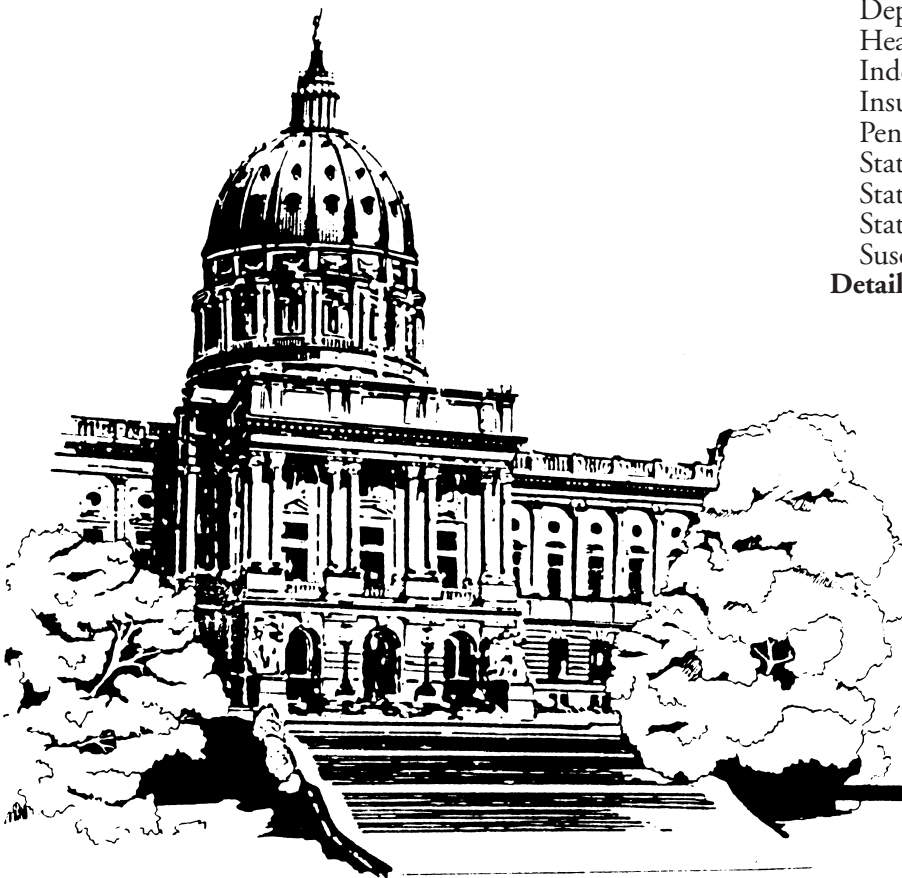


PENNSYLVANIA BULLETIN

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No. 419, October 2009

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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THE COURTS

Title 210—APPELLATE PROCEDURE

[210 PA. CODE CH. 3]

Order Amending Rule 311 of the Rules of Appellate
Procedure; No. 200; Appellate Procedural Rules

Order

Per Curiam:

And Now, this 14th day of October, 2009, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been published before adoption at 36 Pa.B. 4457 on August 21, 2006 and 38 Pa.B. 2480 on May 31, 2008:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of Appellate Procedure 311 is amended as follows.

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

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 3. ORDERS FROM WHICH APPEALS MAY BE TAKEN

INTERLOCUTORY APPEALS

Rule 311. Interlocutory Appeals as of Right.

(a) *General Rule.* An appeal may be taken as of right and without reference to Pa.R.A.P. 341(c) from:

(1) *Affecting judgments.* An order refusing to open, vacate or strike off a judgment. If orders opening, vacating or striking off a judgment are sought in the alternative, no appeal may be filed until the court has disposed of each claim for relief.

(2) *Attachments, etc.* An order confirming, modifying or dissolving or refusing to confirm, modify or dissolve an attachment, custodianship, receivership or similar matter affecting the possession or control of property, except for orders pursuant to [Sections] Section 3323(f) [and] or 3505(a) of the Divorce Code, 23 Pa.C.S. §§ 3323(f) [and], 3505(a).

(3) *Change of criminal venue or venire.* An order changing venue or venire in a criminal proceeding.

(4) *Injunctions.* An order [granting, continuing, modifying, refusing or dissolving injunctions, or refusing to dissolve or modify injunctions, except for injunctions pursuant to] that grants or denies, modifies or refuses to modify, continues or refuses to continue, or dissolves or refuses to dissolve an injunction unless the order was entered:

(i) [Sections] Section 3323(f) [and] or 3505(a) of the Divorce Code, 23 Pa.C.S. §§ 3323(f) [and], 3505(a) [.]; or

(ii) after a trial but before entry of the final order. Such order is immediately appealable, however, if the order enjoins conduct previously permitted or mandated or permits or mandates con-

duct not previously mandated or permitted, and is effective before entry of the final order.

[A decree nisi granting or denying an injunction is not appealable as of right under this rule, unless the decree nisi (i) grants an injunction effective upon the entry of a decree nisi or (ii) dissolves a previously granted preliminary injunction effective upon the entry of a decree nisi.]

* * * * *

Official Note: Authority—This rule implements 42 Pa.C.S. § 5105(c) (interlocutory appeals), which provides:

* * * * *

Paragraph (a)(4) (injunctions)—The 1987 amendment to paragraph (a)(4) is consistent with appellate court decisions disallowing interlocutory appeals in matrimonial matters. *Fried v. Fried*, 509 Pa. 89, 501 A.2d 211 (1985); *O'Brien v. O'Brien*, 359 Pa. Super. 594, 519 A.2d 511 (1987).

The 1996 amendment to paragraph (a)(4) reconciled two conflicting lines of cases by adopting the position that generally an appeal may not be taken from a decree nisi granting or denying a permanent injunction. [*Humphreys v. Cain*, 84 Pa. Cmwlth. 222, 474 A.2d 353 (1984). To the extent that *Agra Enterprises, Inc. v. Brunozzi*, 302 Pa. Super. 166, 170, 448 A.2d 579, 581 (1982); *Martin Industrial Supply Corp. v. Riffert*, 366 Pa. Super. 89, 91, 530 A.2d 906, 907 (1987); *Bolus v. Ryder Truck Rental, Inc.*, 258 Pa. Super. 387, 388, 517 A.2d 995, 996 (1986); *Commonwealth ex. rel. Lewis v. Allowill Realty Corp.*, 330 Pa. Super. 32, 35, 478 A.2d 1334, 1336 (1984); and *Neshaminy Constructors, Inc. v. Philadelphia, Pennsylvania Building and Construction Trades Council, AFL-CIO*, 303 Pa. Super. 420, 422 n.1, 449 A.2d 1389, 1390 n.1 (1982) permit an immediate appeal from a decree nisi granting or denying prospective injunctive relief, they are overruled.

The 1996 amendment to paragraph (a)(4) simultaneously recognized two exceptions to the non-appealability of a decree nisi; these exceptions, identified as phrases (a)(4)(i) and (ii), permit an appeal from a decree nisi if the order has the immediate effect of changing the status quo. Thus, if the decree nisi grants or denies permanent injunctive relief to become effective when the decree nisi is made final, no appeal is possible. If, however, the decree nisi provides for permanent injunctive relief upon entry of the decree nisi, or strikes a previously granted preliminary injunction upon entry of the decree nisi, the decree nisi is appealable pursuant to phrase (a)(4)(i) or (ii).]

The 2009 amendment to the rule conformed the rule to the 2003 amendments to the Pennsylvania Rules of Civil Procedure abolishing actions in equity and thus eliminating the *decree nisi*. Because *decrees nisi* were in general not appealable to the extent they were not effective immediately upon entry, this principle has been expressly incorporated into the body of the rule as applicable to any injunction.

* * * * *

[Pa.B. Doc. No. 09-2022. Filed for public inspection October 30, 2009, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1900]

Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation No. 98

The Domestic Relations Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend the Rules of Civil Procedure relating to domestic relations matters as set forth herein. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

Notes and explanatory comments, which appear with proposed amendments have been inserted by the committee for the convenience of those using the rules. Reports, notes and comments will not constitute part of the rules and will not be officially adopted or promulgated by the Supreme Court.

The committee solicits and welcomes comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Submit written comments no later than Wednesday, February 10, 2010 directed to:

Patricia A. Miles, Esquire
Counsel, Domestic Relations Procedural Rules Committee
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 6200
P. O. Box 62635
Harrisburg, PA 17106-2635

or fax: (717) 231-9531
e-mail: patricia.miles@pacourts.us

By the Domestic Relations
Procedural Rules Committee

CAROL A. BEHERS, Esq.,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1900. ACTIONS PURSUANT TO THE PROTECTION FROM ABUSE ACT

(Editor's Note: Rule 1901.8 is new and printed in regular type to enhance readability.)

Rule 1901.8. Return of Relinquished Firearms, Other Weapons and Ammunition.

(a) *Petition.* Within 1 year of the date of the dismissal or expiration of a temporary or final protection from abuse order that required the defendant to relinquish firearms, other weapons or ammunition, or the dismissal of a petition for a protection from abuse order, the defendant may seek the return of the relinquished items by filing a petition with the prothonotary, or other designated office, of the court in which the protection from abuse action was filed. The petition, rule to show cause and proposed order shall be substantially in the form set forth in Rules 1905(f), (g) and (h) and the petition shall be verified. Pursuant to 23 Pa.C.S. § 6108.1(a) (relating to return of relinquished firearms, other weapons and ammunition and additional relief), the

defendant shall not be required to pay any fees, costs or charges associated with the return of relinquished firearms, other weapons or ammunition.

Official Note: "Sheriff" is defined at 23 Pa.C.S. § 6101(a) as the sheriff of the county or, in a city of the first class, the chief or head of the police department.

(b) *Rule to Show Cause. Hearing.* A rule to show cause scheduling a hearing shall be issued as of course. The petition, rule to show cause and proposed order shall be served upon the plaintiff and the sheriff. The court shall serve the plaintiff by first class mail at the plaintiff's last known address. Upon receipt of the rule to show cause, the sheriff shall conduct a background check on the defendant, including clearance from the Pennsylvania State Police Instant Check System ("PICS"), to determine whether the defendant is lawfully eligible to possess firearms, other weapons or ammunition. If the plaintiff or the sheriff does not object to the return of the relinquished items, that person need not appear at the hearing and the court shall issue an order for the return of relinquished firearms, other weapons or ammunition. The plaintiff or the sheriff must attend the hearing to object to the return of the relinquished items.

Explanatory Comment 2009

The Protection From Abuse Act, 23 Pa.C.S. § 6108.1, provides that any order requiring the relinquishment of firearms, other weapons or ammunition must provide for the return of the relinquished items upon the expiration of the order or the dismissal of a petition for a protection from abuse order. The statute also requires that the defendant be lawfully eligible to possess the relinquished items. New Rule 1901.8, and the accompanying new forms at Rule 1905(f), (g) and (h), set forth a uniform procedure by which defendants may seek the return of relinquished firearms, other weapons and ammunition. The process for the return of items relinquished to a third party for safekeeping is set forth at 23 Pa.C.S. § 6108.3(d).

Rule 1905. Forms for Use in PFA Actions. Notice and Hearing. Petition. Temporary Protection Order. Final Protection Order.

* * * * *

(c) The Temporary Order of Court, or any continued, amended or modified Temporary Order of Court, entered pursuant to the Act shall be substantially in the following form, but the first page must be exactly as set forth in this rule:

* * * * *

6. FIREARMS, OTHER WEAPONS AND AMMUNITION RESTRICTIONS.

Check all that apply:

* * * * *

Defendant may relinquish any firearms, other weapons or ammunition to the sheriff. As an alternative, Defendant may relinquish firearms, other weapons and ammunition to a third party provided Defendant and the third party first comply with all the requirements to obtain a safekeeping permit. Defendant must relinquish any firearm, other weapon, ammunition or firearm license ordered to be relinquished no later than 24 hours after service of this order. If, due to their current location, firearms, other weapons, or ammunition cannot reasonably be retrieved within the time for relinquishment, Defendant shall provide to the sheriff an affidavit listing the firearms, other weapons or ammunition and their

current location no later than 24 hours after service of this order. Failure to timely relinquish any firearm, other weapon, ammunition or any firearm license shall result in a violation of this order and may result in criminal conviction under the Uniform Firearms Act, 18 Pa.C.S.A. § 6105.

The procedure for the return of relinquished firearms, other weapons or ammunition upon the dismissal or expiration of this order, or the dismissal of the petition for protection from abuse, shall be pursuant to Pa.R.C.P. 1901.8.

* * * * *

(e) The Final Order of Court, or any amended, modified or extended Final Order of Court, entered pursuant to the Act shall be substantially in the following form, but the first page must be exactly as set forth in this rule:

* * * * *

□ 7. Any firearm delivered to the sheriff or transferred to a licensed firearm dealer, or a qualified third party who satisfies the procedural and substantive requirements to obtain a safekeeping permit issued under 23 Pa.C.S.A. § 6108.3 pursuant to this order or the temporary order shall not be returned to Defendant until further order of court or as otherwise provided by law.

The procedure for the return of relinquished firearms, other weapons or ammunition upon the dismissal or expiration of this order, or the dismissal of the petition for protection from abuse, shall be pursuant to Pa.R.C.P. 1901.8.

* * * * *

(f) The petition for return of relinquished firearms, other weapons or ammunition shall be substantially in the following form:

(CAPTION)

PETITION FOR RETURN OF RELINQUISHED FIREARMS, OTHER WEAPONS, AMMUNITION AND FIREARMS LICENSES

1. □ Petitioner is _____ (name) _____, defendant in the above-captioned protection from abuse action.

OR

□ Petitioner is _____ (name) _____, not the defendant, but is an adult whose firearms, other weapons or ammunition was confiscated as a result of the above-captioned protection from abuse action.

2. Petitioner's address is _____

3. Petitioner's Social Security number is _____. (Provision of the Social Security number is voluntary. However, failure to provide the number may result in delay or incompleteness of the background check.)

4. Petitioner's date of birth is _____.

5. Petitioner's driver's operating license number is _____.

6. A protection from abuse order was entered on _____ (date) _____. Pursuant to that order, Petitioner relinquished to _____ (provide name of individual person or entity, i.e. sheriff) _____

the following firearms, other weapons, ammunition and firearms licenses: _____

7. Check the appropriate box(es) and file with this petition a certified copy of any dismissal order or expired protection from abuse order:

□ The petition for protection from abuse was dismissed.

□ A temporary protection from abuse order was dismissed on _____ (date) _____.

□ The final protection from abuse order was dismissed or expired on _____ (date) _____.

□ There have been no extensions of the final protection from abuse order.

8. Petitioner is eligible under all applicable Federal and State laws to possess firearms, other weapons and ammunition: Check all that apply:

□ Petitioner is not subject to the prohibitions set forth in 18 Pa.C.S § 6105(a)—(c).

□ Petitioner is not prohibited by Federal law from possessing firearms, other weapons or ammunition.

□ Petitioner has not been charged with, or convicted of, a crime punishable by imprisonment for a term exceeding 1 year.

□ Petitioner never has been involuntarily committed for a mental health condition or been adjudicated incompetent/incapacitated.

□ Petitioner is not addicted to drugs or alcohol.

□ Petitioner is a United States citizen. OR

□ Petitioner's Immigration Identification Number is _____.

□ Petitioner never has received a dishonorable discharge from the United States Armed Forces.

□ Petitioner is not subject to a current protection from abuse order in this or any other case and no petition for a protection from abuse order filed by this or any other plaintiff is pending against Petitioner.

□ Petitioner is in compliance with all Federal, State and local firearm licensing laws regarding possessing, carrying or owning firearms, other weapons or ammunition.

□ Petitioner is not currently subject to probation, parole and is not the subject of any court order or bond in any jurisdiction that would prohibit Petitioner from possessing, carrying or owning firearms, other weapons or ammunition.

Wherefore, Petitioner requests the return of all relinquished firearms, other weapons, ammunition and firearms licenses.

VERIFICATION

I verify that I am the petitioner in the above captioned action and that the facts and statements in the above petition are true and correct to the best of my knowledge, information and belief. I understand that any false statements are made

subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

(g) The rule to show cause issued upon the filing of a petition for return of relinquished firearms, other weapons or ammunition shall be substantially in the following form:

(CAPTION)

RULE TO SHOW CAUSE

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

1. A rule is issued upon the plaintiff in the above captioned protection from abuse action and the sheriff to show cause why the petitioner is not entitled to the relief requested.

2. The sheriff is directed to conduct a background check, including approval from the Pennsylvania State Police Instant Check System ("PICS"), to determine if the petitioner is lawfully eligible to possess firearms, other weapons and ammunition.

3. A hearing is scheduled on a rule returnable on _____, 20 ____, at ____ a.m./p.m. in Courtroom ____, of the _____ County Courthouse.

4. To object to the relief requested in the petition, the plaintiff or the sheriff must attend the hearing. If either the plaintiff or the sheriff do not oppose the return of relinquished items, that person need not attend the hearing.

5. If neither the plaintiff nor the sheriff appears at the hearing to oppose the return of the relinquished items, the court shall issue an order granting the petitioner the requested relief.

6. Copies of this rule to show cause shall be served on the plaintiff and the sheriff by the court.

BY THE COURT

J.

(h) The proposed order filed with a petition for return of relinquished firearms, other weapons, ammunition and firearms licenses shall be substantially in the following form:

(CAPTION)

ORDER

AND NOW, this ____ day of _____, 20 ____, Upon the petition of _____,

after hearing at which petitioner appeared did not appear, plaintiff appeared did not appear, and the sheriff appeared did not appear,

it is hereby ORDERED, ADJUDGED and DECREED as follows:

The relief requested is granted and the rule is made absolute. The petitioner shall provide a certified copy of this order to the sheriff after which the sheriff shall return the relinquished items to the petitioner.

The relief requested is denied and the rule is dismissed.

BY THE COURT

J.

[Pa.B. Doc. No. 09-2023. Filed for public inspection October 30, 2009, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 4 AND 10]

Order Adopting Rule 1037 and Amending Rule 462; Rules of Criminal Procedure; Criminal Procedural Rules; No. 382

Order

Per Curiam:

And Now, this 16th day of October, 2009, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 39 Pa.B. 2435 (May 16, 2009), and in the Atlantic Reporter (Second Series Advance Sheets, Vol. 968), and a Final Report to be published with this Order:

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of Criminal Procedure 1037 is adopted and the Comment to Pennsylvania Rule of Criminal Procedure 462 is revised as follows.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective February 1, 2010.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

CHAPTER 4. PROCEDURES IN SUMMARY CASES

PART F. Procedures in Summary Cases for Appealing to Court of Common Pleas for Trial De Novo

Rule 462. Trial De Novo.

(A) When a defendant appeals after the entry of a guilty plea or a conviction by an issuing authority in any summary proceeding, upon the filing of the transcript and other papers by the issuing authority, the case shall be heard de novo by the judge of the court of common pleas sitting without a jury.

* * * * *

Comment

This rule is derived from former Rule 86(G) and former Rule 1117(c).

This rule was amended in 2000 to make it clear in a summary criminal case that the defendant may file an appeal for a trial de novo following the entry of a guilty plea.

"Entry," as used in paragraph (A) of this rule, means the date on which the issuing authority enters or records

the guilty plea, the conviction, or other order in the [**district justice**] **magisterial district judge** computer system.

The procedures for conducting the trial de novo in the court of common pleas set forth in paragraphs (B), (F), and (G) are comparable to the summary case trial procedures in Rule 454 (Trial in Summary Cases).

Pursuant to paragraph (B), the decision whether to appear and assume control of the prosecution of the trial de novo is solely within the discretion of the attorney for the Commonwealth. When no attorney appears at the trial de novo on behalf of the Commonwealth or a municipality, the trial judge may ask questions of any witness who testifies, and the affiant may request the trial judge to ask specific questions. In the appropriate circumstances, the trial judge also may permit the affiant to question Commonwealth witnesses, cross-examine defense witnesses, and make recommendations about the case to the trial judge.

The provisions of paragraph (C) that permit the court to continue the case if there is good cause for the officer's unavailability were added in response to *Commonwealth v. Hightower*, 438 Pa. Super. 400, 652 A.2d 873 (1995).

Paragraph (D) makes it clear that the trial judge may dismiss a summary case appeal when the judge determines that the defendant is absent without cause from the trial de novo. If the appeal is dismissed, the trial judge should enter judgment and order execution of any sentence imposed by the issuing authority.

Paragraph (F) was amended in 2008 to permit a trial judge to delay imposition of sentence in order to investigate a defendant's eligibility for intermediate punishment for certain offenses, including summary violations of 75 Pa.C.S. § 1543(b) (relating to driving while operating privilege is suspended or revoked), but only if he or she meets certain eligibility requirements, such as undergoing a drug and alcohol assessment. Potentially this information may not be available to the trial judge following a trial de novo at the time of sentencing.

Pursuant to paragraph (G), if the defendant is convicted, the trial judge must impose sentence, and advise the defendant of the payment schedule, if any, and the defendant's appeal rights. See Rule 704(A)(3) and Rule 720(D). No defendant may be sentenced to imprisonment or probation if the right to counsel was not afforded at trial. See *Alabama v. Shelton*, 535 U.S. 654 (2002), *Scott v. Illinois*, 440 U.S. 367 (1979), and *Argersinger v. Hamlin*, 407 U.S. 25 (1972).

