental Protection, P. O. Box, 8467 Harrisburg, PA 17105-8467, (717) 783-2402, jbraund@pa.gov.

Questions regarding the Marsh and Rock Creek CARP should be directed to Jay Braund, at the previously listed address or phone number.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-2000. Filed for public inspection October 12, 2012, 9:00 a.m.]

DEPARTMENT OF HEALTH

Health Policy Board Meeting Cancellation

The Health Policy Board meeting scheduled for Wednesday, October 17, 2012, in Room 812, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120 has been cancelled. The next scheduled meeting will be held on Wednesday, January 16, 2013, from 10 a.m. until 12 p.m. in Room 812, Health and Welfare Building.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Katrina Kyle, Bureau of Health Planning at (717) 772-5298, 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. 12-2001. Filed for public inspection October 12, 2012, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.18(e) (relating to management):

Genesis Healthcare at Spring Mill
3000 Balfour Circle
Phoenixville, PA 19460
FAC ID 21760201

Pottstown Memorial Medical Center Transitional Care Unit
1600 East High Street
Pottstown, PA 19464
FAC ID 163202

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Manchester Presbyterian Lodge
6351 West Lake Road
Erie, PA 16505
FAC ID 075602

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 Department of Health, 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 an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-2002. Filed for public inspection October 12, 2012, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Medical Assistance Program Fee Schedule for Consolidated and Person/Family Directed Support Waiver-Funded Select Services, Targeted Service Management and Community Mental Retardation Base-Funded Program

The Department of Public Welfare (Department) is providing final notice of the fee schedule rates for select services funded through the Consolidated and Person/Family Directed Support waivers and Targeted Service Management to the Medical Assistance Program Fee Schedule effective July 1, 2012. These final fee schedule rates also serve as the Department's established fees under 55 Pa. Code § 4300.115(a) (relating to Department established fees) for base-funded services managed through county programs for individuals with an intellectual disability under the Mental Health and Intellectual Disability Act of 1966 (50 P. S. §§ 4104—4704) and 55 Pa. Code Chapters 51 and 4300 (relating to Office of Developmental Programs home and community-based services; and county mental health and mental retardation fiscal manual). The Department published its proposed fee schedule rates at 42 Pa.B. 3811 (June 30, 2012) and will implement the rates as proposed.

Fiscal Impact

It is anticipated there will be an approximate cost to the Commonwealth of \$15.694 million (\$7.144 million State funds) in Fiscal Year 2012-2013 and subsequent fiscal years.

Public Comment

Copies of this notice may be obtained at the local Mental Health/Intellectual Disability (MH/ID) County Program, Administrative Entity (AE) or regional Office of Developmental Programs (ODP) in the corresponding regions:

- *Western region:* Piatt Place, Room 4900, 301 5th Avenue, Pittsburgh, PA 15222, (412) 565-5144
- *Northeast region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-4749
- *Southeast region:* 801 Market Street, Suite 5071, Philadelphia, PA 19107, (215) 560-2242 or (215) 560-2245

- *Central region:* Room 430, Willow Oak Building, P. O. Box 2675, DGS Annex Complex, Harrisburg, PA 17105, (717) 772-6507

Contact information for the local MH/ID County Program or AE may be found at <https://www.hcsis.state.pa.us/hcsis-ssd/pgm/asp/PRCNT.ASP>, or contact a previously referenced regional ODP.

Interested persons are invited to submit written comments regarding this notice to the Department at the ODP's rate-setting mailbox at ra-ratesetting@state.pa.us, use subject header "PN Fee Schedule," or Department of Public Welfare, Office of Developmental Programs, Division of Provider Assistance and Rate Setting, 4th Floor, Health and Welfare Building, Forster and Commonwealth Avenues, Harrisburg, PA 17120.