Once sentence is imposed, paragraph (H) makes it clear that the case is to remain in the court of common pleas for execution of the sentence and collection of any costs, and the case may not be returned to the magisterial district judge. The execution of sentence includes the collection of any fines and restitution.

For the procedures for appeals from the Philadelphia Traffic Court, see Rule 1037.

Official Note: Former Rule 86 adopted July 12, 1985, effective January 1, 1986; revised September 23, 1985, effective January 1, 1986; the January 1, 1986 effective dates extended to July 1, 1986; amended February 2, 1989, effective March 1, 1989; amended March 22, 1993, effective January 1, 1994; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; amended February 27, 1995, effective July 1, 1995; amended October 1, 1997, effective October 1, 1998; amended May 14, 1999, effective July 1, 1999; rescinded

March 1, 2000, effective April 1, 2001, and paragraph (G) replaced by Rule 462. New Rule 462 adopted March 1, 2000, effective April 1, 2001; **amended March 3, 2000, effective July 1, 2000**; amended February 28, 2003, effective July 1, 2003; Comment revised March 26, 2004, effective July 1, 2004; amended January 18, 2007, effective August 1, 2007; amended December 16, 2008, effective February 1, 2009; **Comment revised October 16, 2009, effective February 1, 2009.**

Committee Explanatory Reports:

FORMER RULE 86:

Final Report explaining the March 22, 1993 amendments to former Rule 86 published with the Court's Order at 23 Pa.B. 1685, 1699 (April 10, 1993).

Final Report explaining the October 28, 1994 amendments to former Rule 86 published with the Court's Order at 24 Pa.B. 5841, 5843 (November 26, 1994).

Final Report explaining the February 27, 1995 amendments to former Rule 86 published with the Court's Order at 25 Pa.B. 933, 935 (March 18, 1995).

Final Report explaining the October 1, 1997 amendments to former Rule 86 concerning stays published with the Court's Order at 27 Pa.B. 5408, 5413 (October 18, 1997).

Final Report explaining the May 14, 1999 amendments to former Rule 86, paragraph (G), concerning the police officer's presence published with the Court's Order at 29 Pa.B. 2770, 2776 (May 29, 1999).

NEW RULE 462:

Final Report explaining the reorganization and renumbering of the rules and the provisions of Rule 462 published at 30 Pa.B. 1477, 1478 (March 18, 2000).

Final Report explaining the March 3, 2000 amendments concerning appeals from guilty pleas published with the Court's Order at 30 Pa.B. 1508 (March 18, 2000).

Final Report explaining the February 28, 2003 amendments published with the Court's Order at 33 Pa.B. 1324, 1326 (March 15, 2003).

Final Report explaining the March 26, 2004 Comment revision published with the Court's Order at 34 Pa.B. 1929, 1931 (April 10, 2004).

Final Report explaining the January 18, 2007 amendment to paragraph (G)(2) published with the Court's Order at 37 Pa.B. 523, 526 (February 3, 2007).

Final Report explaining the December 16, 2008 amendments to permit delay in sentencing for determination of intermediate punishment status published with the Court's Order at 39 Pa.B. 8 (January 3, [2008] 2009).

Final Report explaining the October 16, 2009 Comment revision regarding new Rule 1037 and procedures for the appeal from the Philadelphia Traffic Court published with the Court's Order at 39 Pa.B. 6327, 6329 (October 31, 2009).

CHAPTER 10. RULES OF CRIMINAL PROCEDURE FOR THE PHILADELPHIA MUNICIPAL COURT AND THE PHILADELPHIA TRAFFIC COURT

PART B. Philadelphia Traffic Court Procedures

(*Editor's Note:* Rule 1037 is new and printed in regular type to enhance readability).

Rule 1037. Appeal from Summary Conviction.

(A) When a defendant appeals after the entry of a guilty plea or a conviction in any summary proceeding in

the Philadelphia Traffic Court, upon the filing of the transcript and other papers by the Traffic Court, the Court of Common Pleas may schedule a status or settlement conference prior to the de novo summary trial.

(1) In the event the attorney for the Commonwealth or a designee and the defendant reach a negotiated plea, the plea may be entered before a Trial Commissioner and, upon approval by a judge of the Court of Common Pleas, the negotiated sentence will be recorded.

(2) In the event a negotiated plea is not approved by the court, the case shall be heard de novo by a judge of the Court of Common Pleas sitting without a jury.

(B) The attorney for the Commonwealth may appear and assume charge of the prosecution. When no attorney appears on behalf of the Commonwealth, the affiant may be permitted to ask questions of any witness who testifies.

(C) In appeals from summary proceedings in the Philadelphia Traffic Court, the law enforcement officer who observed the alleged offense must appear and testify. The failure of a law enforcement officer to appear and testify shall result in the dismissal of the charges unless:

(1) the defendant waives the presence of the law enforcement officer in open court on the record;

(2) the defendant waives the presence of the law enforcement officer by filing a written waiver signed by the defendant and defense counsel, or the defendant if proceeding *pro se*, with the clerk of courts; or

(3) the trial judge determines that good cause exists for the law enforcement officer's unavailability and grants a continuance.

(D) If the defendant fails to appear for the trial de novo,

(1) when the appeal is from a mandatory sentence of imprisonment, the Court of Common Pleas judge shall dismiss the appeal, enter judgment in the Court of Common Pleas on the judgment of the Traffic Court judge, and issue a bench warrant and a commitment for the defendant. Execution of the sentence shall commence immediately upon defendant's arrest; and

(2) in all other cases, the Common Pleas Court judge shall dismiss the appeal and enter the judgment in the Court of Common Pleas on the judgment of the Traffic Court judge.

(E) If the defendant withdraws the appeal, the Court of Common Pleas judge shall enter the judgment in the Court of Common Pleas on the judgment of the Traffic Court judge.

(F) At the time of sentencing, the Court of Common Pleas judge shall:

(1) if the defendant's sentence includes a fine or costs and the defendant has the financial means to pay the amount in a single remittance, the judge shall instruct the defendant to make the payment at the Philadelphia Traffic Court. If the defendant is without the financial means to pay the amount in a single remittance, the judge shall instruct the defendant to contact the Philadelphia Traffic Court to establish an installment payment plan;

(2) advise the defendant of the right to appeal to the Superior Court within 30 days of the imposition of sentence, and that, if an appeal is filed, the execution of sentence will be stayed and the judge may set bail;

(3) if a sentence of imprisonment has been imposed, direct the defendant to appear for the execution of sentence on a date certain unless the defendant files a notice of appeal within the 30-day period; and

(4) issue a written order imposing sentence, signed by the judge. The order shall include the information specified in paragraphs (F)(1)—(3), and a copy of the order shall be given to the defendant and to the Traffic Court.

(G) After sentence is imposed by the Court of Common Pleas judge, and either after the expiration of the time to file an appeal to the appellate courts, or, if a sentence of imprisonment has been imposed, after the execution of the sentence of imprisonment, the case shall be returned to the Philadelphia Traffic Court for the collection of any outstanding fines and costs and for all other appropriate action.

Comment

This rule was adopted in 2009 to provide the procedures for appeals from the Philadelphia Traffic Court to the Court of Common Pleas of the First Judicial District. Except as provided in this rule, the procedures of Rules 460, 461 and 462, governing appeals for a trial de novo in summary cases, shall apply to summary case appeals in the Philadelphia Traffic Court.

For purposes of this rule, "judgment" means the determination of guilty and any sentence imposed on the defendant.

The date upon which payment is due upon a sentence of a fine or costs ordinarily will be 30 days following imposition of sentence.

Official Note: Rule 1037 adopted October 16, 2009, effective February 1, 2009.

Committee Explanatory Reports:

Final Report explaining new Rule 1037 concerning procedures for the appeal from the Philadelphia Traffic Court published with the Court's Order at 39 Pa.B. 6327, 6329 (October 31, 2009).

FINAL REPORT¹

New Pa.R.Crim.P. 1037 and Revisions to the Comment to Pa.R.Crim.P. 462

PHILADELPHIA TRAFFIC COURT APPEALS

On October 16, 2009, effective February 1, 2010, upon the recommendation of the Criminal Procedural Rules Committee, the Court adopted new Rule 1037 (Appeal from Summary Conviction) and approved the revision of the *Comment* to Rule 462 (Trial *De Novo*). These changes provide the procedures governing appeals for trial *de novo* from the Philadelphia Traffic Court.

As part of its oversight of the rules governing procedures in the Philadelphia Traffic Court, the Committee was asked by the Traffic Court to examine several aspects of the summary traffic appeal procedures. As discussed more fully below, due to the high volume of cases and unique circumstances of the Philadelphia Traffic Court, practices have developed there that are not explicitly provided for in the statewide or local rules. The Committee therefore worked with representatives of the Traffic

¹ The Committee's *Final 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 Committee's explanatory *Final Reports*.

Court and the First Judicial District to develop rule changes that would address some of these differences.

Upon the Committee's recommendation arising from these discussions, the Court has adopted new Rule 1037 that provides the procedures for appeals from the Philadelphia Traffic Court to the Court of Common Pleas. This new rule replaces many of the Rule 462 appeal procedures for the Philadelphia Traffic Court. However, except where Rule 1037 differs, the procedures in Rules 460 and 461 still apply. A revision has been made to the Rule 462 Comment to reflect that Philadelphia Traffic Court summary appeal procedures are contained in new Rule 1037.

The new rule addresses three areas: (1) general appeal procedures; (2) procedures addressing failures to appear for trial *de novo*; and (3) procedures related to the collection of fine and costs.

Appeal Procedures

As stated above, due to the high volume of cases in the Traffic Court and the significant numbers of appeals from Traffic Court, local practices have developed that vary from the strict letter of Rule 462 procedures. These variations do not adversely affect the rights of the parties and provide an efficient and effective method of adjudicating appeals arising from the Traffic Court. The explicit recognition of these procedures in the rules is intended to remove any confusion about them.

Currently, upon the filing of a Notice of Appeal in the Traffic Court, a summary trial date is assigned for an appearance at the Court of Common Pleas. The Traffic Court Docket and record are then forwarded to the Court of Common Pleas. On the summary trial date, a conference is conducted by a Trial Commissioner at which the defendant and a representative of the District Attorney's Office appear for purposes of negotiating a plea. If the parties agree on a plea, the plea is approved by a Common Pleas judge. If a plea cannot be agreed upon, a *de novo* summary trial is subsequently conducted by a Common Pleas judge. If the defendant pleads or is found guilty and sentenced, payment of any fine and costs is directed to the Traffic Court. The Traffic Court receives and distributes all payments of outstanding fines and costs and, as authorized by Rule 456, may establish and modify installment payment orders and may issue warrants for a defendant's arrest for non-payment.

These procedures are now formally recognized in paragraphs (A), (F) and (G) of new Rule 1037. Paragraphs (B) and (C) provide for the existing statewide practice of permitting the attorney of the Commonwealth, or in his or her absence, the affiant to conduct the trial *de novo* and requiring the law enforcement officer's appearance unless waived to be applicable in Traffic Court appeals.

Failure to Appear

The new rule also clarifies the procedures for the execution of bench warrants issued when the defendant has failed to appear for the trial *de novo* in the Court of Common Pleas, especially in those cases that involve a mandatory sentence of incarceration. It was unclear under the prior practice whether the Common Pleas judge could dismiss the appeal and have a warrant issued for the defendant to be taken for service of the sentence. Therefore, paragraph (D) provides that, in a failure to appear case, the appeal will be dismissed and the judgment of the Traffic Court entered in the Court of Common Pleas. If the case involves a sentence of mandatory incarceration, a bench warrant will be issued by the Court of Common Pleas along with a commitment order.

The warrant will contain the notation that defendant is already sentenced and therefore is to be taken directly to serve his or her sentence.

It should be noted that the hearing requirement of Rule 150 (Bench Warrants) is currently being satisfied in the First Judicial District by a Trial Commissioner who is present at the Philadelphia County Prison to conduct these hearings whenever a defendant is arrested on a bench warrant or surrenders himself or herself at the Traffic Court.

Fines and Costs

The new rule also authorizes an exemption from the general policy of the Pennsylvania Supreme Court that once a case has gone up from a minor court to a court of common pleas, no remand to the minor court should be allowed.² After the initial policy of no remands was developed, the Philadelphia Traffic Court was excluded from the policy for purposes of the payment and collection of fine and costs. This exemption was stated as part of an amendment to Traffic Court procedures adopted by the Court in 2005.³ Specifically, the *Final Report* to that Recommendation states:

b. Trial *de novo*

Another issue concerns the 2003 changes to the Criminal Rules that clarify once a case is appealed for a trial *de novo*, the case is to remain in the common pleas court for disposition. This procedure is contrary to what is occurring in Philadelphia. Both Traffic Court and Philadelphia Common Pleas Court have serious concerns about the significant burden the statewide procedure would have on the Common Pleas Court, especially given the extraordinary number of cases involved and the amount of the fines and costs owed. Both courts note the current practice of returning the cases to Traffic Court for collection following the trial *de novo* works efficiently and has been successful.

However, because this exemption was not stated in the rules themselves, questions about these procedures continue to persist. Therefore, paragraph (G) provides that, either after the expiration of the time to file an appeal to the appellate courts, or, if a sentence of imprisonment has been imposed, after the execution of the sentence of imprisonment, the case is to be remanded to the Traffic Court for the collection of any outstanding fines and costs. The Traffic Court will also perform "all other appropriate action" such as requesting that the Pennsylvania Department of Transportation suspend the defendant's operating privilege if the defendant failed to comply with the payment plan, and will be able to use the remedies set forth in Rule 456 if the defendant failed to comply with the payment plan.

Finally, in order to ensure the defendant understands this process, upon sentencing after the appeal, the Common Pleas judge is required to advise the defendant that he or she has 30 days to pay the fines and costs in full or to contact the Traffic Court to renegotiate the payment plan.

[Pa.B. Doc. No. 09-2024. Filed for public inspection October 30, 2009, 9:00 a.m.]

² The most recent statement of this policy was contained in a September 28, 2006 letter from then-Chief Justice Cappy to all President Judges, emphasizing this point.

³ See 35 Pa.B. 5239 (September 24, 2005).

[234 PA. CODE CH. 6]

Order Amending Rules 646 and 647; Rules of Criminal Procedure; Criminal Procedural Rules; No. 381**Order**

Per Curiam:

And Now, this 16th day of October, 2009, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 39 Pa.B. 2324 (May 9, 2009), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 968), and a *Final Report* to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 646 and 647 of the Pennsylvania Rules of Criminal Procedure are amended as follows.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective February 1, 2010.

Annex A**TITLE 234. RULES OF CRIMINAL PROCEDURE****PART 1. GENERAL****CHAPTER 6. TRIAL PROCEDURES IN COURT CASES****PART C(2). Conduct of Jury Trial****Rule 646. Material Permitted in Possession of the Jury.**

(A) Upon retiring, the jury may take with it such exhibits as the trial judge deems proper, except as provided in paragraph [(B)] (C).

(B) **The trial judge may permit the members of the jury to have for use during deliberations written copies of the portion of the judge's charge on the elements of the offenses, lesser included offenses, and any defense upon which the jury has been instructed.**

(1) **If the judge permits the jury to have written copies of the portion of the judge's charge on the elements of the offenses, lesser included offenses, and any defense upon which the jury has been instructed, the judge shall provide that portion of the charge in its entirety.**

(2) **The judge shall instruct the jury about the use of the written charge. At a minimum, the judge shall instruct the jurors that**

(a) **the entire charge, written and oral, shall be given equal weight; and**

(b) **the jury may submit questions regarding any portion of the charge.**

(C) **During deliberations, the jury shall not be permitted to have:**

- (1) a transcript of any trial testimony;
- (2) a copy of any written or otherwise recorded confession by the defendant;
- (3) a copy of the information; **and**
- (4) **except as provided in paragraph (B), written jury instructions.**

[(C)] (D) **The jurors shall be permitted to have their notes for use during deliberations.**

Comment

This rule prohibits the jury from receiving a copy of the indictment or information during its deliberations. The rule also prohibits the jury from taking into the jury room any written or otherwise recorded confession of the defendant. In *Commonwealth v. Pitts*, 450 Pa. 359, 301 A.2d 646, 650 n. 1 (1973), the Court noted that "it would be a better procedure not to allow exhibits into the jury room which would require expert interpretation."

[**The 1999 amendment to paragraph (B) makes it clear that the trial court is prohibited from sending written jury instructions with a jury for use during deliberations. See**] **The 2009 amendment to paragraph (B) changes the procedures in Pennsylvania concerning the jury's access during deliberations to written copies of the judge's charge by permitting the judge to provide each member of the jury with written copies of the portion of the judge's charge on the elements of offenses, the lesser included offenses, and the elements of any potential defenses upon which the jury was charged for the jurors to use during their deliberations. This amendment supersedes the line of cases from *Commonwealth v. Baker*, 466 Pa. 382, 353 A.2d 406 (1976) (plurality opinion) and *Commonwealth v. Oleynik*, 524 Pa. 41, 568 A.2d 1238 (1990), through *Commonwealth v. Karaffa*, 551 Pa. 173, 709 A.2d 887 (1998), in which the Court held it was reversible error to submit written jury instructions to the jury to the extent these cases would preclude that portion of the charge containing the elements of the offense charged, lesser included offenses, and defenses raised at trial from going to the jury.**

It is within the discretion of the trial judge to permit the use of the written copies of the portions of the charge on the elements by the jury during deliberations. However, once the judge permits the use of the written elements, the elements of all of the offenses, lesser included offenses, and defenses upon which the jury was charged must be provided to the jury in writing.

The method of preparing the written instructions to be provided to the jury is within the discretion of the trial judge. For example, the instructions do not have to be contemporaneously transcribed but can be a copy of previously prepared instructions that the judge has read as part of the charge that are then provided to the jury for use during deliberations.

The judge must instruct the jurors concerning the use of written instructions during deliberations. Paragraph (B)(2) sets forth the minimum information the judge must explain to the jurors.

It is strongly recommended the judge instruct the jurors along the lines of the following:

Members of the jury, I will now instruct you on the law that applies to this case including the elements of each offense as well as the elements of the lesser included offenses and defenses upon which evidence has been provided during this trial. To assist you in your deliberations I will give you a written list of the elements of these offenses, lesser included offenses, and defenses to use in the jury room.

If any matter is repeated or stated in different ways in my instructions, no emphasis is intended. Do not draw any inference because of a repetition. Do not single out any individual rule or instruction and ignore the others. Do not place greater emphasis on the elements of the offenses, lesser included offenses and defenses simply because I have provided them to you in writing and other instructions are not provided in writing. Consider all the instructions as a whole and each in the light of the others.

If, during your deliberations, you have a question or feel that you need further assistance or instructions from me, write your question on a sheet of paper and give it to the court officer who will be standing at the jury room door, and who, in turn, will give it to me. You may ask questions about any of the instructions that I have given to you whether they were given to you orally or in writing.

See Rule 647(A) (Request for Instructions, Charge to the Jury, and Preliminary Instructions) concerning the content of the charge and written requests for instructions to the jury.

The 1996 amendment adding “or otherwise recorded” in paragraph [(B)(2)] (C)(2) is not intended to enlarge or modify what constitutes a confession under this rule. Rather, the amendment is only intended to recognize that a confession can be recorded in a variety of ways. See *Commonwealth v. Foster*, 425 Pa.Super. 61, 624 A.2d 144 (1993).

Nothing in this rule is intended to preclude jurors from taking notes during testimony related to a defendant’s confession and such notes may be in the jurors’ possession during deliberations.

Paragraph [(C)] (D) was added in 2005 to make it clear that the notes the jurors take pursuant to Rule 644 may be used during deliberations.

Although most references to indictments and indicting grand juries were deleted from these rules in 1993 because the indicting grand jury was abolished in all counties, see PA. CONST. art. I, § 10 and 42 Pa.C.S. § 8931(b), the reference was retained in this rule because there may be some cases still pending that were instituted prior to the abolition of the indicting grand jury.

Official Note: Rule 1114 adopted January 24, 1968, effective August 1, 1968; amended June 28, 1974, effective September 1, 1974; Comment revised August 12, 1993, effective September 1, 1993; amended January 16, 1996, effective July 1, 1996; amended November 18, 1999, effective January 1, 2000; renumbered Rule 646 March 1, 2000, effective April 1, 2001; amended June 30, 2005, effective August 1, 2005; amended August 7, 2008, effective immediately; amended October 16, 2009, effective February 1, 2010.

Committee Explanatory Reports:

* * * * *

Final Report explaining the October 16, 2009 amendments concerning providing jurors with the elements of the charged offenses in writing published with the Court’s Order at 39 Pa.B. 6331, 6333 (October 31, 2009).

Rule 647. Request for Instructions, Charge to the Jury, and Preliminary Instructions.

(A) Any party may submit to the trial judge written requests for instructions to the jury. Such requests shall

be submitted within a reasonable time before the closing arguments, and at the same time copies thereof shall be furnished to the other parties. Before closing arguments, the trial judge shall inform the parties on the record of the judge’s rulings on all written requests **and which instructions shall be submitted to the jury in writing.** The trial judge shall charge the jury after the arguments are completed.

(B) No portions of the charge nor omissions [**therefrom**] **from the charge** may be assigned as error, unless specific objections are made thereto before the jury retires to deliberate. All such objections shall be made beyond the hearing of the jury.

* * * * *

Comment

Paragraph (A), amended in 1985, parallels the procedures in many other jurisdictions which require that the trial judge rule on the parties’ written requests for instructions before closing arguments, that the rulings are on the record, and that the judge charge the jury after the closing arguments. See, e.g., Fed.R.Crim.P. 30; ABA Standards on Trial by Jury, Standard 15-3.6(a); Uniform Rule of Criminal Procedure 523(b).

Pursuant to Rule 646 (Material Permitted in Possession of the Jury), the judge must determine whether to provide the members of the jury with written copies of the portion of the judge’s charge on the elements of the offenses, lesser included offenses, and any defense upon which the jury has been instructed for use during deliberations.

Paragraph (D), added in 1985, recognizes the value of jury instructions to juror comprehension of the trial process. It is intended that the trial judge determine on a case by case basis whether instructions before the taking of evidence or at anytime during trial are appropriate or necessary to assist the jury in hearing the case. The judge should determine what instructions to give based on the particular case, but at a minimum the preliminary instructions should orient the jurors to the trial procedures and to their duties and function as jurors. In addition, it is suggested that the instructions may include such points as note taking, the elements of the crime charged, presumption of innocence, burden of proof, and credibility. Furthermore, if a specific defense is raised by evidence presented during trial, the judge may want to instruct on the elements of the defense immediately after it is presented to enable the jury to properly evaluate the specific defense. See also Pennsylvania Suggested Standard Criminal Jury Instructions, Chapter II [(1979)].

Official Note: Rule 1119 adopted January 24, 1968, effective August 1, 1968; amended April 23, 1985, effective July 1, 1985; renumbered Rule 647 and amended March 1, 2000, effective April 1, 2001; Comment revised June 30, 2005, effective August 1, 2005; amended October 16, 2009, effective February 1, 2010.

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the **June 30, 2005** Comment revision concerning the note taking instruction published with the Court’s Order at 35 Pa.B. 3919 (July 16, 2005).

Final Report explaining the October 16, 2009 changes adding to the Comment a cross-reference to Rule 646 published with the Court’s Order at 39 Pa.B. 6331, 6333 (October 31, 2009).

FINAL REPORT¹*Amendment of Pa.Rs.Crim.P. 646 and 647*

WRITTEN JURY INSTRUCTIONS

On October 16, 2009, effective February 1, 2010, upon the recommendation of the Criminal Procedural Rules Committee, the Court approved the amendment of Rules 646 (Material Permitted in Possession of the Jury) and 647 (Request for Instructions, Charge to the Jury, and Preliminary Instructions) to permit the trial judge to provide written copies of the portion of the charge on the elements of the offenses, lesser included offenses, and any defense upon which the jury has been charged.

As part of its ongoing research and examination of the manner in which jury trials are conducted, the Committee examined the question of whether juries should be permitted written copies of the jury instructions for use during deliberations. The Committee began its most recent review of this issue at the direction of the Court. The Committee was instructed to “consider the issue of sending written instructions out with the jury during deliberations.”

Prior to the present rule change, Pennsylvania law prohibited jurors from having any form of written instructions during deliberations. See *Commonwealth v. Baker*, 353 A.2d 406 (Pa. 1976) (plurality opinion); *Commonwealth v. Oleynik*, 568 A.2d 1238 (Pa. 1990); and *Commonwealth v. Karaffa*, 709 A.2d 887 (Pa. 1998). This was consistent with what had been the traditional practice.

In recent years, however, most states and the Federal courts have relaxed the prohibition of providing written instructions during deliberations.² The Committee conducted an extensive review of the experiences of these courts and concluded that the fears that most associate with this practice, such as misinterpretation of the law or undue weight being placed on the written instructions, have not been demonstrated in these jurisdictions.³

At the same time, interest in permitting the practice in Pennsylvania has increased. For example, at several meetings in 2005-2007, the Committee invited a number of judges of the courts of common pleas to address the Committee on procedural issues in which they were interested. A number of these judges requested that the Committee consider permitting the elements of the offense to be provided in writing to the jury during deliberations. They reported that the majority of questions received from jurors during deliberations would be eliminated by providing this limited information. Popular interest in this practice has remained high as well; several pieces of legislation have been introduced that urged the Court to reconsider the prohibition.⁴

Based upon the foregoing, the Committee concluded that permitting the use of written jury instructions in some form would be a beneficial practice. The question then became how extensive the scope of allowance should be.

The Committee considered a proposal that the entire instructions should be provided in writing. The Commit-

tee believed that the logistical difficulties in preparing what would need to be verbatim transcripts of the charge would be prohibitive, at least under current technology. Further, the Committee did not want to squelch the individual initiative that many judges employ to provide “off-the-cuff” elaboration and example. If anything less than the entire charge would be permitted, however, it should be clearly defined and should not favor one party over another.

The amendments to Rules 646 and 647 therefore limit what may be provided to the jury in writing to written copies of the elements of the offense, lesser included offenses, and defenses upon which the jury had been orally charged. This limited practice has the benefit of clear definition and even-handed application as well as being more practically manageable. It also is consistent with the input received from the common pleas judges and the Legislature. Therefore, a new paragraph (B) has been added to Rule 646 that would permit the judge to provide this portion of the charge to the jury in writing.

Recognizing that a jury’s need for written instructions will vary from case to case, the Court believes that the decision whether to provide written instructions should be discretionary. However, to ensure fairness in the process of providing these instructions, once a judge decides to provide written instructions, he or she must send out the elements of the offenses and defenses in their entirety. This requirement has been added to paragraph (B)(1).

To address the concern that the jury would emphasize the importance of the written portion of the instructions if only partial written instructions are provided, paragraph (B)(2) requires mandatory instructions that must include language that the entire instructions, written and oral, should be given equal weight and that the jury should feel free to ask questions regarding any portion of the instructions. These points are elaborated upon in the *Comment* and a sample instruction is provided.

Additionally, the intention of the amendments is not to create greater burdens on the trial courts that utilize this procedure and therefore the *Comment* to Rule 646 includes some practical suggestions on how the written instructions may be produced. For example, in order that there be no mistaken belief that a transcript of the instructions is required, the *Comment* suggests that the instructions do not have to be contemporaneously transcribed but can be a version of previously prepared instructions that the judge reads and is then provided to the jury.

Finally, a cross reference to the new procedures in Rule 646 has been added to the *Comment* to Rule 647 (Request for Instructions, Charge to the Jury, and Preliminary Instructions).

The Court recognizes that these amendments represent a significant change in the current jury trial practice. On the other hand, the scope of what is permitted to be provided to the jury in writing is of a limited nature. Therefore, these changes should be viewed only as part of an ongoing examination of jury charge procedures. The Court has directed the Committee to monitor the effect these amendments have on jury trial practice, and to report back to the Court after 2 years from the effective date of these changes.

[Pa.B. Doc. No. 09-2025. Filed for public inspection October 30, 2009, 9:00 a.m.]

¹ The Committee’s *Final 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 Committee’s explanatory *Final Reports*.

² Among the majority of states that permit written jury instructions are Alabama, Arizona, California, Colorado, Illinois, Massachusetts, Texas and Virginia.

³ See, e.g., *The State-Of-The-States Survey of Jury Improvement Efforts: A Compendium Report* by Hon. Gregory E. Mize (ret.), Paula Hannaford-Agor, J.D. & Nicole L. Waters, Ph.D. published by the National Center for State Courts; *Recent Evaluative Research on Jury Trial Innovations* by Judge B. Michael Dann and Professor Valerie P. Hans in *Court Review*, Spring 2004, volume 41, pages 12–19.

⁴ See HR 559 of 2008 and House Resolution 128 of 2009, both requesting the Pennsylvania Supreme Court to modify the rules in this area. See also HB 190 of 2007, HB 612 of 2007, and HB 1085 of 2009, all of which propose amendments to Title 42 to allow the submission of written jury instructions to the jury.

Title 25—LOCAL COURT RULES

JEFFERSON COUNTY

Adoption of Local Rules of Criminal Procedure; No. 10-2009 O.C.

Order

And Now, this 13th day of October 2009, pursuant to Pa.R.Crim.P. 105, governing the establishment of local rules of criminal procedure, it is hereby *Ordered* and *Decreed* that the following rule, designated Jefferson County Rule of Criminal Procedure (Jeff. Co. R.Crim.P.) 00.10-2009, is adopted as a rule of this Court. The same shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

Local Rules of the Court of Common Pleas of Jefferson County, Supplementing the Pennsylvania Rules of Criminal Procedure; Jeff. Co. R.Crim.P. 00.10-2009, Costs for Issuance of Partial Payment Plan by MDJ.

Pursuant to 42 Pa.C.S.A. § 1725.1, the Magisterial District Judges of Jefferson County may impose a miscellaneous issuance (C17) cost for the issuance of an installment payment plan when a defendant requests and is permitted to make installment payments as provided in the Pennsylvania Rules of Criminal Procedure. Said cost shall be in compliance with the fee schedule published by the Administrative Office of Pennsylvania Courts.

By the Court

HONORABLE JOHN HENRY FORADORA,
President Judge

[Pa.B. Doc. No. 09-2026. Filed for public inspection October 30, 2009, 9:00 a.m.]

LANCASTER COUNTY

In Re: Adoption of New Local Rule of Criminal Procedure 117, and Rescinding Existing Local Rule of Criminal Procedure 117 and Local Rule 5 of Lancaster County Rules for Magisterial District Judges; CPJ. No. 7, Page 1357; No. 17 AD 2009

Administrative Order

And Now, this 13th day of October, 2009, it is hereby Ordered that existing Lancaster County Rule of Criminal Procedure 117 and Lancaster County Rule 5 for Magisterial District Judges are rescinded and new Lancaster County Rule of Criminal Procedure 117 is adopted as follows:

The Court Administrator is directed to:

1. File one (1) certified copy of this Order and Rule with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified paper copies and one (1) diskette or CD-ROM containing this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Publish a copy of this Order and Rule on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

4. Keep continuously available for public inspection copies of the Order and Rule in the Prothonotary and Clerk of Courts Office.

This order shall become effective January 5, 2010.

By the Court

LOUIS J. FARINA,
President Judge

Rule 117. Magisterial District Court Coverage: Hours and Availability; System; and Duties.

I. Coverage Hours and Availability

A. Judicial Coverage During Regular Business Hours

(1) Magisterial District Court Offices within the Second Judicial District shall be open for regular business Monday through Friday, excluding County Holidays, during such hours as are established by the President Judge, and as may be modified with the approval of the President Judge to meet the needs of the public and the Court. The coverage required under Rule 117 and as set forth in this Order shall be provided by the Magisterial District Judge with jurisdiction over the matter during regular business hours, if available.

(2) When a Magisterial District Judge who has jurisdiction over a particular matter is unavailable during regular business hours, coverage shall be provided by other Magisterial District Judges in the 2nd Judicial District in accordance with a Business Hours Assignment schedule approved by the President Judge and amended from time to time as necessary.

B. Judicial Coverage During Non-Business Hours (Duty Court Hours)

During those hours when the Magisterial District Courts are not normally open for business (Duty Court Hours), the coverage required under Rule 117 and as set forth in this rule shall be provided by Magisterial District Judges in accordance with a Duty Court Assignment schedule approved by the President Judge and amended from time to time as necessary.

C. Availability of Duty Court Judge

During Duty Court Hours, the Duty Court Judge shall be available at or about 7 A.M and 8 P.M. each day, either in person at the Lancaster City Public Safety Building or by video conference from his or her court office, to perform any pending judicial duties. In addition to these two designated times, the Duty Court Judge shall be available at any time during Duty Court Hours to perform those duties requiring continuous coverage as set forth below in Section III. A. of this local rule.

II. Coverage System During Duty Court Hours

Regional Booking/Centralized Arraignment System

(1) **Live Scan/CPIN Booking:** A Countywide Regional Booking and Centralized Arraignment system is hereby implemented in Lancaster County to be in effect during Duty Court Hours. All criminal Defendants apprehended during Duty Court Hours are required to be processed and booked through Live Scan and CPIN equipment at a Lancaster County Police Department possessing this technology, and which Police Department has been approved and designated as a Regional Booking Center in accordance with the Lancaster County Countywide Booking Center Plan.

(2) **Regional Booking Center Fee:** The Lancaster Countywide Regional Booking Center Plan having been

approved by PCCD, a Regional Booking Center fund fee of three hundred dollars (\$300) is imposed on any Defendant processed and booked through a Lancaster County Regional Booking Center at any time if the person:

(a) Is placed on probation without verdict pursuant to Section 17 of the Act of April 14, 1972 (P. L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

(b) Received Accelerated Rehabilitative Disposition for, pleads guilty or nolo contendere to, or is convicted of, a crime under the following:

(i) 18 Pa.C.S. § 106(a) (relating to classes of offenses).

(ii) 75 Pa.C.S. § 3735 (relating to homicide by vehicle while driving under influence).

(iii) 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance).

(iv) A violation of The Controlled Substance, Drug, Device and Cosmetic Act.

(3) Centralized Arraignment: After being processed and booked at a Lancaster County Regional Booking Center during Duty Court Hours, Defendants are required to be either:

(a) Transported by the arresting police department to the Lancaster City Public Safety Building to be held there for detention until preliminary arraignment is conducted by the assigned Duty Court Magisterial District Judge, either in person or by video conference, or,

(b) Held by the arresting police department at a location designated by the Court as an approved Advanced Communication Technology Site for the purpose of video conferencing until preliminary arraignment is conducted by the assigned Duty Court Magisterial District Judge by video conference.

III. Required Coverage Duties

A. Search Warrants and Arrest Warrants; Protection From Abuse Petitions, and Acceptance of Bail

Magisterial District Judges with jurisdiction during regular business hours and the Duty Court Judge during Duty Court hours shall be available to provide continuous coverage for the issuance of search warrants pursuant to Pa.R.Crim.P. 203, arrest warrants pursuant to Pa.R.Crim.P. 513, requests to accept bail pursuant to Pa.R.Crim.P. 520(B), and requests for emergency relief under the Protection From Abuse Act.

B. Preliminary Arraignments, Accepting Criminal Complaints and Setting Bail

Magisterial District Judges with jurisdiction during regular business hours and the Duty Court Judge during Duty Court Hours shall be available without unnecessary

delay to conduct preliminary arraignments pursuant to Rule 516, to set bail pursuant to Rule 517(A), and to accept criminal complaints and conduct preliminary arraignments pursuant to Rule 519(A)(1).

C. Summary Offense Arrest Warrants and Arrests Without a Warrant

Magisterial District Judges with jurisdiction during regular business hours and the Duty Court Judge during Duty Court Hours shall be available without unnecessary delay for the purpose of providing the services set forth in Pa.R.Crim.P. 117(A)(2)(a) requiring conducting summary trials or setting collateral in summary cases under Rule 431(B)(3) and Rule 441(C).

D. Summary Offense Bench Warrants

If a summary Bench Warrant is executed during regular business hours, the Magisterial District Judge with jurisdiction shall be available without unnecessary delay to conduct a bench warrant hearing. If a Bench Warrant is executed during Duty Court Hours, the Duty Court Judge may conduct a bench warrant hearing.

IV. Acceptance of Bail

Magisterial District Judges, the Clerk of Court or his designees, and the Warden of the Lancaster County Prison or his designees, shall be authorized to accept bail in accordance with the provisions of the Pennsylvania Rules of Criminal Procedure.

[Pa.B. Doc. No. 09-2027. Filed for public inspection October 30, 2009, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that on October 15, 2009, under Rule 208(f)(5), Pa.R.D.E., the Supreme Court of Pennsylvania ordered that Richard H. Cline be placed on temporary suspension until further definitive action by the Supreme Court, to be effective November 14, 2009. 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. 09-2028. Filed for public inspection October 30, 2009, 9:00 a.m.]

RULES AND REGULATIONS

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CHS. 283, 285 AND 1251]

Payment for Burial and Cremation and Funeral Directors' Services

Statutory Authority

The Department of Public Welfare (Department), by this order, adopts the amendments set forth in Annex A under the authority of sections 201(2) and 403(b) of the Public Welfare Code (62 P. S. §§ 201(2) and 403(b)) (code). Notice of proposed rulemaking was published at 37 Pa.B. 6534 (December 15, 2007).

Purpose of Rulemaking

The purpose of this final-form rulemaking is to add a new Chapter 283 (relating to payment for burial and cremation) to replace the existing burial regulations in Chapter 285 (relating to payment for burial). Further, this final-form rulemaking codifies policies that have been in effect since a notice of rule change (NORC) was published at 30 Pa.B. 2957 (June 10, 2000). This final-form rulemaking increases the maximum payment to funeral directors for burial or cremation services to a standard \$750 for all eligible individuals. This final-form rulemaking also increases the maximum level of contributions that may be made by another agency or individual towards burial expenses without reducing the Department payment. This amount is increased from \$180 to \$750. Additionally, this final-form rulemaking eliminates several restrictive requirements for burial, thus allowing families and funeral directors more flexibility and choice in planning and selecting burial goods and services.

Finally, this final-form rulemaking amends cross-references in Chapter 1251 (relating to funeral directors' services) that reference Chapter 285 to conform to the addition of Chapter 283.

Affected Individuals and Organizations

This final-form rulemaking affects individuals acting on behalf of deceased individuals who were eligible and authorized for or receiving cash assistance at the time of death. This final-form rulemaking affords individuals responsible for making funeral arrangements more flexibility and choice in planning and selecting burial and cremation goods and services.

Funeral directors who are enrolled with the Department are the beneficiaries of increased payments that more adequately cover the actual cost of burial and cremation goods and services. In addition, other individuals in the funeral industry may receive increased compensation for services rendered if these services are a part of the agreement between the funeral director and the individual handling the funeral arrangements.

Accomplishments and Benefits

This final-form rulemaking benefits individuals acting on behalf of a deceased individual by allowing more flexibility and choice in planning and selecting burial and cremation goods and services.

This final-form rulemaking also benefits funeral directors and may benefit other members of the funeral industry by providing increased payments that more

adequately cover the actual costs of burial and cremation goods and services. Increased payments reduce uncompensated costs that are incurred by funeral directors and may reduce costs incurred by other service providers.

Fiscal Impact

When the maximum payment for burial and cremation was raised from \$350 to \$750 in Fiscal Year (FY) 2000-2001, the Department incurred an average annual increase in expenditures of \$360,000 from FY 2000-2001 through FY 2006-2007. Of this overall increase, \$140,400 is due to the increased payment amount and \$219,600 is due to an increase in the number of claims paid. The estimated increase in annual expenditures for FY 2007-2008 is \$433,000.

This final-form rulemaking reduces the uncompensated costs for services that are incurred by funeral directors and may reduce uncompensated costs for other individuals in the funeral industry.

Paperwork Requirements

This final-form rulemaking does not increase paperwork requirements.

Public Comment

Written comments, suggestions and objections were solicited within a 30-day comment period after the publication date of the proposed rulemaking. The Department received two public comments—one from Community Legal Services of Philadelphia (CLS) and the other from the Pennsylvania Funeral Directors Association (PFDA). The PFDA stated that it "supports this regulation in its entirety." The Department also received comments from the Independent Regulatory Review Commission (IRRC).

The Department has carefully reviewed and considered each suggestion and comment and thanks the organizations that commented on this rulemaking.

Discussion of Comments and Major Changes

Following is a summary of the comments received during the public comment period following publication of the proposed rulemaking and the Department's response to the comments. A summary of changes from proposed rulemaking is also included.

§ 283.6 (relating to submission of form for payment)

Section 283.6 refers to a "form approved by the Department" that an individual must complete and return to the Department to request payment for burial or cremation. IRRC noted that this section does not describe the content of the form or how an individual can get it and asked that this information be included in final-form rulemaking.

Response

The Department agrees and has incorporated a statement regarding the availability of the form in § 283.6(a) and a description of the form in § 283.6(b).

§ 283.21 (relating to Department payment)

CLS expressed concern that the Department's maximum payment for burial or cremation, or both, of \$750 and the exemption of up to \$750 in third-party contributions is inadequate to provide a decent funeral for indigent Pennsylvanians. CLS noted that the average cost of a funeral, as of July 2004, is \$6,500 and requested that the Department increase its payment for burial or crema-

tion to \$3,000 and also disregard \$3,000 in third-party contributions when determining the Department's payment.

Referencing CLS' comments and concern that the Department's payment is too low, IRRC asked that the Department review its payment rate and provide an explanation of it in the final-form rulemaking. IRRC also asked that the Department include specific information on payment rates for burial or cremation in neighboring states.