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-797. (1) General Fund; (2) Implementing Year 2012-13 is \$7,144,000; (3) 1st Succeeding Year 2013-14 is \$7,144,000; 2nd Succeeding Year 2014-15 is \$7,144,000; 3rd Succeeding Year 2015-16 is \$7,144,000; 4th Succeeding Year 2016-17 is \$7,144,000; 5th Succeeding Year 2017-18 is \$7,144,000;

	<i>ID— Community Waiver Program</i>	<i>ID— Community Base Program</i>
(4) 2011-12 Program—	\$854,863,000	\$166,520,000
2010-11 Program—	\$672,376,000	\$155,958,000
2009-10 Program—	\$622,849,000	\$156,619,000

(7) ID—Community Waiver Program; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 12-2003. Filed for public inspection October 12, 2012, 9:00 a.m.]

Rate-Setting Methodology for Consolidated and Person/Family Directed Support Waiver- and Base-Funded Services for Individuals Participating in the Office of Developmental Programs Service System

The Department of Public Welfare (Department) is providing final notice of the methodology used in the Prospective Payment System (PPS) to develop rates for residential habilitation eligible and transportation trip services, funded through the Consolidated and Person/Family Directed Support waivers. The Department published notice of its intent to revise the methodology used in the PPS at 42 Pa.B. 3826 (June 30, 2012) and will implement the methodology described in that notice since there are no changes to the methodology.

Fiscal Impact

It is anticipated that there will be an approximate cost to the Commonwealth of \$67.720 million (\$30.828 million State funds) in Fiscal Year 2012-2013 and subsequent years.

Public Comment

Copies of this notice may be obtained at the local Mental Health/Intellectual Disability (MH/ID) County

Program, Administrative Entity (AE) or regional Office of Developmental Programs (ODP) in the corresponding regions:

- *Western region:* Piatt Place, Room 4900, 301 5th Avenue, Pittsburgh, PA 15222, (412) 565-5144
- *Northeast region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-4749
- *Southeast region:* 801 Market Street, Suite 5071, Philadelphia, PA 19107, (215) 560-2242 or (215) 560-2245
- *Central region:* Room 430, Willow Oak Building, P. O. Box 2675, DGS Annex Complex, Harrisburg, PA 17105, (717) 772-6507

Contact information for the local MH/ID County Program or AE may be found at <https://www.hcsis.state.pa.us/hcsis-ssd/pgm/asp/PRCNT.ASP>, or contact a previously referenced regional ODP.

Interested persons are invited to submit written comments regarding this notice to the Department at the ODP's rate-setting mailbox at ra-ratesetting@state.pa.us, use subject header "PN PPS Methodology," or Department of Public Welfare, Office of Developmental Programs, Division of Provider Assistance and Rate Setting, 4th Floor, Health and Welfare Building, Forster and Commonwealth Avenues, Harrisburg, PA 17120.

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-798. (1) General Fund; (2) Implementing Year 2012-13 is \$30,828,000; (3) 1st Succeeding Year 2013-14 is \$30,828,000; 2nd Succeeding Year 2014-15 is \$30,828,000; 3rd Succeeding Year 2015-16 is \$30,828,000; 4th Succeeding Year 2016-17 is \$30,828,000; 5th Succeeding Year 2017-18 is \$30,828,000;

	<i>ID—</i>	<i>ID—</i>
	<i>Community</i>	<i>Community</i>
	<i>Waiver</i>	<i>Base</i>
	<i>Program</i>	<i>Program</i>

(4) 2011-12 Program—	\$854,863,000	\$166,520,000
2010-11 Program—	\$672,376,000	\$155,958,000
2009-10 Program—	\$622,849,000	\$156,619,000

(7) ID—Community Waiver Program; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 12-2004. Filed for public inspection October 12, 2012, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Millionaire Raffle XV Raffle Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 874.4 (relating to notice of

raffle lottery game rules), the Secretary of Revenue hereby provides public notice of the rules for the following raffle lottery game:

1. *Name:* The name of the raffle game is Pennsylvania Millionaire Raffle XV.

2. *Price:* The price of a Pennsylvania Millionaire Raffle XV lottery game ticket is \$20.

3. *Ticket Sales And Drawing Date:* Pennsylvania Millionaire Raffle XV lottery game tickets sales will commence on or after November 16, 2012, and will continue until all 500,000 tickets have been sold, or 5:00 p.m. on January 5, 2013, whichever occurs earlier.