Response

As requested by IRRC, the Department researched the payment rates for burial and cremation of neighboring states. The Department's payment rate is comparable to or higher than the payment rates of neighboring states, with the exception of New Jersey and West Virginia. Ohio does not pay for funeral expenses. Delaware pays a maximum of \$100 towards funeral expenses. Maryland and New York have policies similar to the Commonwealth's. Maryland contributes up to \$650 towards the cost of a funeral that does not exceed \$1,500. In New York, the base rate is \$800 and counties may provide an additional supplement. The maximum payment amount ranges from \$800 to \$2,300, dependent on the supplement from the county agencies. New Jersey provides a maximum payment for funeral expenses of \$2,770 and allows outside contributions of up to \$1,570. West Virginia provides a maximum payment of \$1,250 and allows outside contributions of up to \$1,200.

The Department recognizes that its maximum payment for burial or cremation is less than the National average cost of a traditional funeral; however, the Department estimates that the increase proposed by CLS would raise annual expenditures from \$433,000 to \$3.112 million. Due to budgetary constraints, an increase is not practicable.

§§ 283.22 and 283.24 (relating to resources that do not reduce Department payment; and resources reducing Department payment)

First, IRRC asked if there is a monetary amount attached to the term "small contributions" in § 283.22(1) and, if so, to include this amount in the final-form rulemaking.

In addition, IRRC commented on the clarity of §§ 283.22 and 283.24. Specifically, IRRC inquired about the meaning of the language "up to a total of \$750," how the Department's payment will be reduced, how resources are calculated, and whether there should be cross references between §§ 283.22 and 283.24. IRRC also commented on the clarity of the citation phrase in § 283.24(b). IRRC also suggested that the Department describe both the formula for determining the Department's payment and the process used to reduce the Department's payment.

Response

There is not a maximum monetary amount assigned to small contributions. The Department agrees that the phrase, "small contributions," is ambiguous and subjective. As a result, the Department deleted the reference to small contributions in § 283.22 and amended this section to provide that the value of articles of clothing, transportation for the funeral party, newspaper obituaries, flowers and religious services is not considered in determining the Department's payment.

In addition, the Department agrees that certain provisions of §§ 283.22 and 283.24 may be unclear, particularly in regard to how resources are counted and the

process used to determine payment. In response to IRRC's request that the Department describe the formula used to determine payment, the Department revised § 283.21 to clearly specify that the Department will not pay for funeral expenses if the total value of resources from an agency or individual exceed \$1,500. In addition, the Department provided the formula the Department uses to determine payment when the total value of resources does not exceed \$1,500.

As a result of IRRC's statements that it is unclear how certain provisions of § 283.22 relate to § 283.24, the Department deleted § 283.24 and revised § 283.22 (relating to resources) to include a comprehensive description of resources—those that do not reduce Department payment and those that do reduce Department payment.

Regulatory Review Act

Under section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)), on July 28, 2009, the Department submitted a copy of this final-form rulemaking to IRRC and to the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare (Committees). In compliance with the Regulatory Review Act, the Department also provided the Committees and IRRC with copies of all public comments received, as well as other documentation.

In preparing the final-form regulations, the Department reviewed and considered comments received from the Committees, IRCC and the public.

In accordance with section 5.1(j.1) and (j.2) of the Regulatory Review Act, these final-form regulations were deemed approved by the Committees on August 16, 2009. IRCC met on September 17, 2009, and approved these final-form regulations.

In addition to submitting the final-form rulemaking, the Department has provided IRCC and the Committees with a copy of the Regulatory Analysis Form prepared by the Department. A copy of this form is available to the public upon request.

Findings

The Department finds that:

(1) The public notice of intention to adopt the administrative regulations by this order has been given under sections 201 and 202 of the Commonwealth Documents Law (45 P. S. §§ 1201 and 1202) and the regulations in 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) The adoption of the regulations in the manner provided by this order is necessary and appropriate for the administration and enforcement of the code.

Order

The Department acting under the authority of the code orders:

(a) The regulations of the Department, 55 Pa. Code, are amended by amending §§ 1251.1, 1251.21, 1251.23, 1251.42, 1251.51, 1251.71 and 1251.81; by deleting §§ 285.1, 285.3 and 285.4; and by adding §§ 283.1, 283.3—283.7, 283.11, 283.21—283.23 and 283.31 to read as set forth in Annex A.

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

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

(d) This order shall take effect upon final publication in the *Pennsylvania Bulletin* with the exception of § 283.21. The addition of § 283.21 is effective retroactive to July 3, 2000, to coincide with the effective date of the NORC.

ESTELLE B. RICHMAN,
Secretary

(*Editor's Note:* The proposal to add § 283.24, included in the proposed rulemaking at 37 Pa.B. 6534, has been withdrawn by the Department.)

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 39 Pa.B. 5812 (October 3, 2009).)

Fiscal Note: 14-FIN-510. (1) General Fund; (2) Implementing Year 2008-09 is \$445,000; (3) 1st Succeeding Year 2009-10 is \$453,000; 2nd Succeeding Year 2010-11 is \$459,000; 3rd Succeeding Year 2011-12 is \$465,000; 4th Succeeding Year 2012-13 is \$471,000; 5th Succeeding Year 2013-14 is \$477,000; (4) 2007-08 Program—\$593,992; 2006-07 Program—\$671,472; 2005-06 Program—\$945,950; (7) Medical Assistance-Outpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

Annex A

TITLE 55. PUBLIC WELFARE

PART II. PUBLIC ASSISTANCE MANUAL

Subpart I. OTHER INCOME MAINTENANCE PROGRAMS

CHAPTER 283. PAYMENT FOR BURIAL AND CREMATION

GENERAL PROVISIONS

Sec.
283.1. Policy.

REQUIREMENTS

283.3. Requirements for payment.
283.4. Assistance status of deceased.
283.5. Source of request for payment.
283.6. Submission of form for payment.
283.7. Date of request for payment.

STANDARDS

283.11. Standards for providing burial or cremation, or both.

PAYMENT

283.21. Department payment.
283.22. Resources.
283.23. Resources from which the Department will seek to collect.

VIOLATIONS

283.31. Funeral director violations.

GENERAL PROVISIONS

§ 283.1. Policy.

(a) The Department will pay for expenses related to burial or cremation, or both.

(b) The Department will pay a funeral director, or anyone acting for him, if the funeral director is the following:

(1) A funeral director as defined in section 2(1) of the Funeral Director Law (63 P. S. § 479.2(1)).

(2) Enrolled with the Department.

REQUIREMENTS

§ 283.3. Requirements for payment.

The requirements of §§ 283.4—283.7 shall be met for the Department to pay expenses related to burial or cremation, or both. These requirements apply regardless of where death occurs.

§ 283.4. Assistance status of deceased.

The deceased individual shall have been a recipient of Cash Assistance—Temporary Assistance for Needy Families (TANF), General Assistance (GA), State Blind Pension (SBP), Supplemental Security Income (SSI) or State Supplementary Payment (SSP)—at the time of death. This includes:

(1) An individual who was determined eligible for cash assistance, including SBP, regardless of whether the individual had received a cash assistance benefit.

(i) Eligibility for payment begins with the date on which eligibility for cash assistance begins.

(ii) Eligibility for payment extends through the period covered by the last cash assistance benefit for which the individual was eligible.

(2) A former assistance recipient whose assistance had been discontinued due to hospitalization and who died while hospitalized within 3 months from the date of his admission.

(3) A child born dead to an assistance recipient.

(4) A child of an assistance recipient who died so soon after birth that assistance could not be authorized.

(5) A member of a recipient's family who formerly received assistance with the family, returned to the residence, was planning to apply for assistance and died before assistance could be authorized.

§ 283.5. Source of request for payment.

(a) The Department will accept a request for payment for burial or cremation, or both, if the request is made by one of the following:

(1) A relative.

(2) A friend.

(3) The representative of a fraternal society of which the deceased was a member.

(4) The representative of a charitable or religious organization.

(5) A funeral director acting on behalf of an individual described in paragraphs (1)—(4).

(b) If the request for payment comes from another source, the request must be accompanied by a certificate issued by the Anatomical Board, Department of Health, declaring the body unfit for anatomical purposes.

§ 283.6. Submission of form for payment.

(a) The individual requesting payment or the funeral director on behalf of the individual requesting payment shall submit the request on a form approved by the Department in accordance with § 283.7 (relating to date of request for payment). This form is available from the Department or a funeral director enrolled as a provider with the Department.

(b) The form shall be completed by the individual requesting payment and the funeral director. The form must include the following information:

(1) Name and Social Security number of the deceased.

(2) Name and signature of the representative requesting payment on behalf of the deceased.

(3) Resources available towards payment.

(4) Name and address of the funeral home.

(5) Name and signature of the funeral director providing goods and services for burial or cremation, or both.

§ 283.7. Date of request for payment.

The form to request payment shall be submitted to the Department within 30 days of the date of death with the following exceptions:

(1) When there are unusual circumstances and the individual requesting payment or the funeral director submits valid reasons for the delay. In this case, the individual requesting payment or the funeral director shall submit the form to the Department within 30 days from the date of the request for payment.

(2) When the funeral director is waiting for notification regarding a resource that may reduce the Department payment according to § 283.22 (relating to resources). Under these circumstances, the individual requesting payment or the funeral director shall submit the form to the Department within 15 days from the date the funeral director receives payment from the resource or a notification regarding payment from the resource, whichever is sooner.

STANDARDS

§ 283.11. Standards for providing burial or cremation, or both.

The funeral director shall provide services for burial or cremation, or both, in accordance with the following:

(1) Commonly accepted funeral industry practices established under the Funeral Director Law (63 P. S. §§ 479.1—479.20).

(2) Requirements for professional and vocational standards for funeral directors under 49 Pa. Code Chapter 13 (relating to state board of funeral directors).

(3) Federal standards required by the Federal Trade Commission as specified in 16 CFR Part 453 (relating to funeral industry practices).

(4) A written agreement between the funeral director and the individual handling the funeral arrangements for the deceased. The agreement will include provisions for funeral directors to provide payment for other services, including payment for interment, if services for interment are requested.

PAYMENT

§ 283.21. Department payment.

(a) The Department's payment for burial or cremation, or both, will not exceed \$750.

(b) The Department's payment is determined by adding the total value of resources under § 283.22(b) (relating to resources) contributed by an agency or individual. If the total value of resources is:

(1) Equal to or greater than \$1,500, the Department will not pay for burial or cremation, or both.

(2) Less than or equal to \$750, the Department's payment is \$750.

(3) Greater than \$750, but less than \$1,500, this amount is subtracted from \$1,500. The remainder is the Department's payment.

§ 283.22. Resources.

(a) The value of articles of clothing, transportation for the funeral party, newspaper obituaries, flowers and religious services is not considered in determining the Department's payment.

(b) The total value of the following resources is used to determine the Department's payment in accordance with § 283.21 (relating to Department payment):

(1) A burial reserve and burial space as set forth in § 177.2 (relating to definitions).

(2) Contributions of money or goods such as a casket, urn, burial plot, crypt or vault.

(3) Cash on hand in the estate of the deceased.

(4) Other personal property in the estate of the deceased that can be readily converted into cash and is not required to meet basic needs of the survivors.

(5) Life insurance death benefits paid to an individual or organization when that individual or organization paid insurance premiums and had an agreement with the insured that the benefits are used for the deceased's burial, cremation, or both.

(6) Burial or cremation benefits, or both, from a lodge or fraternal organization.

(7) A lump-sum death benefit from the Social Security Administration (SSA) as defined in 20 CFR 401.25 (relating to terms defined) payable to a surviving spouse or to a funeral director.

(i) The individual who assumed responsibility for payment of the funeral expenses may authorize that the lump-sum payment be paid to the funeral director.

(ii) The Department, at the request of the funeral director, may authorize that the lump-sum payment be paid to the funeral director if one of the following occurs:

(A) The individual who assumed responsibility for payment of the funeral expenses does not authorize the payment to the funeral director.

(B) The SSA determines that the individual who arranged burial, cremation, or both, did not assume responsibility.

(iii) The Department will not pay costs for burial or cremation, or both, until the funeral director provides definite information about payment of the lump-sum death benefit.

(8) The lump-sum death benefit from railroad retirement payable to a surviving spouse or a funeral director.

(9) Benefits available from county commissioners on behalf of deceased widows of deceased veterans.

(10) Benefits available for burial in a National cemetery.

(11) Workers compensation benefits designated for burial or cremation, or both, if death results from an accident or injuries sustained in connection with the employment of the deceased.

(12) Awards resulting from accidental death not connected with the employment of the deceased. Pending awards do not reduce the Department payment. When an award is pending, the Department will pay for burial or cremation, or both, and seek recovery when the award is made.

(13) Department of Veterans Affairs death benefits.

(14) Death benefits from United Mine Workers of America welfare and retirement or health and retirement funds.

§ 283.23. Resources from which the Department will seek to collect.

Under the following circumstances, the Department payment is not reduced by the value of the resources described in § 283.22(b) (relating to resources), but instead the Department will seek recovery if resources:

(1) Are reported to the funeral director after the deadline date as set forth in § 283.7 (relating to date of request for payment), and the funeral director does not collect from these resources.

(2) Become available only after the Department pays for burial or cremation, or both.

VIOLATIONS

§ 283.31. Funeral director violations.

If the Department learns that a funeral director has or appears to have violated a regulation, the Department will determine whether further action is needed in accordance with Chapters 1101 and 1251 (relating to general provisions; and funeral directors' services).

CHAPTER 285. (Reserved).

§ 285.1. (Reserved).

§ 285.3. (Reserved).

§ 285.4. (Reserved).

PART III. MEDICAL ASSISTANCE MANUAL

CHAPTER 1251. FUNERAL DIRECTORS' SERVICES

GENERAL PROVISIONS

§ 1251.1. Policy.

The Department provides payment for funeral directors' services rendered to eligible deceased recipients by funeral directors who are enrolled as providers under the program. Payment shall be subject to this chapter and Chapters 283 and 1101 (relating to payment for burial and cremation; and general provisions).

SCOPE OF BENEFITS

§ 1251.21. Scope of benefits for the categorically needy.

Categorically needy recipients who were receiving a money payment at the time of their death as set forth in § 283.4 (relating to assistance status of deceased) are eligible for funeral directors' services listed in Chapter 1150 (relating to MA Program payment policies) and the MA Program fee schedule hereto subject to the conditions

and limitations of this chapter and Chapter 283 (relating to payment for burial and cremation).

§ 1251.23. Scope of benefits for State Blind Pension recipients.

State Blind Pension recipients are eligible for funeral directors' services subject to the conditions and limitations of this chapter and Chapter 283 (relating to payment for burial and cremation).

PROVIDER PARTICIPATION

§ 1251.42. Ongoing responsibilities of providers.

In addition to the applicable responsibilities of providers established in § 1101.51 (relating to ongoing responsibilities of providers), funeral directors shall, as a condition of participation comply fully with Chapter 283 (relating to payment for burial and cremation).

PAYMENT FOR FUNERAL DIRECTORS' SERVICES

§ 1251.51. General payment policy.

Payment shall be made for funeral directors' services subject to the conditions and limitations established in Chapter 283 (relating to payment for burial and cremation).

UTILIZATION CONTROL

§ 1251.71. Scope of claims review procedures.

Claims submitted for payment under the MA Program are subject to the utilization control procedures established in Chapters 283 and 1101 (relating to payment for burial and cremation; and general provisions).

ADMINISTRATIVE SANCTIONS

§ 1251.81. Provider misutilization.

Providers determined to have billed for services inconsistent with MA Program regulations or to have otherwise violated the standards set forth in the provider agreement, are subject to the sanctions described in Chapter 1101 (relating to general provisions) and § 283.31 (relating to funeral director violations).

[Pa.B. Doc. No. 09-2029. Filed for public inspection October 30, 2009, 9:00 a.m.]

STATEMENTS OF POLICY

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITIES COMMISSION

[52 PA. CODE CH. 69]

Petition for Statement of Policy Regarding Application of Philadelphia Gas Works' Cash Flow Ratemaking Method; Doc. No. P-2009-2136508

On October 16, 2009, Philadelphia Gas Works (PGW) filed a petition requesting that the Pennsylvania Public Utility Commission (Commission) issue a "Statement of Policy" explaining how it intends to apply PGW's Cash Flow Ratemaking Method on a going forward basis. A copy of the proposed statement of policy is available on the Commission's web site at www.puc.state.pa.us.

Any person desiring to be heard regarding this petition may file answers thereto with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 in accordance with 52 Pa. Code. The answers should be filed on or before November 10, 2009, and all replies should be filed on or before November 17, 2009. Copies of the petition are on file with the Commission and are available for public inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday. The contact person is Assistant Counsel Stanley E. Brown at (717) 783-3968.

By the Commission

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-2030. Filed for public inspection October 30, 2009, 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 October 20, 2009.

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

Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-19-2009	George G. Levin Application for approval to acquire up to 24.99% of the Common Stock of NOVA Financial Holdings, Inc., Berwyn.	Approved

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-2-2009	Susquehanna Bank Lititz Lancaster County	1635 Market Street Philadelphia Philadelphia County	Opened
10-15-2009	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	545 West Street Road Warminster Bucks County	Approved
10-15-2009	Susquehanna Bank Lititz Lancaster County	1800 Dual Highway Hagerstown Washington County, MD	Approved

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-15-2009	ESB Bank Ellwood City Lawrence County	<i>To:</i> 527 South Main Street Zelienople Butler County <i>From:</i> 17 Northgate Plaza Harmony Butler County	Approved

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
10-14-2009	Mifflinburg Bank and Trust Company Mifflinburg Union County Articles of Amendment provide for the institution's Articles of Incorporation to be amended and restated in their entirety.	Approved and Effective

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-15-2009	TruMark Financial Credit Union Trevose Bucks County	984 Second Street Pike Richboro Bucks County	Approved

Community Charter Conversions

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
9-25-2009	Hidden River Credit Union Pottsville Schuylkill County	Filed

The credit union proposes to amend Article 8 of its Articles of Incorporation to provide the following field of membership: "Anyone who lives, works, worships, volunteers, or attends school within Schuylkill County and business and other legal entities located therein."

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

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 09-2031. Filed for public inspection October 30, 2009, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Consolidated Plan Public Meeting Notice and Regional Housing Advisory Committee Meetings

The Department of Community and Economic Development (Department) is preparing the Commonwealth's Five Year Consolidated Plan 2009-2013 Action Plan for Federal Fiscal Year (FFY) 2010. The Program Year begins January 1, 2010. This document must be submitted to, and approved by, the United States Department of Housing and Urban Development (HUD) for the Commonwealth and organizations within the State to receive funding under most HUD housing and community development programs. The Consolidated Plan creates a unified strategy for housing and community development programs, as well as the necessary linkages for building successful neighborhoods and communities.

The Commonwealth's 2009-2013 Consolidated Plan Action Plan 2010 will address how the Commonwealth intends to allocate funds under the following programs: Community Development Block Grant, HOME Investment Partnerships, Emergency Shelter Grant, Housing Opportunities for People with AIDS, Homelessness Prevention and Rapid Re-housing Program, Neighborhood Stabilization Program, and Community Development Block Grant—Recovery.

Public Meeting

One public hearing is scheduled, which will be conducted electronically by means of the Internet. The format will be more accessible in that persons wishing to make a comment or discuss policy may participate on December 1, 2009, directly from their personal computer or from any computer location that has Internet access,

such as their public library. Access to the discussion by means of the Internet will occur between 9 a.m. and 11 a.m. This more widely available personal computer access will replace the usual public meeting.

Individuals or organizations may give testimony or comments by means of the Internet. Comments will be accepted about topics related to community development, housing, the content of the Commonwealth's Plan, and the process by which the public input is gathered. The Commonwealth encourages public participation in this process.

Persons who want to participate must register in advance with Karen Overly Smith at (717) 214-5340 to receive registration instructions for the Internet meeting at least 24 hours prior to the meeting date. Internet public meeting access will be open from 9 a.m. to 11 a.m. on December 1, 2009.

Written Comments

Written comments on the content of the Consolidated Plan must be submitted by 5 p.m., November 27, 2009. Submit comments to Karen Overly Smith, Department of Community and Economic Development, Center for Community Development, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225.

Regional Housing Advisory Committee Meetings

The Commonwealth has five Regional Housing Advisory Committees across the State comprised of appointed members. Meetings of these committees are open to the public under 65 Pa.C.S. Chapter 7 (relating to the Sunshine Act). These committees advise the Department regarding housing and community development needs, as well as assist in fair housing planning. These meetings will be held as follows:

November 9, 2009
Edinboro University in Erie
The Porreco Extension Center-Barn
Classroom 9
2951 West 38th Street
Erie, PA 16506
9:30 a.m. to 12:30 p.m.

November 12, 2009
Dixon Center
Administrative Conference Room AB
2986 North Second Street
Harrisburg, PA 17110-1201
9:30 a.m. to 12:30 p.m.

November 16, 2009
West Chester University
Room 205
Graduate Business Center
1160 McDermott Drive
West Chester, PA 19383
9:30 a.m. to 12:30 p.m.

November 17, 2009
Beaver Campus
Penn State University
Room 16
Student Union Building

100 University Drive
Monaca, PA 15061
9:30 a.m. to 12:30 p.m.

November 20, 2009
University of Scranton
The DeNaples Center
Meeting Room 405
900 Mulberry Street
Scranton, PA 18510
9:30 a.m. to 12:30 p.m.

Persons with a disability who wish to attend any of the Advisory Committee meetings and require an auxiliary aid, service or other accommodation to participate, should contact Karen Overly Smith, Department of Community and Economic Development, Center for Community Development, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225, (717) 214-5340, to discuss how the Department may best accommodate their needs. Text telephone calls can be placed through the Pennsylvania AT&T Relay System at (800) 654-5984. Calls will be relayed to the Department's number listed previously.

JOHN QUIGLEY,
Acting Secretary

[Pa.B. Doc. No. 09-2032. Filed for public inspection October 30, 2009, 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 related to 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 (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<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 a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the 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 an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional 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. Comments 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 a public hearing on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0063029	Fountain Court Associates, LLC Metro Commercial Management Services, Inc. 303 Fellowship Road Suite 202 Mount Laurel, NJ 08054	Pocono Township Monroe County	Cranberry Creek HQ-CWF 1E	Y
PA0033529	Penn State University 101P Physical Plant Building University Park, PA 16802	Luzerne County Lehman Township	East Fork Harvey Creek CWF Watershed 5B	Y

Chesapeake Bay nutrient monitoring requirements for Ammonia Nitrogen, Kjeldahl Nitrogen, Nitrite-Nitrate as N, Total Nitrogen and Total Phosphorus are being added to this permit.

<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>
PA0061000	John P. Gorel Executive Manager Village of Four Seasons Association, Inc. R. R. 2 Box 3350 Union Dale, PA 18470	Herrick Township Susquehanna County	East Branch Tunkhannock Creek 4F HQ-CWF	Y

Chesapeake Bay nutrient monitoring requirements for Ammonia Nitrogen, Kjeldahl Nitrogen, Nitrite-Nitrate as N, Total Nitrogen and Total Phosphorus are being added to this permit.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (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>
PA0247103 (Sew)	Northeastern York County Sewer Authority 175 Chestnut Street Mount Wolf, PA 17347	York County East Manchester Township	Susquehanna River WWF 7H	Y
PA0083283 (Sew)	Arthur G. Bruaw, Jr. Susquehanna Estates P. O. Box 227 8632 Lincoln Way St. Thomas, PA 17252-9771	Perry County Watts Township	UNT to Susquehanna River 6-C	Y
PA0247570 (Sew)	Fredericksburg Sewer and Water Authority 113 East Main Street P. O. Box 161 Fredericksburg, PA 17026	Lebanon County Swatara Township	Swatara Creek 7-D	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0247596 (IW)	Ephrata Area Joint Authority 124 South State Street Ephrata, PA 17522-2611	Lancaster County Ephrata Township	Cocalico Creek 7-J	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0208612 (Sewage)	Ridgebury Township STP 13278 Berwick Turnpike Gillett, PA 16925	Ridgebury Township Bradford County	UNT to Bentley Creek 4(B)	Y
PA0042722 SP	Dushore Sewer Authority P. O. Box 248 Dushore, PA 18614-0248	Sullivan County Dushore Borough	Little Loyalsock Creek 10B	Y
PA0114553 (Sewage)	Millheim Borough Wastewater Facility 645 Tattleton Road Coburn, PA 16832	Penn Township Centre County	Elk Creek 6A	Y
PA0035688 (Sewage)	Potter Township Country Club Park WWTP 124 Short Road Spring Mills, PA 16875	Potter Township Centre County	Cedar Run 9C	Y

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6860.

<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>
PA0102610	Villa Vista Estates 159 Terra Drive Valencia, PA 16059	Middlesex Township Butler County	UNT to Glade Run 20-C	Y
PA0101516	Oil City Area School District Oakland Elementary School P. O. Box 929 Oil City, PA 16301	Oakland Township Venango County	UNT to Two Mile Run 16-E	Y

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

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

PA0056561, Industrial Stormwater, **Armstrong Engineering Associates, Inc.**, P. O. Box 566, West Chester, PA 19381-0566. This existing facility is located in West Bradford Township, **Chester County**.

Description of Existing Activity: This application requests renewal of an NPDES permit for the existing discharge of stormwater from the applicant's Romansville Shop. Armstrong Engineering Associates, Inc., designs and manufactures heat transfer equipment.

The receiving streams, Broad Run and a UNT (UNT 00117) are both tributaries to West Branch Brandywine Creek, and are in the State Water Plan Watershed 3H. Broad Run is designated for EV and UNT 00117 is designated for WWF, MF.

The proposed requirements for stormwater Outfall 001 which discharges to Broad Run are as follows:

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			Monitor and Report	
COD			Monitor and Report	
Oil and Grease			Monitor and Report	
pH (Standard Units)			Monitor and Report	
Total Suspended Solids			Monitor and Report	
Total Kjeldahl Nitrogen			Monitor and Report	
Phosphorus (as P)			Monitor and Report	
Iron (Dissolved)			Monitor and Report	
Trichloroethylene			Monitor and Report	

The proposed requirements for stormwater Outfall 002 which discharges to UNT 00117 are as follows:

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			Monitor and Report	
COD			Monitor and Report	
Oil and Grease			Monitor and Report	
pH (Standard Units)			Monitor and Report	
Total Suspended Solids			Monitor and Report	
Total Kjeldahl Nitrogen			Monitor and Report	
Phosphorus (as P)			Monitor and Report	
Iron (Dissolved)			Monitor and Report	
Trichloroethylene			Monitor and Report	

In addition to the requirements previously listed, the permit contains the following major special conditions:

1. Remedial Measures if Unsatisfactory Effluent.
2. BAT/ELG Reopener.
3. Test Methods.
4. Laboratory Certification.
5. Change of Ownership.
6. Stormwater Discharge Requirements.

PA0057801, Sewage, SIC 8811, **J. Brad Bennington**, 520 Ridge Valley Road, Sellersville, PA 18960. This proposed facility is located in West Rockhill Township, **Bucks County**.

Description of Proposed Activity: This application is for renewal of an NPDES permit to discharge 400 gpd of treated sewage from the Bennington residence. The receiving stream, a UNT to Ridge Valley Creek, is in the State Water Plan Watershed 3E-Perkiomen, and is classified for HQ-TSF.

The proposed effluent limits for Outfall 001 is based on a design flow of 400 gpd and are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
Flow (gpd)	Monitor			
CBOD ₅				
(5-1 to 10-31)			10	20
(11-1 to 4-30)			20	40
Total Suspended Solids			10	20
NH ₃ -N				
(5-1 to 10-31)			1.5	3.0
(11-1 to 4-30)			4.5	9.0
Total Residual Chlorine			Monitor and Report	
Fecal Coliform			200 #/100 ml	
Dissolved Oxygen			Minimum of 6.0 mg/l at all times	
pH (Standard Units)			Within limits of 6.0 to 9.0 Standard Units at all times	

The EPA waiver is in effect.

PA0053015, SEW, SIC 4952, **A Place in The Country, Inc.**, 1007 Route 313, Perkasio, PA 18944. This proposed facility is located in East Rockhill Township, **Bucks County**.

Description of Proposed Activity: renewal of an NPDES permit to discharge 4,320 gpd of treated wastewater from Country Place Restaurant STP.

The receiving stream, UNT to Three Mile Run, is in the State Water Plan Watershed 2D—Three Mile Run and is classified for: TSF.

The proposed effluent limits for Outfall 001, based on a design flow of 4,320 gpd, are as follows:

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Total Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Phosphorus (as P)	0.5	1.0
Total Residual Chlorine	0.17	0.32

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform	200 #/100 ml as a Geometric Average	1,000 #/100 ml as a Geometric Average
Dissolved Oxygen	minimum of 4.0 mg/l at all times	
pH	Within limits of 6.0 to 9.0 Standard Units at all times	

In addition to the effluent limits, the permit contains the following major special conditions:

1. Municipal Sewers.
2. Remedial Sewers.
3. No Stormwater.
4. Property Rights.
5. Small Stream Discharge.
6. Change of Ownership.
7. Chlorine Minimization.
8. Sludge Disposal.
9. I-Maximum Limits.
10. 2/Month Monitoring.
11. Discharges to SP Waters.
12. Fecal Coliform I-Maximum.
13. Laboratory Certification.

PA0051756, SEW, SIC 4952, **State Farm Mutual Automobile Insurance Company**, One State Farm Drive, Concordville, PA 19331. This proposed facility is located in Concord Township, **Delaware County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from State Farm Insurance Company STP.

The receiving stream, UNT to West Branch of Chester Creek, is in the State Water Plan Watershed 3G and is classified for: TSF.

The proposed effluent limits for Outfall 001, based on a design flow of 25,000 gpd, are as follows:

<i>Parameters</i>	<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD ₅	20	40
TSS	30	60
NH ₃ as N		
(5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Fecal Coliform	200 #/100 ml	1,000 #/100 ml
Dissolved Oxygen	4.0 (Instantaneous Minimum)	
pH	6.0 to 9.0 Standard Units	
TRC	Monitor and Report	Monitor and Report

In addition to the effluent limits, the permit contains the following major special conditions:

1. Operator Notification.
2. Abandon STP When Municipal Sewers Available.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Small Stream Discharge.
7. Change of Ownership.
8. Chlorine Minimization.
9. Proper Sludge Disposal.
10. I-Maximum Limits.
11. 2/Mo Monitoring.
12. Lab Certification.
13. Operator Training Plan.
14. Fecal Coliform I-Maximum Reporting.

PA0050547, Sewage, SIC 4952, **Indian Run Village, LLC**, P. O. Box 677, Morgantown, PA 19543. This proposed facility is located in West Brandywine Township, **Chester County**.

Description of Proposed Activity: This application is for renewal of an NPDES permit to discharge treated sewage from the Indian Run Village Mobile Home Park sewage treatment plant to Indian Run Creek, a tributary to East Branch of Brandywine Creek.

The receiving stream, Indian Run Creek, a tributary to East Branch of Brandywine Creek, is in the State Water Plan Watershed 3H and is classified for: HQ-CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0375 mgd:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅					
(5-1 to 10-31)	31.3		10		20
(11-1 to 4-30)	6.26		20		40
Total Suspended Solids	6.26		20		40
Ammonia as N					
(5-1 to 10-31)	0.94		3.0		6.0
(11-1 to 04-30)	2.81		9.0		18.0
Phosphorus as P	0.31		1.0		2.0
Total Residual Chlorine			0.4		1.0
Fecal Coliform			200/100 ml		1,000/100 ml
Dissolved Oxygen			5.0 (Minimum)		
pH			6.0 (Minimum)		9.0
Total Nitrogen**					
(Years 1 and 2)	M/R*		M/R*		

* M/R = Monitor and Report.

** Total Nitrogen = Total Kjeldahl-N + Nitrite-N + Nitrate-N

In addition to the effluent limits, the permit contains the following major special conditions:

1. Notification of Designation of Operator.
2. Abandon STP when Municipal Sewers Available.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Change of Ownership.
7. Total Residual Chlorine Requirement.
8. Sludge Disposal Requirement.
9. I-Maximum.
10. 2/Month Sampling.
11. Laboratory Certification.
12. Fecal Coliform I-Maximum Reporting.
13. Certified Operator.

PA0057738, SEW, SIC 4952, **Department of Conservation of Natural Resources, Bureau of State Park**, 11 Lodi Hill Road, Upper Black Eddy, PA 18972-9540. This facility is located in Solebury Township, **Bucks County**.

Description of Proposed Activity: renewal of an NPDES permit to discharge 800 gpd of treated sewage into the Delaware River.

The receiving stream, Delaware River, is in the State Water Plan Watershed 2E and is classified for: Special Protection Waters. The nearest downstream public water supply intake for PA Americal Water Company is located on Delaware River and is 16 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 800 gpd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Total Residual Chlorine	Monitor and Report	Monitor and Report
Fecal Coliform	200 colonies/100 ml as a Geometric Average	1,000
pH	Within limits of 6.0 to 9.0 Standard Units at all times	

In addition to the effluent limits, the permit contains the following major special conditions:

1. Abandon STP when Municipal Sewers.
2. Remedial Measures if Unsatisfactory Effluent.
3. No Stormwater.
4. Necessary Property Rights.
5. Change in Ownership.
6. Proper Sludge Disposal.
7. Annual Flow vs. Attendance Report.
8. Laboratory Certification.

PA0050075, SEW, SIC 4952, **Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. This proposed facility is located in Willistown Township, **Chester County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from Willistown Woods STP.

The receiving stream, UNT to Hunters Run, is in the State Water Plan Watershed 3G and is classified for: HQ-TSF.

The proposed effluent limits for Outfall 001 are based on a design flow of 175,000 gpd.

<i>Parameters</i>	<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Instantaneous Maximum</i>
CBOD ₅	8.5	17
TSS	17	34
NH ₃ as N		
(5-1 to 10-31)	0.9	1.8
(11-1 to 4-30)	2.5	5.0
Fecal Coliform	200 #/100 ml	1,000 #/100 ml
Dissolved Oxygen		6.0 (Instantaneous Minimum)
pH	6.0 to 9.0 Standard Units	
TRC	0.05	0.12

In addition to the effluent limits, the permit contains the following major special conditions:

1. Operator Notification.
2. Abandon STP when Municipal Sewers Available.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Change of Ownership.
7. Chlorine Minimization.
8. Proper Sludge Disposal.
9. I-Maximum Limits.
10. Lab Certification.
11. Operator Training Plan.
12. Fecal Coliform I-Maximum Reporting.

PA0053082, Sewage, SIC 4952, **Alexander Hionis and Partners**, P. O. Box 208, Mendenhall, PA 19357. This proposed facility is located in Kennett Township, **Chester County**.

Description of Proposed Activity: This application is for renewal of an NPDES permit to discharge treated sewage from the Mendenhall Inn Sewage Treatment Plant.

The receiving stream, UNT to Brandywine Creek, is in the State Water Plan Watershed 3H and is classified for: WWF and MF.

The proposed effluent limits for Outfall 001 are based on a design flow of 20,600 gpd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅					
(5-1 to 10-31)	1.71		10		20
(11-1 to 4-30)	3.42		20		40
Total Suspended Solids	1.71		10		20
Ammonia as N					

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum (mg/l)
(5-1 to 10-31)	0.51		3.0		6.0
(11-1 to 4-30)	1.51		9.0		18.0
Phosphorus as P	0.17		1.0		2.0
Total Residual Chlorine			0.2		0.5
Fecal Coliform			200 #/100 ml		1,000 #/100 ml
Dissolved Oxygen			5.0 (minimum)		
pH (Standard Units)			6.0 (minimum)		9.0
Total Nitrogen** (Year 1 to 2)	M/R*		M/R*		

* M/R = Monitor and Report.

** Total Nitrogen = Total Kjeldahl-N + Nitrite-N + Nitrate-N.

In addition to the effluent limits, the permit contains the following major special conditions:

14. Notification of Designation of Operator.
15. Abandon STP when Municipal Sewers Available.
16. Remedial Measures if Unsatisfactory Effluent.
17. No Stormwater.
18. Acquire Necessary Property Rights.
19. Change of Ownership.
20. Total Residual Chlorine Requirement.
21. Sludge Disposal Requirement.
22. I-Maximum.
23. 2/Month Sampling.
24. Laboratory Certification.
25. Fecal Coliform I-Maximum Reporting.
26. Certified Operator.

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

PA No. 0070483, Industrial, **Grand Central Sanitary Landfill, Inc.**, 910 West Pennsylvania Avenue, Pen Argyl, PA 18072. This proposed facility is located in Plainfield, **Northampton County**.

Description of Proposed Activity: Discharge of treated Industrial Wastewater.

The receiving stream, UNT to Little Bushkill Creek, is in the State Water Plan Watershed 1F and is classified for: HQ-CWF. The nearest downstream public water supply intake is located on the Delaware River and is greater than 30 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.1 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
CBOD ₅			25		75
Total Suspended Solids			27	88	
Total Dissolved Solids			1,000		
Oil and Grease			15		30
Ammonia			3.0	6.0	
Color Pt. Co. Units			100		
Dissolved Oxygen			Minimum 6.0 at all times		
pH			6.0 to 9.0 Standard Units at all times		
Fecal Coliform			200 Geometric Mean		
Zinc			0.11	0.2	
Phenol			0.015	0.026	
Alpha-Terpineol			0.016	0.033	
Benzoic Acid			0.071	0.12	
P-Cresol			0.014	0.025	
Boron	3.4	5.3	4.1	6.4	
Total Residual Chlorine			0.7		1.5

The proposed effluent limits for Stormwater Outfalls 002—005, 007—009, 011 and 012.

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily
CBOD ₅				Monitor and Report
Total Dissolved Solids				Monitor and Report
Oil and Grease				Monitor and Report
pH				Monitor and Report
Lead (Total)				Monitor and Report
Total Organic Carbon				Monitor and Report
Chromium (Total)				Monitor and Report
Mercury (Total)				Monitor and Report
Selenium (Total)				Monitor and Report
Silver (Total)				Monitor and Report
Ammonia				Monitor and Report
Cyanide (Total)				Monitor and Report
Magnesium (Dissolved)				Monitor and Report
Barium (Total)				Monitor and Report
Cadmium (Total)				Monitor and Report
Nitrite Plus Nitrate Nitrogen				Monitor and Report
Iron (Dissolved)				Monitor and Report
Arsenic (Total)				Monitor and Report

In addition to the effluent limits, the permit contains the following major special conditions:

1. Stormwater.

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

Application No. PA 0027022, Sewage, **Altoona City Authority (Westerly WWTF)**, 20 Greenwood Road, Altoona, PA 16602. This facility is located in Allegheny Township, **Blair County**.

Description of activity: The application is for an amendment of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Beaverdam Branch, is in Watershed 11-A, and classified for TS, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Newport Borough Water Authority is located on the Juniata River, approximately 143 miles down-stream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 10.8 mgd are:

This amendment revised the Chesapeake Bay Strategy Implementation interim milestone dates. The final compliance date is not affected.

Persons may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is not in effect.

Application No. PA 0027014, Sewage, **Altoona City Authority (Easterly WWTF)**, 20 Greenwood Road, Altoona, PA 16602. This facility is located in Logan Township, **Blair County**.

Description of activity: The application is for an amendment of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Little Juniata, is in Watershed 11-A, and classified for TS, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Newport Borough Water Authority is located on the Juniata River, approximately 121 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 9.0 mgd are:

This amendment revises the Chesapeake Bay Strategy Implementation interim milestone dates. The final compliance date is not affected.

Persons may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is not in effect.

Application No. PA 0031810, Industrial Waste, SIC Code 8211, **Eastern Lebanon County School District**, 180 Elco Drive, Myerstown, PA 17067. This facility is located in Jackson Township, **Lebanon County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream, UNT to Tulpehocken Creek, is in Watershed 3-C, and classified for TS fishery, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Western Berks Water Authority located on the Tulpehocken Creek, approximately 27 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0359 mgd are:

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Dissolved Oxygen			Minimum of 5.0 at all times		
pH			From 6.0 to 9.0 inclusive		
Total Residual Chlorine				0.5	1.6
Total Suspended Solids				30	60
Total Phosphorus				1.0	2.0
CBOD ₅				25	50
NH ₃ -N (Interim)					
(5-1 to 10-31)				10	20
(10-1 to 4-30)				20	40
Fecal Coliform					
(5-1 to 9-30)			200/100 ml as a Geometric Average		
(10-1 to 4-30)			2,000/100 ml as a Geometric Mean		

Persons may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is in effect.

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

PA0228451, CAFO, SIC 213, **Adam Meily**, 1220 Parthemer Road, McClure, PA 17841. This proposed facility is located in West Beaver Township, **Snyder County**.

Description of Proposed Activity: An existing hog finishing operation that was previously operating under a General Permit. The facility is permitted for 1,102 Animal Equivalent Units. All manure generated onsite will be exported.

The receiving stream, Jacks Creek, is in the State Water Plan Watershed 12A and is classified for: CWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State Narrative Water Quality Standards.

In addition to the effluent limits, the permit contains a major special condition as follows:

A. Compliance Schedule

Under the previously issued NPDES Permit No. PAG124818, the permittee did not implement permit condition Part C A (1). Within 120 days from the date this permit is issued, the permittee shall comply with 25 Pa. Code § 83.362(c) pertaining to the 3-year review of the permittee's Nutrient Management Plan and plan amendment requirements. The permittee shall provide a copy to the Department of Environmental Protection of all submittals made to the reviewing agency to comply with this condition.

Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

PA0031291, Sewage, **YMCA of Greater Pittsburgh-Deer Valley**, 254 Deer Valley Drive, Fort Hill, PA 15540-2116. This application is for renewal of an NPDES permit to discharge treated sewage from Deer Valley Camp STP in Elk Lick Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Cove Run, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Ohiopyle Borough Municipal Waterworks on the Youghiogheny River.

Outfall 001: existing discharge, design flow of 0.015 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen (5-1 to 10-31)	15.0			30.0

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0216721, Sewage, **George E. and Patricia N. Meerhoff and Thomas E. and Kelly G. Meerhoff**, 1118 Old Route 31, Mount Pleasant, PA 15666. This application is for renewal of an NPDES permit to discharge treated sewage from Meerhoff STP in Mt. Pleasant Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Jacobs Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Westmoreland County Municipal Authority—McKeesport.