4. *Ticket Characteristics:* Each Pennsylvania Millionaire Raffle XV lottery game ticket will contain one unique eight-digit number between 00000001 and 00500000, for a total of 500,000 tickets.

5. *Prizes:* The prizes that can be won in this game are \$100, \$1,000, \$100,000 and \$1,000,000. A player may only win one time on each ticket or chance.

6. *Maximum Number of Tickets Printed and Sold for the Game:* There will be no more than 500,000 tickets printed and sold for the Pennsylvania Millionaire Raffle XV lottery game. The chances will be sequentially issued on a statewide basis from the range of individual unique numbers representing the chances available for the game.

7. *Conduct of Drawing:* The results of the Pennsylvania Millionaire Raffle XV will be televised on January 5, 2013, at or about 7:00 p.m. A computer-generated randomizer will be used to conduct the drawing. Six-thousand (6,000) unique eight-digit numbers will be drawn from the range of numbers representing the chances sold. The first four unique eight-digit numbers drawn will be the first-prize-tier winning numbers. The fifth through eighth unique eight-digit numbers drawn will be the second-prize-tier winning numbers. The ninth through 108th unique eight-digit numbers drawn will be the third-prize-tier winning numbers. The 109th through 6,000th unique eight-digit numbers drawn will be the fourth-prize-tier winning numbers.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which the unique eight-digit number matches exactly one of the first-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$1,000,000.

(b) Holders of tickets upon which the unique eight-digit number matches exactly one of the second-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which the unique eight-digit number matches exactly one of the third-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which the unique eight-digit number matches exactly one of the fourth-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$100.

9. *Number and Description of Prizes and Approximate Odds:* The Pennsylvania Millionaire Raffle XV prizes and determination of winners are as follows:

Ticket Matching Exactly the Unique Eight-digit Number Drawn:

First-Prize-Tier
 Second-Prize-Tier
 Third-Prize-Tier
 Fourth-Prize-Tier

Win Prize Of:

\$1,000,000
 \$100,000
 \$1,000
 \$100

Maximum Odds Of Winning Are 1 In:

125,000
 125,000
 5,000
 84.86

Number Of Winners

4
 4
 100
 5,892

All Pennsylvania Millionaire Raffle XV lottery game prize payments, including first-prize-tier prizes, will be made as one-time lump-sum cash payments.

10. *Consumer Promotional Programs:* The Lottery may conduct promotional activities to promote the sale of Pennsylvania Millionaire Raffle XV lottery game tickets, including offering tickets at a discounted price. Details of any such offering will be disseminated through media used to advertise or promote Millionaire Raffle XV or through normal communications methods.

11. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Millionaire Raffle XV lottery game tickets. The conduct of the Program will be governed by 61 Pa. Code § 811.41 (relating to promotional prizes).

12. *Unclaimed Prize Money:* Unclaimed prize money on winning Pennsylvania Millionaire Raffle XV lottery game tickets will be retained by the Secretary for payment to

the persons entitled thereto for 1 year from the announced close of the Raffle XV lottery game. If no claim is made within 1 year of the announced close of the Raffle XV lottery game conducted by the State Lottery, the right of a ticket holder to claim the prize represented by that ticket, if any, expires and the prize money will be paid into the State Lottery Fund and used for purposes otherwise provided for by statute.

13. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 12-2005. Filed for public inspection October 12, 2012, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued; Correction

A typographical error occurred in the notice published at 42 Pa.B. 6053 (September 22, 2012). The date listed in the Close of Public Comment Period was stated incorrectly for Regulation No. 12-91. The correct date is as follows. The remainder of the document was accurate as printed.

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
12-91	Department of Labor and Industry Prohibition of Excessive Overtime in Health Care Act Regulations 42 Pa.B. 4468 (July 14, 2012)	8/13/12	9/12/12

[Pa.B. Doc. No. 12-1876. Filed for public inspection September 21, 2012, 9:00 a.m.]

INSURANCE DEPARTMENT

Donegal Mutual Insurance Company; Homeowners; Rate and Rule Revision

On September 25, 2012, the Insurance Department (Department) received from Donegal Mutual Insurance Company a filing for a rate level change for homeowners insurance.