Outfall 001: existing discharge, design flow of 0.00086 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen (5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

III. WQM Industrial Waste and Sewerage Applications under the Clean Streams Law (35 P. S. §§ 691.1—691.1001)

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

WQM Permit No. 0909411, Sewerage, **Teva Pharmaceuticals**, 1090 Horsham Road, North Wales, PA 19454-1505. This proposed facility is located in West Rockhill Township, **Bucks County**.

Description of Action/Activity : Construction and operation of a private pumping station and force main.

WQM Permit No. 5109401, Sewerage, **Philadelphia Water Department**, 1101 Market Street, 2nd Floor, Philadelphia, PA 19107. This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Action/Activity: Construction of a 12" and 16" public gravity sanitary sewer extension, new pump station and force main and upgrade to existing pump station.

WQM Permit No. 2309409, Sewerage, **Darby Creek Joint Authority**, P. O. Box 999, Chester, PA 19016-0999. This proposed facility is located in Upper Darby Township, **Delaware County**.

Description of Action/Activity: Installation of a sanitary sewer.

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

WQM Permit No. 3509402, Sewerage, **Clarks Summit-South Abington Joint Sewer Authority**, 200 Northern Boulevard, P. O. Box 199, Chinchilla, PA 18410-0199. This proposed facility is located in South Abington Township, **Lackawanna County**.

Description of Proposed Action/Activity: This project is for a hydraulic rerate of the existing wastewater treatment plant at Clarks Summit—South Abington Jt. Sewer Authority.

WQM Permit No. 4509404, Sewerage, **Middle Smithfield Township Municipal Authority**, 25 Municipal Drive, East Stroudsburg, PA 18302. This proposed facility is located in Middle Smithfield Township, **Monroe County**.

Description of Proposed Action/Activity: This project involves an extension to, and the addition of, a new sanitary sewer pump station to the Middle Smithfield Township existing sanitary sewer system on SR 209.

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

WQM Permit No. 2105402, Amendment 09-1, Sewerage, Shippensburg Borough Authority, 111 North Fayette Street, P. O. Box 129, Shippensburg, PA 17257-0129. This proposed facility is located in Southampton Township, Franklin County.

Description of Proposed Action/Activity: Seeking approval for replacement of an existing tertiary filters and replacement of existing chlorine disinfection system with a new ultraviolet (UV) unit. New filters and UV unit will be housed in the existing filter building. The existing chlorine contact tank is to be used as a post aeration tank.

IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

V. Applications for NPDES Wavier Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

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

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Lehigh County Conservation District: Lehigh Agriculture Center, Suite 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023909017	Lower Macungie Township Attn: Bruce Fosselman 3400 Brookside Drive Macungie, PA 18062	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033609006	Jim Wiggins Wesley United Methodist Church 7 Wesley Road P. O. Box 364 Quarryville, PA 17566	Lancaster	Colerain Township	Stewart Run HQ-CWF-MF
ESCP2209801	Harrisburg Authority 212 Locust Street Harrisburg, PA 17101	Dauphin	Rush Township	Clark Creek HQ-CWF
PAI030509001	Atlantic Wind, LLC 201 King of Prussia Road Suite 500 Radnor, PA 19380	Bedford	Bedford, East St. Clair, South Woodbury and King Townships	UNT to Oppenheimer Run WWF

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

PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), 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 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) 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 www.pacd.org/districts/directory.htm 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.

The address for the SCC is Agriculture Building, Room 407, 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—APPLICATIONS

<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>Application or Action</i>
Troester Dairy 175 Cannon Road Mifflinburg, PA 17844	Union	773	1,070.25	Dairy	NA	New

PUBLIC WATER SUPPLY (PWS) PERMIT

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (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 any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who 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 should 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

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

Application No. 1509510, Public Water Supply.

Applicant	Camphill Special Schools
Township	East Vincent
County	Chester
Responsible Official	Guy Alma 1784 Fairview Road Glenmoore, PA 19343
Type of Facility	PWS
Consulting Engineer	Rettew 3020 Columbia Avenue Lancaster, PA 17603
Application Received Date	September 23, 2009
Description of Action	Construction of a new well with disinfection, arsenic treatment and storage.

Central Office: Bureau Director, Water Standards and Facility Regulation, P. O. Box 8467, Harrisburg, PA 17105-8467.

Permit No. 9996311, Public Water Supply.

Applicant	Boreal Water Collection, Inc.
Township or Borough	Kiamesha Lake, NY
Responsible Official	Louis Wright, Plant Manager
Type of Facility	Out-of-State Bottled Water System
Application Received Date	October 15, 2009
Description of Action	Applicant requesting Department of Environmental Protection approval to change company name from Leisure Time Spring Water to Boreal Water Collection, Inc. The permit transfer involved change of ownership and major modification. The company will sell bottled water in Pennsylvania under the brand names: Leisure Time Spring Water, Leisure Time Distilled Water, Crystal Lake Spring Water and PRET Spring Water.

MINOR AMENDMENT

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

Application No. 2609509MA, Minor Amendment.

Applicant	Municipal Authority of Westmoreland County 124 Park and Pool Road New Stanton, PA 15672
Township or Borough	Mt. Pleasant Township
Responsible Official	Christopher Kerr Resident Manager Municipal Authority of Westmoreland County 124 Park and Pool Road New Stanton, PA 15672
Type of Facility	Water system
Consulting Engineer	
Application Received Date	
Description of Action	Installation of approximately 4,250 feet of 12-inch and 1,650 feet 8-inch water main (Udell Road water main project).

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

Application No. 6200501-MA3, Minor Amendment.

Applicant	Youngsville Borough Warren County
Township or Borough	Youngsville Borough
Responsible Official	Terry Williams Borough Manager Youngsville Borough 40 Railroad Street Youngsville, PA 16371
Type of Facility	Public Water System
Application Received Date	October 9, 2009
Description of Action	Repair interior leaks in water storage tanks.

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—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (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. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remedi-

ate a site as a special industrial area must 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, a combination of the cleanup standards or who 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 any 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 sites identified, 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. 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 before which the notice appears. 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 Pennsylvania AT&T Relay Service at (800) 654-5984.

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

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

Getz Residence, Swatara Township, **Lebanon County**. ATC Associates, Inc., 101 Allegheny Street, Suite B, Hollidaysburg, PA 16648, on behalf of Cindy and Ernie Getz, 3 Eve Avenue, Lebanon, PA 17042 and Kreiser Fuel Service, 122 Race Horse Drive, Jonestown, PA 17038, submitted a Notice of Intent to Remediate site soils contaminated with home heating oil released from a ruptured tank. The site will be remediated to the Residential Statewide Health Standard and will remain a residence.

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

Former Getty Pumping Station, Homer and Eulalia Townships, **Potter County**. SAIC, 6310 Allentown Boulevard, Harrisburg, PA 17112 on behalf of Chevron Environmental Management Company, 6111 Bollinger Canyon Road, San Ramon, CA 94583 has submitted a Notice of Intent to Remediate soil and groundwater contaminated

with petroleum hydrocarbon target compounds associated with crude oil. The applicant proposes to remediate the site to meet the Site-Specific Standard. The intended future use of the property is anticipated to be recreational or timber agricultural use.

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

John Maneely Company—Wheatland Tube Cold Draw Facility, Wheatland Borough, Mercer County. ENVIRON Corporation, 1760 Market Street, Suite 1000, Philadelphia, PA 19103 on behalf of John Maneely Company—Wheatland Tube Company, 1 Council Avenue, Wheatland, PA 16161 has submitted a Notice of Intent to Remediate. The site is a former pipe manufacturing facility. Soil and groundwater at the site appear to be impacted from historical industrial operations. Contaminates identified at the site include low pH and inorganics in groundwater related to historic pickling operations and acid use, chlorinated solvent-impacted soil and groundwater associated with a former subgrade vapor degreaser tank and former above-ground solvent storage tank, and polychlorinated biphenyls and polynuclear aromatic hydrocarbons impacted groundwater resulting from the storage and use of petroleum compounds at the property. The intended future use of the property is commercial/industrial and will be remediated to meet the Site-Specific Standard. The Notice of Intent to Remediate was published in *The Herald* on September 9, 2009.

RESIDUAL WASTE GENERAL PERMITS

Application 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 Number WMGR121. TerraAqua Resource Management, LLC, 1000 Commerce Park Drive, Williamsport, PA 17701-5475. The application is for chemical and physical processing of flowback and produced water from natural gas wells for beneficial use as hydraulic fracturing fluid in natural gas well drilling. The proposed processing is limited to filtration, alkaline precipitation, coagulation and flocculation, and neutralization. The application was found to be administratively complete by Central Office on October 20, 2009.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984. 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

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

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit Application No. 101546. Potter County Solids Waste Authority, 2504 SR 49 West, Ulysses, PA. 16948, Ulysses Township, Potter County. This application is for a permit renewal for an existing transfer station facility. The application was received by Northcentral Regional Office on August 11, 2009.

Comments concerning the application should be directed to Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the general permit application may contact the Williamsport Regional Office, (570) 327-3740. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of, the application.

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

Permit Application No. 100403. Seneca Landfill, Inc., P. O. Box 1080, Mars, PA 16046, Jackson Township, Butler County. The application is a Permit Renewal for Seneca Landfill. The application was received October 5, 2009, and found to be administratively complete by the Northwest Regional Office on October 19, 2009.

Comments concerning the application should be directed to Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Persons interested in obtaining more information about the general permit application may contact the Northwest Regional Office, (814) 332-6848. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (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 all the 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 has received applications for plan approvals and/or operating permits from the following facilities.

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must 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 identified before the application. TDD users should 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 (act) and regulations adopted under the act.

PLAN APPROVALS

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

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, M. Gorog and B. Hatch, Environmental Engineer Managers, (412) 442-4163/5226.

03-00215A: Allegheny Mineral Corp. (P. O. Box 1022, Kittanning, PA 16201) for construction and operation of the new Worthington Limestone Processing Plant adjacent to an existing mining operation in West Franklin Township, **Armstrong County**.

30-00072F: Consol Pennsylvania Coal Co., LLC (1000 Consol Energy Drive, Canonsburg, PA 15317-6506) for construction of an overland conveyor belt to transport course coal refuse from the prep plant to awaiting transport vehicles at Bailey Prep Plant in Richhill Township, **Greene County**.

63-00110H: World Kitchen, LLC (100 8th Street, Charleroi, PA 15022-1619) for rebricking of glass melting tank 11, expansion of the capacity of the electric boost system, and replacement of a corroded exhaust stack at their Charleroi Plant glass manufacturing facility in Charleroi Borough, **Washington County**.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Sachin Shankar, New Source Review Chief, (484) 250-5920.

46-0020F: Superior Tube Co., Inc. (3900 Germantown Pike, Collegeville, PA 19426) for modification to increase allowable VOC emission limits for vapor degreaser No. 661 and coil degreaser No. 6836 in Lower Providence Township, **Montgomery County**. This modification will result in a net increase in potential VOC emissions of 9.1 tpy. This facility is a Title V facility. The Plan approval will contain recordkeeping and operating restriction designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2507.

35-302-123: PEI Power Corp. (P. O. Box 157, Archbald, PA 18403-0157) for modification of their existing main boiler to take a restriction to use landfill gas greater than 51% of the time in Archbald Borough, **Lackawanna County**. The current emission limits for the boiler will remain unchanged. PEI Power Corp. is a major facility subject to Title V permitting requirements. The company currently has a Title V Permit 35-00002. The plan approval will include all appropriate monitoring, recordkeeping and reporting requirements designed to keep the boiler operating within all applicable air quality requirements. The Plan Approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date. For further details, contact Ray Kempa at (570) 826-2511 within 30 days after publication date.

40-309-041: Schott Glass Technologies, Inc. (400 York Avenue, Duryea, PA 18642) for installation of a new baghouse to control PM emissions from five existing furnaces to comply with new NESHAP regulations in Duryea Borough, **Luzerne County**. The PM emissions will be limited to 0.2 lbs/ton glass produced. Schott Glass is a major facility subject to Title V permitting requirements. The company will be subject to and comply with 40 CFR 63 Subpart SSSSSS—National Emission Standards for HAPs. The company currently has a Title V Permit 40-00034. The Department of Environmental Protection is granting a 1 year extension to comply with this NESHAP regulation. The plan approval will include all appropriate monitoring, recordkeeping and reporting requirements designed to keep the furnaces operating within all applicable air quality requirements. The Plan Approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date. For further details, contact Ray Kempa at (570) 826-2511 within 30 days after publication date.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, M. Gorog and B. Hatch, Environmental Engineer Managers, (412) 442-4163/5226.

03-00229E: Rosebud Mining Company (301 Market Street, Kittanning PA 16201) to allow construction and

modification of the Logansport Coal Preparation Plant in Bethel Township, **Armstrong County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.45, the Department of Environmental Protection (Department) intends to issue Plan Approval 03-00229E to allow the construction and modification of the Logansport Coal Preparation Plant in Bethel Township, Armstrong County. The emissions from this facility are estimated to be 22.96 tons of PM per year and 12.17 tons of PM10 per year. The proposed facility is subject to the applicable requirements of 25 Pa. Code Chapter 127 (relating to construction, modification, reactivation and operation of sources). The Department believes that the facility will meet these requirements by complying with the following Plan Approval conditions:

Special Conditions

1. This Plan Approval is to allow the construction and operation of a Coal Preparation Plant by the Rosebud Mining Company at their Logansport Coal Preparation Plant located in Bethel Township, Armstrong County.

2. Raw coal throughput at the Facility in any consecutive 12-month period shall not exceed 2.5 million tons.

3. Air contamination sources and controls authorized at the Facility are as follows (25 Pa. Code § 127.12b):

a. A storage Pile and Truck Dump for outside screened coal along with an underground Reclaim tunnel and 36" Outside Raw Coal Reclaim Belt (belt will be covered to prevent fugitive emissions).

b. 42" No. 1 and No. 2 Raw Coal Conveyors for screened raw coal (maximum rate of 1,500 tph).

c. A Raw Coal De-sliming screen along with a H. M. Cyclone/Spiral wet process.

d. Tube Stacker for screened Raw Coal from the Logansport Mine along with two Gravity Flow R.O.M. Reclaim Feeders to an underground Raw Coal Reclaim Tunnel.

e. A covered plant feed conveyor which will feed screened coal to the 400 tph Logansport Preparation Plant.

f. A 30" filter Cake Belt for coarse refuse rated at 25 tph (inside building to the filter cake bunker).

g. Two 30" Coarse Refuse Belts rated at 75 tph.

h. A 30" by 80" Refuse Radial Stacker to storage pile where trucks will take reject to the refuse area.

i. A 30" Clean Coal Collection Belt rated at 300 tph.

j. The baghouse that was previously used to control emissions from the air jig will be used to collect any fugitives that may be generated in the preparation plant and will deposit collected material on the 30" Clean Coal Collection Belt (it is not known how much dust will be collected from this operation).

k. A 36" by 125" covered Clean Coal Radial Stacker rated at 300 tph.

l. A Clean Coal Pile and Underground Clean Coal Reclaim Tunnel (Clean Coal is estimated to have moisture content of 5.5%).

m. A radial stacker with underground reclaim conveyor to feed a load out conveyor to the rail load operation.

n. A 60" by 70" Load-out Conveyor capable of loading up to 3,000 tph of clean coal.

o. A Rail Load-out equipped with a Pant Leg Chute equipped with a Flop Gate and Rubber Boots.

p. Miscellaneous material handling activities.

4. Air pollution prevention measures at the Facility include the following (25 Pa. Code § 127.12b):

a. Pressurized water truck with pressurized spray gun; stockpile and roadway control.

b. Paving, sweeper and pressurized water truck; roadway control.

c. Truck tarping; truck shipping control.

d. Covers; conveyor, transfer point, radial stacker and screen control.

e. Water sprays; transfer point and screen control.

f. Coal moisture greater than 5%; Facility fugitive emission control.

5. There shall be no fugitive emissions from the Facility contrary to 25 Pa. Code §§ 123.1 and 123.2.

6. Per 25 Pa. Code § 123.31, a person may not permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source in such a manner that the malodors are detectable outside the property of the person on whose land the source is being operated.

7. Visible emission from diesel engine stacks shall not exceed the following limitations (25 Pa. Code § 127.12b):

a. Equal to or greater than 20% for a period or periods aggregating more than 3 minutes in any 1 hour.

b. Equal to or greater than 60% at any time.

8. Coal shall be stockpiled in such a manner that it may be adequately wetted by the onsite pressurized water truck to control fugitive emissions. All coal shall be adequately wetted prior to, during, and after processing, as necessary, to control fugitive emissions (25 Pa. Code § 127.12b).

9. All conveying equipment, radial stackers, and front-end loaders used to stockpile, transfer, and load coal shall maintain a minimal amount of drop height at all times so as to prevent fugitive emissions (25 Pa. Code § 127.12b).

10. The Owner/Operator shall employ the use of existing vegetation as wind barriers around coal storage piles (25 Pa. Code § 127.12b).

11. All hoppers, screens, and transfer points shall be fully enclosed in a building, or equipped with water sprays, or both (25 Pa. Code § 127.12b).

12. All conveyors and radial stackers shall be covered, except if located within 500 feet of a residence where total enclosure will be required (25 Pa. Code § 127.12b).

13. The plant access road shall be paved for the first 500 feet and maintained so as to prevent fugitive emissions from crossing the property line. The remaining areas of vehicle traffic shall be paved or periodically delineated with gravel or crushed stone, as necessary to prevent fugitive emissions from crossing the property line (25 Pa. Code § 127.12b).

14. In-plant roads and areas of vehicle traffic shall be watered and swept, as needed on a preventative basis, such that visible fugitive emissions do not cross the property line in accordance with 25 Pa. Code §§ 123.1 and 123.2. Other methods of dust control shall be used when weather conditions make in-plant road watering hazardous, as necessary, to prevent visible fugitive emissions from crossing the property line in accordance with 25 Pa. Code §§ 123.1 and 123.2.

15. Road watering and sweeping shall be performed on, as needed, and earth or other material transported from

the site shall be removed promptly from, as needed, the paved public road (SR 210) to prevent visible fugitive emissions in accordance with 25 Pa. Code § 123.1(c).

16. The Owner/Operator shall post a requirement stating, "All loaded trucks exiting the plant property shall be properly tarpaulin covered" (25 Pa. Code § 127.12b).

17. The Owner/Operator shall perform a daily inspection of the Facility for the presence of malodor, fugitive and visible emissions. Records of each inspection shall be maintained in a log and include any corrective actions taken (25 Pa. Code § 127.12b).

18. Coal moisture shall be tested at the truck loadout on each day that the Facility operates. Records of those tests shall be maintained in a log (25 Pa. Code § 127.12b).

19. The Owner/Operator shall maintain the following 12-month rolling totals (25 Pa. Code § 127.12b):

- a. Tons of raw coal processed at the Facility.
- b. Tons of clean coal shipped from the Facility by truck.
- c. Tons of oversize coal shipped from the Facility by truck.
- d. The number of hours the emergency diesel engine operated using a nonresettable hour meter.

20. The Facility is subject to New Source Performance Standards for Coal Preparation Plants and for Stationary Compression Ignition Internal Combustion Engines (40 CFR Part 60, Subparts Y and IIII respectively). In accordance with 40 CFR 60.4, copies of all requests, reports, applications, submittals and other communications shall be forwarded to both Environmental Protection Agency (EPA) and the Department at the addresses listed as follows unless otherwise noted.

Director
Air Toxics and Radiation
US EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Program Manager
Air Quality Program
Department of Environmental Protection
Southwest Regional Office
400 Waterfront Drive
Pittsburgh, PA 15222-4745

21. All logs and required records shall be maintained onsite for a minimum of 5 years and shall be made available to the Department upon request (25 Pa. Code § 127.12b).

22. Upon determination by the Owner/Operator that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall contact the Department's reviewing engineer and schedule the Initial Operating Permit Inspection (25 Pa. Code § 127.12b).

23. Upon completion of Initial Operating Permit Inspection and determination by the Department that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall submit a State-only Operating Permit application at least 60 days prior to the expiration date of the Plan Approval (25 Pa. Code § 127.12b).

24. If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this Plan Approval may be in excess of the limitations specified in, or established under this plan

approval or the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate. Such testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at such time as it notifies the company that testing is required (25 Pa. Code § 127.12b).

25. The Owner/Operator shall perform a daily inspection of the Facility for the presence of fugitive and visible emissions. Records of each inspection shall be maintained in a log and include any corrective actions taken.

General Conditions

1. Words and terms that are not otherwise defined in this plan approval shall have the meanings set forth in section 3 of the Air Pollution Control Act (APCA).

2. The issuance of this plan approval does not prevent the future adoption by the Department of any rules, regulations or standards, or the issuance of orders necessary to comply with the requirements of the Federal Clean Air Act (CAA) or the APCA, or to achieve or maintain ambient air quality standards. The issuance of this plan approval shall not be construed to limit the Department's enforcement authority.