The company requests an overall 8.9% increase amounting to \$3,386,854, to be effective December 1, 2012, for new business and December 20, 2012, for renewal business. This overall figure represents an average, the effect of this filing on the rates for individual consumers may vary.

Unless formal administrative action is taken prior to October 25, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.insurance.pa.gov. Under the tab "How to Find . . ." click on "PA Bulletin."

Interested parties are invited to submit written comments, suggestions or objections to Bojan Zorkic, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, bzorkic@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-2006. Filed for public inspection October 12, 2012, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile insurance policies. The hearings will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Pittsburgh, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in Room 2019, Piatt Building, 301 5th Avenue, Pittsburgh, PA 15222.

Appeal of Geriann Rybacki; file no. 12-183-125654; Erie Insurance Exchange; Doc. No. P12-09-005; November 8, 2012, 9 a.m.

Appeal of Britt Parker; file no. 12-114-124011; Merchants Preferred Insurance Company; Doc. No. P12-08-009; November 9, 2012, 9 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. 12-2007. Filed for public inspection October 12, 2012, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer 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 Pittsburgh, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in Room 2019, Piatt Building, 301 5th Avenue, Pittsburgh, PA 15222.

Appeal of Geico Casualty Company; file no. 12-114-125462; Diana L. Reedy; Doc. No. P12-09-013; November 9, 2012, 3 p.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. 12-2008. Filed for public inspection October 12, 2012, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' homeowners policies. The hearings 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 hearings will be held in the Insurance Depart-

ment's regional office in Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in Hearing Room 2019, Piatt Building, 301 5th Avenue, Pittsburgh, PA 15222.

Appeal of Tami Burns; file no. 12-115-124685; The Brethren Mutual Insurance Company; Doc. No. P12-08-022; November 8, 2012, 10 a.m.

Appeal of Jacqueline Mitchell-Bey; file no. 12-183-125943; Hartford Insurance Company of Midwest; Doc. No. P12-09-004; November 8, 2012, 1 p.m.

Appeal of Alan E. and Francis M. Cech; file no. 12-116-124995; Donegal Mutual Insurance Company; Doc. No. P12-09-009; November 9, 2012, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the 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. 12-2009. Filed for public inspection October 12, 2012, 9:00 a.m.]

OFFICE OF OPEN RECORDS

Hearing in the Matter of Matthew Haverstick v. State Ethics Commission; Doc. No. AP 2012- 1173

A hearing on the previously-captioned Right-To-Know Law appeal will be held as follows:

Dates: November 5 and 6, 2012
Time: 10 a.m., November 5, 2012; 9 a.m.,
November 6, 2012
Location: Hearing Room 3
Plaza Level Commonwealth Keystone
Building
400 North Street
Harrisburg, PA 17120

Presiding: Edward S. Finkelstein, Esq.
Hearing Officer
400 North Street
Plaza Level
Harrisburg, PA 17120
(717) 364-9903, fax (717) 425-5343

This hearing is being conducted under section 1101(a)(2) of the Right-to-Know Law (law) (65 P.S. § 67.1101(a)(2)) to determine whether the State Ethics Commission is required to provide all responsive records related to an identified invoice for legal services.

Persons with a disability who wish to attend the hearing should contact the Office of Open Records (OOR) to make arrangements for their special needs. Call the OOR at least 5 business days prior to the hearing to submit a request.

For persons who require an interpreter to participate in the hearings, the OOR will make every reasonable effort to have an interpreter present. Call the OOR at (717) 346-9903 at least 10 business days prior to the hearing to submit the request.

TERRY MUTCHLER,
Executive Director

[Pa.B. Doc. No. 12-2010. Filed for public inspection October 12, 2012, 9:00 a.m.]

Right-to-Know Law and Sunshine Law Annual Training

The Office of Open Records (OOR) will conduct its annual training on the Right-to-Know Law (RTKL) (65 P.S. §§ 67.101—67.3104) and 65 Pa.C.S. §§ 701—716 (relating to Sunshine Act) on October 24, 2012, from 10 a.m. to 12 p.m. in the State Museum Auditorium, 621 North 3rd Street, Harrisburg, PA 17120-0300.

Representatives from the OOR will discuss OOR appeal procedures and timeframes set forth in the RTKL. The discussion will focus on various exemptions to the presumption that governmental records are public and what to expect during the appeal process before the OOR. The interplay between the Sunshine Act and RTKL will also be discussed. An overview of recent Commonwealth Court rulings, current trends and OOR decisions impacting the RTKL and access to government records will be provided. Finally, ample opportunity will be provided for attendees to ask questions regarding the RTKL.

The training is free and open to everyone, including citizens, public officials, agency open records officers, attorneys and members of the media. Registration by October 19, 2012, is recommended as seating is limited. Registration forms are available at <http://openrecords.state.pa.us>.

TERRY MUTCHLER,
Executive Director

[Pa.B. Doc. No. 12-2011. Filed for public inspection October 12, 2012, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.303), announces a meeting of the Authority's Board to be held at the Sheraton Harrisburg/Hershey Hotel, 4650 Lindle Road, Harrisburg, PA at 10 a.m. on Tuesday, October 23, 2012.

Individuals with questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

MICHAEL C. DOERING,
Executive Director

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

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Eligible Telecommunications Carriers; Federal Universal Service Low Income Support

The Pennsylvania Public Utility Commission (Commission) invites comment on the following pending wireless carrier's petition for designation as eligible telecommunications carriers (ETC) for purposes of Federal universal service low income support:

Blue Jay Wireless, LLC, Petition for Limited Designation as Eligible Telecommunications Carrier—Doc. No. P-2012-2325045

The Commission, at its July 29, 2010, public meeting adopted a final policy statement on ETC designation and ETC annual recertification and reporting requirements for all telecommunications carriers. This notice informs telecommunications providers and interested parties that the Commission intends to act on the previously-referenced ETC petition pending before the Commission.

Interested parties are invited to file comments at the relevant docket numbers within 20 days of publication of this notice. Reply comments of the carrier are due within 10 days thereafter. Interested parties may review the pending petitions at the Commission web site 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 Rhonda L. Daviston, Assistant Counsel, Law Bureau (717) 787-6166.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2013. Filed for public inspection October 12, 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 October 29, 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-2012-2286479. Corrected—Grandeur Executive Transportation, LLC (286 Stanton Court, Glen Mills, PA 19342) for the right to begin as a common carrier, persons in limousine service, between points in the Counties of Bucks, Delaware, Montgomery and Philadelphia, excluding areas under the jurisdiction of the Philadelphia Parking Authority.

A-2012-2295523. Gerald E. Kelly, t/a Kelly Transport (361 Oman Road, Bloomsburg, Columbia County, PA 17815)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Columbia and Montour, to points in Pennsylvania, and return.

A-2012-2317870. Success America (2427 Susquehanna Avenue, Abington, Montgomery County, PA 19101)—persons, in paratransit service, from points in Delaware County, to points in Pennsylvania, and return. *Attorney:* David P. Temple, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

A-2012-2318471. Mansur Malik, t/a 5 Star Limousine (220 Roosevelt Avenue, Downingtown, Chester County, PA 19335)—persons, in limousine service, between points in the Counties of Chester, Delaware, Lancaster, Berks and Montgomery.

A-2012-2318489. Peat's Elite Car Service, Inc. (120 Aileen Drive, Lansdale, PA 19446)—for the right to begin to transport, as a common carrier, persons in limousine service, between points in the Boroughs of Hatfield, Lansdale and North Wales and the Townships of Hatfield, Montgomery, Upper Gwynedd and Towamencin, all in Montgomery County.

A-2012-2321845. William Morris, t/a W M Morris Transportation Service (2623 Waldo Street, Harrisburg, Dauphin County, PA 17110)—persons in paratransit service, from points in Dauphin County, to points in Pennsylvania, and return.

A-2012-2322942. BLD Limousine, LLC, t/a Savannah's Limousine Company (801 South 10th Street, Harrisburg, Dauphin County, PA 17104)—persons in limousine service, from points in the City of Harrisburg, Dauphin County, to points in Dauphin, Cumberland and York Counties, and return.

Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.

A-2012-2321489. Sugarcreek Township Ambulance Service (2030 State Route, East Brady, PA 16028) for amendment to its common carrier certificate, which grants the right, to transport as a common carrier, persons in paratransit service, in wheelchair and stretcher transport, for medical reasons, between points in the Counties of Armstrong, Butler and Clarion, and from points in said Counties, to points in Pennsylvania, and return; inter alia: *So As To Permit:* To transport as a common carrier, persons in paratransit service in wheelchair and stretcher transport, for medical reasons, between points in Mercer County, and from points in said County to points in Pennsylvania, and return. *Attorney:* Anthony J. Foschi, Tucker Arensberg, P.C., Two Lemoyne Drive, Suite 200, Lemoyne, PA 17043.

A-2012-2322525. Trust Ambulance, Inc. (1131 Primrose Avenue, Camp Hill, Cumberland County, PA 17011)—for amendment to its common carrier certificate, which grants the right, inter alia, to transport persons, in paratransit service, from points in the City of Harrisburg, Dauphin County, and within an airline distance of 40 statute miles of the limits of said City, and from points in the County of York and the Borough of Chambersburg, Franklin County, to points in Pennsylvania, and return: *So As To Permit:* the transportation of persons, in paratransit service from points in the Counties of Union, Northumberland, Montour, Lycoming, Clinton and Centre, to points in Pennsylvania, and return.

Application of the following for approval to begin operating as a broker for transportation of persons as described under the application.

A-2012-2317300. Gegen, LLC (1701 Walnut Street, 7th Floor, Philadelphia, PA 19103)—brokerage license—for the transportation of persons between points in Pennsylvania. *Attorney:* David P. Temple, Esquire, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

Application of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-2012-2323365. Platinum Touch Transportation, LLC (4404 North Uber Street, Philadelphia, Philadelphia County, PA 19140)—discontinuance of service—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the City and County of Philadelphia, and the Counties of Bucks, Montgomery and Delaware, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

*Pennsylvania Public Utility Commission,
Bureau of Transportation and Safety v. Henninger
Transport, LLC; C-2011-2223639*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation

and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Henninger Transport, LLC, (respondent) is under suspension effective January 12, 2011 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at PO Box 471, Pillow, PA 17080.

3. That respondent was issued a Certificate of Public Convenience by this Commission on November 7, 2006, at A-00123205.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00123205 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Michael E. Hoffman, Director
Bureau of Transportation and
Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal

arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the \$500 fine proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and Safety
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Acord Certificates of Insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer and receipt of your fine payment, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission,
 Bureau of Transportation and Safety v. Potoka Trucking,
 Inc.; C-2011-2223647*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Potoka Trucking, Inc., (respondent) is under suspension effective January 13, 2011 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 83 East Hills Street, Youngwood, PA 15697.

3. That respondent was issued a Certificate of Public Convenience by this Commission on October 4, 2001, at A-00116559F0002.

4. That respondent has failed to maintain evidence of Liability and Cargo insurance on file with this Commission. The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00116559F0002 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Michael E. Hoffman, Director
 Bureau of Transportation and Safety
 P. O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Michael E. Hoffman, Director
Bureau of Transportation and
Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the \$500 fine proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation
and Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Acord Certificates of Insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer and receipt of your fine payment, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2014. Filed for public inspection October 12, 2012, 9:00 a.m.]

Telecommunications

A-2012-2327339. Frontier Communications of Breezewood, LLC, Frontier Communications of Pennsylvania, LLC and Comcast Business Communications, LLC. Joint petition of Frontier Communications of Breezewood, LLC, Frontier Communications of Pennsylvania, LLC and Comcast Business Communications, LLC for approval of amendment No. 2 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications of Breezewood, LLC, Frontier Communications of Pennsylvania, LLC and Comcast Business Communications, LLC, by its counsel, filed on October 2, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 2 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Frontier Communications of Breezewood, LLC, Frontier Communications of Pennsylvania, LLC and Comcast Business Communications, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2015. Filed for public inspection October 12, 2012, 9:00 a.m.]

Telecommunications

A-2012-2327322. Frontier Communications Commonwealth Telephone Company and Comcast Business Communications, LLC. Joint petition of Frontier Communications Commonwealth Telephone Company and Comcast Business Communications, LLC for approval of amendment No. 2 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Frontier Communications Commonwealth Telephone Company and Comcast Business Communications, LLC, by its counsel, filed on October 2, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint

petition for approval of amendment No. 2 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Frontier Communications Commonwealth Telephone Company and Comcast Business Communications, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-2016. Filed for public inspection October 12, 2012, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Motor Carrier Medallion Stock Transfer Application for Service in the City of Philadelphia

Permanent authority to render service as a common carrier in the City of Philadelphia has been granted by the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) to the following named company. The applicant has applied to transfer the ownership rights held by Mahmoud Cab Co. (CPC No. 1011922-01, Medallion No. P-1398) 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-12-09-05. Mahmoud Cab Co. Stock Transfer, Buyer: Toufik Khelil Cherfi (100%), 814 Morris Street, Philadelphia, PA 19148, registered with the Commonwealth on July 28, 2003.

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 October 29, 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. 12-2017. Filed for public inspection October 12, 2012, 9:00 a.m.]

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 AJFC Cab Co. (CPC No. 1017326-01, Medallion P-1308) 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-12-05-08. Mahaffey Taxi, LLC, 2351 South Swanson Street, Philadelphia, PA 19148, registered with the Commonwealth on March 14, 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 October 29, 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. 12-2018. Filed for public inspection October 12, 2012, 9:00 a.m.]

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 BGA Cab Co. (CPC No. 1000672-01, Medallion P-123, 126, 141, 145, 156, 267) 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-12-09-03. BNA Cab Co., 2029 Fairmont Drive, Jamison, PA 18929, registered with the Commonwealth on August 6, 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 October 29, 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. 12-2019. Filed for public inspection October 12, 2012, 9:00 a.m.]

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 BGA Cab Co. (CPC No. 1000672-01, Medallion P-351, 356, 546, 989, 1015, 1189) 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-12-09-04. BNG Cab Co., 2029 Fairmont Drive, Jamison, PA 18929, registered with the Commonwealth on August 6, 2012.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating 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 October 29, 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. 12-2020. Filed for public inspection October 12, 2012, 9:00 a.m.]

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 Ch. Razia Cab Co. (CPC No. 1000546-01, Medallion P-885 and 886) 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-12-09-06. Watson Taxi, LLC, 2351 South Swanson Street, 19148, registered with the Commonwealth on May 10, 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 October 29, 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. 12-2021. Filed for public inspection October 12, 2012, 9:00 a.m.]

Out of Service Notification; Doc. No. O-12-09-01

Mr. Timothy Glavin, President
Accurate Transportation, LLC
Last Know Address:
12 Rain Tree Road
Chadds Ford, Pa. 19317

Citation No's.:

T-13019: 1051.3; Taxicab and Limousine Regulations;
Failure to Fulfill Annual Filing Requirements

T-13020: 1051.12; Taxicab and Limousine Regulations;
Failure to Report Interruption of Service

Please be advised that, pursuant to 53 Pa.CS § 5701, et. seq., and Title 52, of the Pennsylvania Code, Public Utilities, Taxicab and Limousine Regulations, the Enforcement Department of The Philadelphia Parking Authority ("Authority") Taxicab and Limousine Division ("TLD") has placed your limousine certificate out of service and intends to request a revocation on Certificate of Public Convenience Number 1014986-07.

Limousine certificates expire on June 30 of each year. 52 Pa. § 1051.3 (c) requires limousine certificate renewal forms to be submitted on or before April 1st of each year. Accurate Transportation, LLC, has not submitted the required filings for the past three (3) years and, therefore, its certificate is expired. 52 Pa. § Code 1051.12 requires a discontinuance of service for more than five (5) consecutive days be reported to the Enforcement Department. Accurate Transportation, LLC, as never reported the discontinuance in service. Communications and announcements issued by the TLD Administrative Department regarding these requirements and the renewal process have gone unanswered.

Based upon the above referenced violations of the TLD regulations and the corresponding threat to public safety, Certificate of Public Convenience Number 1014986-07 has been placed out-of-service, pursuant to 52 Pa. Code § 1003.32.

The Philadelphia Parking Authority
Taxicab and Limousine Division
By: William Schmid
Deputy Director of the TLD
VINCENT J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 12-2022. Filed for public inspection October 12, 2012, 9:00 a.m.]

Out of Service Notification; Doc. No. O-12-09-03

Mr. Marvin Albert, President
Joy Berman Associates, Inc.
D/B/A Personal Driver Services
Last Known Address
2401 Pennsylvania Ave. 17B-30
Philadelphia, Pa. 19130

Citation No's.:

T-13283: 1051.3; Taxicab and Limousine Regulations;
Failure to Fulfill Annual Filing Requirements

T-13284: 1051.12; Taxicab and Limousine Regulations;
Failure to Report Interruption of Service

Please be advised that, pursuant to 53 Pa.CS § 5701, et.seq., and Title 52, of the Pennsylvania Code, Public Utilities, Taxicab and Limousine Regulations, the Enforcement Department of The Philadelphia Parking Authority (“Authority”) Taxicab and Limousine Division (“TLD”) has placed your limousine certificate out of service and intends to request a revocation on Certificate of Public Convenience Number 1010374-07.

Limousine certificates expire on June 30 of each year. 52 Pa.§ 1051.3 (c) requires limousine certificate renewal forms to be submitted on or before April 1st of each year. Joy Berman Associates, Inc., D/B/A Personal Driver Services, has not submitted the required filings for the past three (3) years and, therefore, its certificate is expired. 52 Pa. § Code 1051.12 requires a discontinuance of service for more than five (5) consecutive days be reported to the Enforcement Department. Joy Berman Associates, Inc. D/B/A Personal Driver Services has never reported the discontinuance in service. Communications and announcements issued by the TLD Administrative Department regarding these requirements and the renewal process have gone unanswered.

Based upon the above referenced violations of the TLD regulations and the corresponding threat to public safety, Certificate of Public Convenience Number 1010374-07 has been placed out-of-service, pursuant to 52 Pa. Code § 1003.32.

The Philadelphia Parking Authority
Taxicab and Limousine Division
By: William Schmid
Deputy Director of the TLD
VINCENT J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 12-2023. Filed for public inspection October 12, 2012, 9:00 a.m.]

Out of Service Notification; Doc. No. O-12-09-04

Joseph Speranza
Michael White
K-La Rens Transportation Service
Last Known Address

1530 Bustard Road
PO Box 479
Kulpsville, Pa. 19443

Citation No’s.:

T-13285: 1051.3; Taxicab and Limousine Regulations;
Failure to Fulfill Annual Filing Requirements

T-13286: 1051.12;Taxicab and Limousine Regulations;
Failure to Report Interruption of Service

Please be advised that, pursuant to 53 Pa.CS § 5701, et.seq., and Title 52, of the Pennsylvania Code, Public Utilities, Taxicab and Limousine Regulations, the Enforcement Department of The Philadelphia Parking Authority (“Authority”) Taxicab and Limousine Division (“TLD”) has placed your limousine certificate out of service and intends to request a revocation on Certificate of Public Convenience Number 1015052-07.

Limousine certificates expire on June 30 of each year. 52 Pa.§ 1051.3 (c) requires limousine certificate renewal forms to be submitted on or before April 1st of each year. K-La Rens Transportation Service has not submitted the required filings for the past three (3) years and, therefore, its certificate is expired. 52 Pa. § Code 1051.12 requires a discontinuance of service for more than five (5) consecutive days be reported to the Enforcement Department. K-La Rens Transportation Service has never reported the discontinuance in service. Communications and announcements issued by the TLD Administrative Department regarding these requirements and the renewal process have gone unanswered.

Based upon the above referenced violations of the TLD regulations and the corresponding threat to public safety, Certificate of Public Convenience Number 1015052-07 has been placed out-of-service, pursuant to 52 Pa. Code § 1003.32.

The Philadelphia Parking Authority
Taxicab and Limousine Division
By: William Schmid
Deputy Director of the TLD
VINCENT J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 12-2024. Filed for public inspection October 12, 2012, 9:00 a.m.]