3. This plan approval authorizes temporary operation of the sources covered by this plan approval provided the following conditions are met:

a. When construction, installation, modification or reactivation is being conducted, the permittee should provide written notice to the Department of the completion of the activity approved by this plan approval and the permittee's intent to commence operation at least 5 working days prior to the completion of said activity. The notice shall state when the activity will be completed and when the permittee expects to commence operation. When the activity involves multiple sources on different time schedules, notice is required for the commencement of operation of each source.

b. Under 25 Pa. Code § 127.12b(d), temporary operation of the sources to facilitate the shakedown of sources and air cleaning devices, to permit operations pending the issuance of a permit under 25 Pa. Code Chapter 127, Subchapter F or G (relating to operating permits; and Title V operating permits) or to permit the evaluation of the air contaminant aspects of the source.

c. This plan approval authorizes a temporary operation period not to exceed 180 days from the date of commencement of operation, provided the Department receives notice from the permittee under paragraph (a), previously.

d. The permittee may request an extension of the 180-day shakedown period if further evaluation of the air contamination aspects of the sources is necessary. The request for an extension should be submitted, in writing, to the Department at least 15 days prior to the end of the initial 180-day shakedown period and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance, and the reasons compliance has not been established. This temporary operation period will be valid for a limited time and may be extended for additional limited periods, each not to exceed 180 days.

e. The notice submitted by the permittee under subpart a. previously listed, prior to the expiration date of the plan approval, shall modify the plan approval expiration date on page 1 of this plan approval. The new plan

approval expiration date shall be 180 days from the date of commencement of operation.

4. The permittee shall maintain and operate the sources and associated air cleaning devices in accordance with good engineering practice as described in the plan approval application submitted to the Department.

5. The records, reports or information obtained by the Department or referred to at public hearings shall be available to the public, except as provided in paragraph a. of this condition.

a. Upon cause shown by the permittee that the records, reports or information or a particular portion thereof, but not emission data, to which the Department has access under the act, if made public, would divulge production or sales figures or methods, processes or production unique to that person or would otherwise tend to affect adversely the competitive position of that person by revealing trade secrets, including intellectual property rights, the Department will consider the record, report or information, or particular portion thereof confidential in the administration of the act. The Department will implement this section consistent with sections 112(d) and 114(c) of the CAA (42 U.S.C.A. §§ 7412(d) and 7414(c)). Nothing in this section prevents disclosure of the report, record or information to Federal, State or local representatives as necessary for purposes of administration of Federal, State or local air pollution control laws, or when relevant in a proceeding under the act.

6. This plan approval will be valid for a limited time, as specified by the expiration date contained on page 1 of this plan approval. Except as provided in §§ 127.11a and 127.215 (relating to reactivation of sources; and reactivation), at the end of the time, if the construction, modification, reactivation or installation has not been completed, a new plan approval application or an extension of the previous approval will be required.

a. If construction has commenced, but cannot be completed before the expiration of this plan approval, an extension of the plan approval must be obtained to continue construction. To allow adequate time for departmental action, a request for the extension should be postmarked at least 30 days prior to the expiration date. The Department will not issue an extension after the plan approval expires. The request for an extension should include the following:

- i. A justification for the extension,
- ii. A schedule for the completion of the construction.

b. If construction has not commenced before the expiration of this plan approval, then a new plan approval application must be submitted and approval obtained before construction can commence.

c. If the construction, modification or installation is not commenced within 18-months of the issuance of this plan approval or if there is more than an 18-month lapse in construction, modification or installation, a new plan approval application that meets the requirements of 25 Pa. Code Chapter 127, Subchapters B, D and E (relating to plan approval requirements; prevention of significant deterioration of air quality; and new source review) shall be submitted.

7. This plan approval may not be transferred from one person to another except when a change of ownership is demonstrated to the satisfaction of the Department and the Department approves the transfer of the plan approval in writing.

a. Section 127.12a (relating to compliance review) applies to a request for transfer of a plan approval. A compliance review form shall accompany the request.

b. This plan approval is valid only for the specific source and the specific location of the source as described in the application.

8. Under 35 P.S. § 4008, no person shall hinder, obstruct, prevent or interfere with the Department or its personnel in the performance of any duty authorized under the APCA.

a. The permittee shall also allow the Department to have access at reasonable times to say sources and associated air cleaning devices with such measuring and recording equipment, including equipment recording visual observations, as the Department deems necessary and proper for performing its duties and for the effective enforcement of the APCA and regulations adopted under the act.

b. Nothing in this plan approval condition shall limit the ability of the EPA to inspect or enter the premises of the permittee in accordance with section 114 or other applicable provisions of the CAA.

9. This plan approval may be terminated, modified, suspended or revoked and reissued if one or more of the following applies:

a. The permittee constructs or operates the source subject to the plan approval in violation of the act, the CAA, the regulations promulgated under the act or the CAA, a plan approval or permit or in a manner that causes air pollution.

b. The permittee fails to properly or adequately maintain or repair an air pollution control device or equipment attached to or otherwise made a part of the source.

c. The permittee fails to submit a report required by this plan approval.

d. The EPA determines that this plan approval is not in compliance with the CAA or the regulations there under.

10. The permittee, or any other person, may not circumvent the new source review requirements of 25 Pa. Code Chapter 127, Subchapter E by causing or allowing a pattern of ownership or development, including the phasing, staging, delaying or engaging in incremental construction, over a geographic area of a facility which, except for the pattern of ownership or development, would otherwise require a permit or submission of a plan approval application.

11. No person may permit the use of a device, stack height which exceeds good engineering practice stack height, dispersion technique or other technique which, without resulting in reduction of the total amount of air contaminants emitted, conceals or dilutes an emission of air contaminants which would otherwise be in violation of this plan approval, the APCA or the regulations promulgated hereunder, except that with prior approval of the Department, the device or technique may be used for control of malodors.

12. Reports, test data, monitoring data, notifications shall be submitted to the:

Regional Air Program Manager
Department of Environmental Protection
400 Waterfront Drive
Pittsburgh, PA 15222

13. If required by section 112(r) of the CAA, the permittee shall develop and implement an accidental release program consistent with requirements of the CAA, 40 CFR Part 68 (relating to chemical accident prevention provisions) and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act.

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 Noor Nahar, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed Plan Approval (specify the Plan Approval number).
- Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

All comments must be received prior to the close of business 30 days after the date of this publication.

26-00500A: Alpha PA Coal Terminal, LLC (106 East Fredericktown Road, Luzerne Township, PA 15906)

In accordance with 25 Pa. Code §§ 127.44(b) and 127.45, the Department of Environmental Protection (Department) intends to issue a Plan Approval to allow the construction of a coal transfer terminal consisting of Stock Piles, Coal Conveyors, Barge Loading/Unloading Equipment and Roadways at their facility located in Luzerne Township, **Fayette County**.

Emissions from the source are estimated to be 13.2 tons of PM10 per year. The proposed facility is subject to the applicable requirements of 25 Pa. Code Chapter 127, related to construction, modification, reactivation and operation of sources. The Department believes that the facility will meet these requirements by complying with the following Plan Approval conditions relating to restrictions, monitoring, recordkeeping, reporting and work practice standards:

Special Conditions

1. This Plan Approval is for stockpiling and barge loading/unloading operations at the Alpha PA Coal Terminal, located in Luzerne Township, Fayette County. (25 Pa. Code § 127.12b)

2. Air contaminant sources included in this plan approval are: (25 Pa. Code § 127.12b)

- a. Stock Piles
- b. Coal Conveyors
- c. Barge Loading/Unloading Equipment
- d. Roadways

3. Air pollution control devices and limitations included in this plan approval are: (25 Pa. Code § 127.12b)

- a. Water sprays at conveyor transfer points
- b. Partial conveyor enclosures
- c. Limited throughput
- d. Truck tarping
- e. Reduced truck speeds
- f. Pressurized water truck equipped with water canon and roadway spray nozzles

4. There shall be no fugitive emissions from the facility contrary to 25 Pa. Code § 123.2.

5. Open burning is restricted in accordance with 25 Pa. Code § 129.14.

6. Coal will neither be delivered to nor shipped from the facility by truck or rail. (25 Pa. Code § 127.12b)

7. The Owner/Operator shall maintain a record of all malodor and fugitive emission surveys performed. The records shall include the date, time, name and title of the observer, whether fugitive emissions or malodors were observed, and any corrective action taken. (25 Pa. Code § 127.12b)

8. The owner/operator shall keep monthly records of coal throughput for this facility. (25 Pa. Code § 127.12b)

9. The facility shall not be operated in the event that the dust suppression systems are incapable of operation. (25 Pa. Code § 127.12b)

10. Coal shall be stockpiled in such a manner that it may be adequately wetted by the onsite pressurized water truck as necessary to control fugitive emissions. All coal shall be adequately wetted prior to, during, and after transfer, as necessary, to control fugitive emissions (25 Pa. Code § 127.12b).

11. Inplant roads and areas of vehicle traffic shall be watered and swept, as needed on a preventative basis, such that visible fugitive emissions do not cross the property line in accordance with 25 Pa. Code §§ 123.1 and 123.2. Other methods of dust control shall be used when weather conditions make inplant road watering hazardous, as necessary, to prevent visible fugitive emissions from crossing the property line in accordance with 25 Pa. Code §§ 123.1 and 123.2.

12. Earth or other material transported from the site shall be removed promptly, as needed, on the paved public road (SR 4002) to prevent visible fugitive emissions in accordance with 25 Pa. Code § 123.1(c).

13. All conveying equipment, clamshells, front-end loaders, or any other equipment used to stockpile, transfer, or load coal shall maintain a minimal amount of drop height at all times so as to prevent fugitive emissions (25 Pa. Code § 127.12b).

14. The Owner/Operator shall post the following (25 Pa. Code § 127.12b):

- a. A requirement stating, "All loaded trucks shall be properly tarpaulin covered."
- b. A requirement stating, "Speed Limit 15."

15. The Owner/Operator shall conduct a daily inspection of the facility during daylight hours while the facility is operating for the presence of fugitive emissions and malodors (25 Pa. Code § 127.12b).

16. The throughput of the coal unloading/loading operation shall be limited to 500,000 tons in any 12-month consecutive period. The owner/operator shall maintain a monthly log of coal shipped to and from the facility (25 Pa. Code § 127.12b).

17. All conveyors at this facility shall be partially covered and have water spray at each transfer point (25 Pa. Code § 127.12b).

18. All records shall be kept onsite for a minimum of 5 years and be made available to the Department upon request (25 Pa. Code § 127.12b).

19. The permittee shall report each malfunction that may result in an emissions increase to the Department.

For purposes of this condition a malfunction is defined as any sudden, infrequent, and not reasonably preventable failure of air pollution control or process equipment; or, operating in a nonpermitted manner.

a. When the malfunction poses an imminent and substantial danger to the public's health and safety or potential harm to the environment, the permittee shall report the incident to the Department within 1 hour.

b. The report shall describe the:

- i. name and location of the facility;
- ii. nature and cause of the malfunction;
- iii. time when the malfunction or breakdown was first observed;
- iv. expected duration of excess emissions; and
- v. estimated rate of emissions.

c. The owner or operator shall notify the Department immediately when corrective measures have been accomplished.

d. Unless otherwise required by specific reporting requirements, any malfunction that is not subject to the notice requirements of paragraph (b) of this permit condition, shall be reported to the Department within 24 hours (or the next business day) by telephone, and within 5 days by mail of discovery. The report shall contain the same information required by subsection (b)(1).

e. Malfunctions shall be reported to the Department at the following address:

Program Manager
Air Quality Program
Department of Environmental Protection
400 Waterfront Drive
Pittsburgh, PA 15222-4745
(412) 442-4000
(25 Pa. Code § 127.12b)

20. Plan Approval authorizes the temporary operation of the sources covered by this Plan Approval provided the following conditions are met (25 Pa. Code § 127.12b):

a. The Owner/Operator shall submit written Notice of the Completion of Construction and the Operator's intent to commence operation at least 5 days prior to the completion of construction. The Notice shall state the date when construction will be completed and the date when the Operator expects to commence operation.

b. Operation of the sources covered by this Plan Approval is authorized only to facilitate the start-up and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit, or to permit the evaluation of the source for compliance with all applicable regulations and requirements.

c. Upon receipt of the Notice of the Completion of Construction from the Owner/Operator the Department shall authorize a 180-day Period of Temporary Operation of the sources starting on the date of commencement of operation. This Notice submitted by the Owner/Operator, prior to the expiration of this Plan Approval, shall modify the Plan Approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of commencement of operation.

d. Upon determination by the Owner/Operator that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/

Operator shall contact the Department's reviewing engineer and schedule the Initial Operating Permit Inspection.

e. Upon completion of Initial Operating Permit Inspection and determination by the Department that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall submit a State-only Operating Permit application, at least 60 days prior to the expiration date of the Plan Approval.

f. The Owner/Operator may request an extension of the 180-day Period of Temporary Operation if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of the Period of Temporary Operation and shall provide a description of the compliance status of the source. The extension request shall include a detailed schedule for establishing compliance and the reasons compliance has not been established. This Period of Temporary Operation may be extended for additional limited periods, each not to exceed 180-days, by submitting an extension request as described previously.

g. If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this plan approval may be in excess of the limitations specified in, or established under this plan approval or the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate. Such testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at such time as it notifies the company that testing is required.

21. This approval to construct shall become invalid if:

a. the construction, modification or installation is not commenced (as defined in 40 CFR 52.21(b)(8)) within 18 months of the issuance of the plan approval, or

b. if there is more than an 18-month lapse in construction, modification, or installation. The Department may extend the 18-month period upon a satisfactory showing that an extension is justified. (25 Pa. Code § 127.13(c))

22. Notify the Department when the installation is completed so that the facility can be inspected for issuance of an operating permit. Submit an Operating Permit application within 180 days of commencement of construction.

General Conditions

1. Words and terms that are not otherwise defined in this plan approval shall have the meanings set forth in section 3 of the APCA (35 P. S. § 4003) and 25 Pa. Code § 121.1. (25 Pa. Code § 121.1)

2. The issuance of this plan approval does not prevent the future adoption by the Department of any rules, regulations or standards, or the issuance of orders necessary to comply with the requirements of the Federal CAA or the APCA, or to achieve or maintain ambient air quality standards. The issuance of this plan approval shall not be construed to limit the Department's enforcement authority. (25 Pa. Code § 127.12b (a) (b))

3. This plan approval authorizes temporary operation of the sources covered by this plan approval provided the following conditions are met.

a. When construction, installation, modification or reactivation is being conducted, the permittee should provide written notice to the Department of the completion of the activity approved by this plan approval and the permittee's intent to commence operation at least 5 working days prior to the completion of said activity. The notice shall state when the activity will be completed and when the permittee expects to commence operation. When the activity involves multiple sources on different time schedules, notice is required for the commencement of operation of each source.

b. Under 25 Pa. Code § 127.12b(d), temporary operation of the sources to facilitate the shakedown of sources and air cleaning devices, to permit operations pending the issuance of a permit under 25 Pa. Code Chapter 127, Subchapter F or G (relating to operating permits; and Title V operating permits) or to permit the evaluation of the air contaminant aspects of the source.

c. This plan approval authorizes a temporary operation period not to exceed 180 days from the date of commencement of operation, provided the Department receives notice from the permittee under paragraph (a), previously.

d. The permittee may request an extension of the 180-day shakedown period if further evaluation of the air contamination aspects of the sources is necessary. The request for an extension should be submitted, in writing, to the Department at least 15 days prior to the end of the initial 180-day shakedown period and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance, and the reasons compliance has not been established. This temporary operation period will be valid for a limited time and may be extended for additional limited periods, each not to exceed 180 days.

e. The notice submitted by the permittee under subpart (a) previously listed, prior to the expiration of the plan approval, shall modify the plan approval expiration date on page 1 of this plan approval. The new plan approval expiration date shall be 180 days from the date of commencement of operation.

4. If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this plan approval may be in excess of the limitations specified in, or established under this plan approval or the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate. The testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at the time as it notifies the company that testing is required. (25 Pa. Code § 127.12b)

5. The permittee shall maintain and operate the sources and associated air cleaning devices in accordance with good engineering practice as described in the plan approval application submitted to the Department. (25 Pa. Code § 127.12(a)(10))

6. The records, reports or information obtained by the Department or referred to at public hearings shall be available to the public, except as provided in paragraph (a) of this condition.

a. Upon cause shown by the permittee that the records, reports or information or a particular portion thereof, but not emission data, to which the Department has access under the act, if made public, would divulge production or sales figures or methods, processes or production unique

to that person or would otherwise tend to affect adversely the competitive position of that person by revealing trade secrets, including intellectual property rights, the Department will consider the record, report or information, or particular portion thereof confidential in the administration of the act. The Department will implement this section consistent with sections 112(d) and 114(c) of the CAA (42 U.S.C.A. §§ 7412(d) and 7414(c)). Nothing in this section prevents disclosure of the report, record or information to Federal, State or local representatives as necessary for purposes of administration of Federal, State or local air pollution control laws, or when relevant in a proceeding under the act. (25 Pa. Code §§ 127.12(c) and (d) and 35 P. S. § 4013.2)

7. This plan approval will be valid for a limited time, as specified by the expiration date contained on page 1 of this plan approval.

a. Except as provided in §§ 127.11a and 127.215 (relating to reactivation of sources; and reactivation), at the end of the time, if the construction, modification, reactivation or installation has not been completed, a new plan approval application or an extension of the previous approval will be required.

b. If construction has commenced, but cannot be completed before the expiration of this plan approval, an extension of the plan approval must be obtained to continue construction. To allow adequate time for departmental action, a request for the extension should be postmarked at least 30 days prior to the expiration date. The Department will not issue an extension after the plan approval expires. The request for an extension should include the following:

- i. A justification for the extension,
- ii. A schedule for the completion of the construction.

c. If construction has not commenced before the expiration of this plan approval, then a new plan approval application must be submitted and approval obtained before construction can commence.

d. If the construction, modification or installation is not commenced within 18-months of the issuance of this plan approval or if there is more than an 18-month lapse in construction, modification or installation, a new plan approval application that meets the requirements of 25 Pa. Code Chapter 127, Subchapters B, D and E (relating to plan approval requirements; prevention of significant deterioration of air quality; and new source review) shall be submitted. (25 Pa. Code § 127.13)

8. This plan approval may not be transferred from one person to another except when a change of ownership is demonstrated to the satisfaction of the Department and the Department approves the transfer of the plan approval in writing.

a. Section 127.12a (relating to compliance review) applies to a request for transfer of a plan approval. A compliance review form shall accompany the request.

b. This plan approval is valid only for the specific source and the specific location of the source as described in the application. (25 Pa. Code § 127.32)

9. Under 35 P. S. § 4008, no person shall hinder, obstruct, prevent or interfere with the Department or its personnel in the performance of any duty authorized under the APCA.

a. The permittee shall also allow the Department to have access at reasonable times to said sources and associated air cleaning devices with such measuring and

recording equipment, including equipment recording visual observations, as the Department deems necessary and proper for performing its duties and for the effective enforcement of the APCA and regulations adopted under the act.

b. Nothing in this plan approval condition shall limit the ability of the EPA to inspect or enter the premises of the permittee in accordance with section 114 or other applicable provisions of the CAA. (25 Pa. Code § 127.12(4) and 35 P.S. § 4008 and § 114 of the CAA)

10. This plan approval may be terminated, modified, suspended or revoked and reissued if one or more of the following applies:

a. The permittee constructs or operates the source subject to the plan approval in violation of the act, the CAA, the regulations promulgated under the act or the CAA, a plan approval or permit or in a manner that causes air pollution.

b. The permittee fails to properly or adequately maintain or repair an air pollution control device or equipment attached to or otherwise made a part of the source.

c. The permittee fails to submit a report required by this plan approval.

d. The EPA determines that this plan approval is not in compliance with the CAA or the regulations thereunder. (25 Pa. Code 127.13a)

11. The permittee, or any other person, may not circumvent the new source review requirements of 25 Pa. Code Chapter 127, Subchapter E by causing or allowing a pattern of ownership or development, including the phasing, staging, delaying or engaging in incremental construction, over a geographic area of a facility which, except for the pattern of ownership or development, would otherwise require a permit or submission of a plan approval application.

12. Reports, test data, monitoring data, notifications shall be submitted to the following:

Regional Air Program Manager
Department of Environmental Protection
400 Waterfront Drive
Pittsburgh, PA 153222

13. If required by section 112(r) of the CAA, the permittee shall develop and implement an accidental release program consistent with requirements of the CAA, 40 CFR Part 68 (relating to chemical accident prevention provisions) and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (P.L. 106-40).

14. The permittee shall prepare and implement a Risk Management Plan (RMP) which meets the requirements of section 112(r) of the CAA, 40 CFR Part 68 and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act when a regulated substance listed in 40 CFR 68.130 is present in a process in more than the listed threshold quantity at the facility. The permittee shall submit the RMP to the EPA according to the following schedule and requirements:

a. The permittee shall submit the first RMP to a central point specified by the EPA no later than the latest of the following:

i. Three years after the date on which a regulated substance is first listed under 40 CFR 68.130; or,

ii. The date on which a regulated substance is first present above a threshold quantity in a process.

b. The permittee shall submit any additional relevant information requested by the Department or the EPA concerning the RMP and shall make subsequent submissions of RMPs in accordance with 40 CFR 68.190.

c. The permittee shall certify that the RMP is accurate and complete in accordance with the requirements of 40 CFR Part 68, including a checklist addressing the required elements of a complete RMP.

d. As used in this plan approval condition, the term "process" shall be as defined in 40 CFR 68.3. The term "process" means any activity involving a regulated substance including any use, storage, manufacturing, handling or onsite movement of the substances or any combination of these activities. For purposes of this definition, any group of vessels that are interconnected or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process. (25 Pa. Code § 127.12(9) and 40 CFR Part 68)

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 Jacob Chemsak, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Each written comment must contain the following:

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

- Identification of the proposed Plan Approval (specify the Plan Approval number).

- Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

All comments must be received prior to the close of business 30 days after the date of this publication.

Intent to Issue Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

15-00133: Immaculata University (1145 King Road, Immaculata, PA 19345) for a State-only (Synthetic Minor) Operating Permit for the operation of five boilers, a chiller powered by two IC engines, six emergency generators, and a parts washing table in East Whiteland Township, **Chester County**. The facility has the potential to emit NO_x above Title V emission thresholds. The permittee shall remain a synthetic minor facility through a site level NO_x emission restriction. The proposed State-only (Synthetic Minor) Operating Permit contains applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards used to ensure facility compliance with Federal and State air pollution regulations.

15-00124: MacKissic, Inc. (1189 Old Schulykill Road, Parker Ford, PA 19457) for issuance of a State-only Operating Permit to operate a Paint Spray Booth with Dry Particulate Filtering System and Infrared Oven in East Coventry Township, **Montgomery County**. The facility is synthetic minor for VOC and HAP. Plan Approval, 15-0124, is being incorporated into the facility synthetic minor operating permit, SMOP 15-0124. This Operating Permit shall include monitoring and

recordkeeping requirements to ensure that this facility complies with all applicable air quality regulations.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2507.

48-00038: Specialty Minerals, Inc. (5 Highland Avenue, Suite D, Bethlehem, PA 18017) a renewal State-only Operating Permit for operation of their facility in the City of Easton, **Northampton County**. The State-only Operating Permit includes emissions, monitoring, recordkeeping, reporting, testing and any additional conditions designed to ensure compliance with all applicable Federal and State air pollution control requirements.

45-00024: Eureka Stone Quarry, Inc.—Pocono Quarry and Asphalt Plant (P. O. Box 249, Chalfont, PA 18914) a renewal State-only Synthetic Minor Operating Permit for operation for their facility in Hamilton Township, **Monroe County**. The facility has the potential to emit major quantities of PM and SO_x above Title V emission thresholds. The facility shall operate as a Synthetic Minor facility by limiting production of asphalt to 495,000 tpy. The State-only (Synthetic Minor) operating permit also includes emissions, monitoring, recordkeeping, reporting, testing and any additional conditions designed to ensure compliance with all applicable Federal and State air pollution control requirements.

35-00039: Community Medical Center (1800 Mulberry Street, Scranton, PA 18510) for operation of Medical/Trauma Center in Scranton, **Lackawanna County**. This is a renewal of State-only Synthetic operating permit for this facility. 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.

48-00026: Pan-Glo (417 East Water Street, Urbana, OH 43078) for operation of Pan Cleaning, and Glazing and Curing services, in Bethlehem City, **Northampton County**. This is a renewal of State-only Synthetic operating permit for this facility. 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, William R. Weaver, New Source Review Chief, (717) 705-4702.

28-03045: Dominion Transmission, Inc. (501 Martindale Street, Suite 400, Pittsburgh, PA 15212-5817) for renewal of the State-only Operating Permit in Hamilton Township, **Franklin County** issued in September 2005.

36-03126: Sylvin Technologies, Inc. (P. O. Box 308, 84 Denver Road, Denver, PA 17517) for their PVCellet production facility in East Cocalico Township, **Lancaster County**. This is a renewal of the State-only Operating Permit issued in February 2005.

36-03137: Martin Limestone, Inc.—Burkholder Plant (404 Martindale Road, Blue Ball, PA 17506) for their stone crushing operations in Earl Township, **Lancaster County**. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the facility's State-only operating permit issued in 2004.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Barbara Hatch, Facilities Permitting Chief, (412) 442-4174.

04-00009: PACD Acquisition, LLC (6051 Wallace Road Ext., Suite 200, Wexford, PA 15090) for authorization to continue operating their Beaver Falls Plant (formerly known as PTC Alliance—Beaver Falls Plant) in Beaver Falls City, **Beaver County**. This is for renewal of the State-only Operating Permit issued in 2005.

65-00044: TE Products Pipeline Co., LLC (P. O. Box 2521, Houston, TX 77252-2521) for authorization to continue operating their Greensburg Terminal in Hempfield Township, **Westmoreland County**. This is for renewal of the State-only Operating Permit issued in 2005.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Matthew Williams, New Source Review Chief, (814) 332-6940.

42-00206: Holm Industries Inc. (700-1/2 North Elk Avenue, Kane, PA 16735-1068) to issue a renewal State-only Operating Permit for manufacturing electrical equipment and supplies in Kane Borough, **McKean County**. The facility is a Natural Minor. The primary sources at the facility include two rotary calcining furnaces controlled by a wet scrubber, two iron oxide silos controlled by individual bin vents, and a 30-gallon crystal clean parts cleaner.

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 Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). 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 of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated above each application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by 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 above 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 related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of suffi-

cient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

Requests 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 a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. The Department has made a tentative determination to issue the NPDES permit in conjunction with the mining activity permit, but the issuance of the NPDES permit is contingent upon the approval of the associated mining activity permit.

For coal mining activities, NPDES permits, when issued, will contain effluent limits that do not exceed the technology-based effluent limitations. The proposed limits are listed in Table 1.

For noncoal mining activities, the proposed limits are found in Table 2. Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description below specifies the parameters. The limits will be in the ranges specified in Table 1.

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

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding Concerning Water Quality Management, NPDES Program Implementation and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Loads (TMDLs).

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the district mining office indicated previously each application within 30 days of this public notice. Comments received within the comment period

will be considered in the final determinations regarding the NPDES permit applications. 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 § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and shall contain the name, address, telephone number and the interest of the party filing the request, and shall 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. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal Applications Returned

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

Permit No. 32061601. NPDES Permit No. NA, Britt Energies, Inc., (2450 Philadelphia Street, Indiana, PA 15701-0515), to operate the Homer City Transfer Terminal in Center Township, **Indiana County** a new coal preparation facility and related NPDES permit. Surface Acres Proposed 27.8. Receiving stream: UNT to Cherry Run, classified for the following use: CWF. Application received November 30, 2006. Application withdrawn October 12, 2009.

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

56090105 and NPDES No. PA0262757. Future Industries, Inc., P. O. Box 157, Meyersdale, PA 15552 commencement, operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 48 acres. Receiving streams: UNTs to/and Millers Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 9, 2009. Application withdrawn October 9, 2009.

Coal Applications Received

Effluent Limits—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

<i>Parameter</i>	<i>Table 1</i>		
	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (Total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹ The parameter is applicable at all times.

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

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

Permit No. 32061601. NPDES Permit No. NA, Britt Energies, Inc., (2450 Philadelphia Street, Indiana, PA 15701-0515), to operate the Homer City Transfer Terminal in Center Township, **Indiana County** a new coal preparation facility and related NPDES permit. Surface Acres Proposed 27.8. Receiving stream: UNT to Cherry Run, classified for the following use: CWF. Application received November 30, 2006. Application withdrawn October 12, 2009.

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

32090103 and NPDES No. PA0262889. Alverda Enterprises, Inc., P. O. Box 245, Alverda, PA 15710, commencement, operation and restoration of a bituminous surface and auger mine in Pine Township, **Indiana County**, affecting 20.4 acres. Receiving stream: Yellow Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received October 7, 2009.

56090111 and NPDES No. PA0262871. PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface and auger mine in Quemahoning and Somerset Townships, **Somerset County**, affecting 233.6 acres. Receiving streams: UNTs to/and Wells Creek, Stonycreek River classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Hooversville Municipal Water Authority. Application received September 25, 2009.

56090105 and NPDES No. PA0262757. Future Industries, Inc., P. O. Box 157, Meyersdale, PA 15552 commencement, operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 48 acres. Receiving streams: UNTs to/and Millers Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 9, 2009. Application withdrawn October 9, 2009.

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

65890104 and NPDES Permit No. PA0591734. Gary Gioia Coal Co. (319 Karen Drive, Elizabeth, PA 15037). Renewal application for reclamation only of a bituminous surface mine, located in South Huntingdon Township, **Westmoreland County**, affecting 92.5 acres. Receiving stream: UNT to Barren Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received October 9, 2009.

26773025. Charles L. Swenglish and Sons Coal Co., Inc. (2 Swenglish Lane, Smithfield, PA 15478). Renewal application for continued operation and reclamation of an existing bituminous surface mine, located in German Township, **Fayette County**, affecting 166.2 acres. Receiving stream: UNT to South Branch of Browns Run,

classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received October 9, 2009.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.

33990112 and NPDES Permit No. PA0241636. P. and N. Coal Co., Inc. (P. O. Box 332, Punxsutawney, PA 15767) Renewal of existing bituminous surface strip and auger operation in Gaskill Township, **Jefferson County** affecting 122.1 acres. Receiving streams: UNT to Ugly Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received October 8, 2009.

33080105 and NPDES Permit No. PA0258547. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Revision to an existing bituminous surface strip operation in Perry and Young Townships, **Jefferson County** affecting 430.9 acres. Receiving streams: Five UNTs to Mahoning Creek basin, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to add 3.4 acres for a haul road. Application received October 15, 2009.

1419-33080105-E-2. Original Fuels, Inc. P. O. Box 343, Punxsutawney, PA 15767). Application for a stream encroachment to replace a wooden bridge over UNT No. 2 to Mahoning Creek with corrugated plastic pipes on the Gary D. Fairman property in Perry Township, **Jefferson County**. Receiving streams: Five UNTs to Mahoning Creek basin, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received October 15, 2009.

1419-33080105-E-3. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Application for a stream encroachment to replace a wooden bridge over UNT No. 3 to Mahoning Creek with corrugated plastic pipes on the Gary D. Fairman property in Perry Township, **Jefferson County**. Receiving streams: Five UNTs to Mahoning Creek basin, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received October 15, 2009.

33990111 and NPDES Permit No. PA0241571. P. and N. Coal Co., Inc. (P. O. Box 332, Punxsutawney, PA 15767). Renewal of an existing bituminous surface strip operation in Young and McCalmont Townships, **Jefferson County** affecting 171.5 acres. Receiving streams: UNT to Little Elk Run and a UNT to Elk Run, both to Elk Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received October 15, 2009.

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

17930127 and NPDES No. PA0219703. River Hill Coal Company, Inc. (P. O. Box 141, Kylertown, PA 16847). Permit renewal for the continued operation and restoration of a bituminous surface mine in Woodward Township, **Clearfield County**, affecting 186.2 acres. Receiving streams: Moshannon Creek, UNT to Moshannon Creek, Whiteside Run, UNT to Whiteside Run, classified for the following uses: TSF and CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 18, 2009.

17090106 and NPDES No. PA0257222. C.M.T. Energy, Inc. (108 South Twigg Street, Box 23, Smokerun,

PA 16681). Commencement, operation and restoration of a bituminous surface auger mine in Jordan Township, **Clearfield County**, affecting 58.3 acres. Receiving streams: Hunter Run and UNT to Hunter Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received October 5, 2009. Encroachment: The application

includes a stream encroachment to improve on existing stream crossing within the barrier area of Hunter Run.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Parameter	Table 2		
	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

6478NC4 and NPDES No. PA0121606. David H. Martin Excavating Inc., 4961 Cumberland Highway, Chambersburg, PA 17202-9655, renewal of NPDES permits in Antrim Township, **Franklin County**. Receiving streams: UNTs to/and Muddy Run, classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received August 5, 2009. Permit issued October 13, 2009.

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

63800201 and NPDES Permit No. PA0125857. Lafarge North America, Inc. (555 Frost Road, Suite 100, Streetsboro, OH 44241). NPDES renewal application for continued operation and reclamation of a large noncoal surface mine, located in Hanover and Jefferson Townships, **Washington County**, affecting 85.5 acres. Receiving stream: Harmon Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received October 15, 2009.

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

09050302C2. Waste Management of Pennsylvania, Inc., (1000 New Ford Mill Road, Morrisville, PA 19067), correction to an existing quarry operation to include a wetland mitigation plan proposing replacement of 6.15 acres of wetlands within the Delaware River Watershed in Falls Township, **Bucks County**. Application received October 7, 2009.

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 of Environmental Protection (Department). Section

401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of 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 or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the 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. Individuals 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 each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Floodplain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E51-236. Jeffrey Spotts, Urban Outfitters, Inc., 5000 South Broad Street, Philadelphia, PA 19112-1495, Philadelphia, **Philadelphia County**, United States Army Corps of Engineers, Philadelphia District.

To install and maintain one 40-foot by 136-foot steel deck barge (Enviro-dock) and four floating hydroponics gardens within existing Dry Dock No. 1 along the Delaware River (WWF, MF). Also to construct and maintain turtle basking platform within the dry dock boundary. The purpose is for recreation and environmental enhancement of the area.

The site is located within Dry Dock No. 1 at the Philadelphia Naval Station along Delaware River (Philadelphia, PA USGS Quadrangle N: 2.44 inches; W: 8.13 inches).

E15-798. Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, West Nottingham Township, **Chester County**, United States Army Corps of Engineers, Philadelphia District.

To remove the existing Lees Road Bridge and to construct and maintain, in its place, an approximately 28-foot long, 45-foot wide, and approximately 7.5-foot high single span prestressed concrete bridge across Black run (TSF, MF).

The site is located approximately 150 feet south of the intersection of Sand Hill and Lees Roads (SR 3014) in West Nottingham Township, **Chester County** (Rising Sun, PA USGS Quadrangle N: 22.5 inches; W: 8.85 inches).

Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

E36-861: Millcreek Preservation Association, John Smucker, Farm and Home Center, 1383 Arcadia Road, Room 200, Lancaster, PA 17601-3149, Millcreek Stream Restoration, Leacock and Upper Leacock Townships, **Lancaster County**, United States Army Corps of Engineers, Baltimore District.

To restore and stabilize 6,200 feet of Mill Creek (WWF) including regrading the stream banks and creating a low flow channel and floodplain bench area, and the construction and maintenance of 2,800 feet of fencing in the floodway, four rock cross vanes, 1,000 feet of mud sills, ten log vanes, and 50 feet of brush deflectors in-stream, for the purpose of stream restoration at a point just northwest of the intersection of Monterey and Church Roads (Leola, PA Quadrangle 9.5 inches N; 6.75 inches W, Latitude: 40° 3' 5.94" N; Longitude: 76° 10' 29.35") in Leacock and Upper Leacock Townships, Lancaster County.

E36-863; Charles Doubts, Lancaster County Administrator, 150 North Queen Street, Lancaster, PA 17608-3480, Middle Creek Bridge Replacement, Ephrata Township, **Lancaster County**, United States Army Corps of Engineers, Baltimore District.

To remove a single-span steel Pratt Truss bridge having a clear span of 36.5 feet, a width of 17 feet, and a minimum underclearance of 8.5 feet. The Pratt Truss bridge will be replaced by a timber covered bridge having a clear span of 60.5 feet, a width of 17 feet, and a minimum underclearance of 13 feet over Cocalico Creek

(WWF) for the purpose of replacing a deteriorating bridge at a point just south of the intersection of Meadow Valley and Middle Creek Roads (Ephrata, PA Quadrangle 7.1 inches North; 15.1 inches W, Latitude: 40° 9' 52.13" N; Longitude: 76° 13' 57.1" W) in Ephrata Township, Lancaster County.

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

E04-330. Independence Conservancy, P. O. Box 248, Industry, PA 15052-0248. To construct and maintain a stream restoration project in three locations in Independence Township, **Beaver County**, United States Army Corps of Engineers, Pittsburgh District (Aliquippa, PA Quadrangle N: 9.2 inches; W: 7.4 inches, Latitude: 40° 33' 02"; Longitude: 80° 18' 12"). The applicant proposes To construct and maintain a stream restoration project in three locations between Potts Hollow Road and Raccoon Creek. The project consists of stream realignments, bank stabilization and construction of floodplain in Raredon Run (WWF) as follows:

1. To construct and maintain a new channel with floodplain for an approximate length of 1,600 feet along Ridge Road between SR 151 bridge Raccoon Creek (Area 3). The new channel includes stream bank protection, rock deflectors, and cross vanes.

2. To construct and maintain stream bank stabilization and channel relocation for an approximate length of 150 feet located upstream of Bocktown Cork Bridge (Area 2).

3. To construct and maintain a new channel with floodplain for an approximate length of 300 feet along Ridge Road. The new channel includes stream bank protection, rock deflectors, and cross vanes (Area 1).

E63-617. Canonsburg Borough, 68 East Pike Street, Canonsburg, PA 15317. To construct and maintain a 160-foot long bank stabilization in Canonsburg Borough, **Washington County**, United States Army Corps of Engineers, Pittsburgh District (Canonsburg, PA Quadrangle N: 1.1 inches; W: 10.0 inches, Latitude: 40° 15' 22"; Longitude: 80° 11' 48"). The applicant proposes to construct and maintain a 160-foot long bank stabilization and a 95-foot long gravel bar removal in Chartiers Creek (WWF) located approximately 150 feet downstream of Strabane. The stabilization project includes construction of R-6 stone armor and planting above the stone armor on the right bank of the Chartiers Creek.

Department of Environmental Protection—Bureau of Waterways Engineering, Water Management Program Manager, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8554, Harrisburg, PA 17105-8554.

E02-139. Shaler Township, 300 Wetzel Road, Pittsburgh, PA 15116, Shaler Township, **Allegheny County**. Applicant requesting a permit amendment to add Debris Facilities to the existing flood control project. The Borough of Etna will have joint responsibility to maintain the Debris Facility. Project is located on the Glenshaw, PA Quadrangle Latitude: 40° 30' 37" N; Longitude: 79° 56' 48" W.

ACTIONS

**THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT
 FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE
 ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY
 MANAGEMENT (WQM) PERMITS**

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 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.

<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 related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth 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 set forth in the respective permit. 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, 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 the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (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 of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, 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.

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0038865	Zerbe Township Wastewater Treatment Plant Route 225 Trevorton, PA 17881	Zerbe Township Northumberland County	Zerbe Run SWP 6B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0218961 (Industrial Waste)	Pittsburgh Water and Sewer Authority 900 Freeport Road Pittsburgh, PA 15238	Allegheny County City of Pittsburgh	Allegheny River	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0263532	Stephen and Marsha Walters 3329 Ivanhoe Road Sharpsville, PA 16150	South Pymatuning Township Mercer County	UNT to McCullough Run 20-A	Y

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

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

NPDES Permit No. PA0020575, Sewage, **Delaware County Regional Water Quality Control Authority (DELCO)**, P. O. Box 999, Chester, PA 19016. This proposed facility is located in Rose Valley Borough, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage from Rose Valley Borough STP into Ridley Creek in Watershed 3G.

NPDES Permit No. PA0026786, Sewage, **Borough of Pottstown**, 100 High Street, Pottstown, PA 19464-9525. This proposed facility is located in Pottstown Borough, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal discharge 12.85 mgd of treated sewage into the Schuylkill River in Watershed 3D.

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

NPDES Permit No. PA0260398, CAFO, **Arlin Benner, Yippee Farms**, 880 Pinkerton Road, Mount Joy, PA 17552. This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 1,471 Animal Equivalent Units Dairy operation in Watershed 07-G.

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

PA0233846, CAFO, Sic 211, 213, **Drew Remley Farm**, 1170 Salt Spring Road, Roaring Branch, PA 17765. This proposed facility is located in Liberty Township, **Tioga County**.

Description of Proposed Activity: A beef and swine operation near Liberty, PA. The farm consists of 25 cow/calf pairs, and 4,360 finishing hogs for a total of 574 Animal Equivalent Units. The farm consists of 45.3 owned crop and pasture acres and 95.2 rented cropland acres. The excess manure will be exported to farm operators as listed in the NMP on an additional 506.2 acres. The beef produce 403 tons of solid manure per year and the hogs produce 2.16 million gallons of liquid manure per year. The hog manure is stored in an underbarn concrete pit with 1.48 million gallons of useable storage. Beef manure is managed as a beef pack during the winter, and is pasture emitted during spring, summer and fall.

The receiving stream, Salt Spring Run, is in the State Water Plan watershed No. 10A Lycoming Creek and is classified for: HQ-CWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and The Clean Streams Law constitutes compliance with the State Narrative Water Quality Standards.

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

NPDES Permit No. PA0103781, Industrial Waste, **John Maneely Co., d/b/a Wheatland Tube Co.**, P. O. Box 608, Wheatland, PA 16161. This proposed facility is located in City of Sharon, **Mercer County**.

Description of Proposed Action/Activity: New NPDES permit for an existing discharge of treated industrial waste, noncontact cooling water and stormwater. This is a minor discharge from a primary industry. SIC Code 3317 (Steel Pipe and Tube). The previous permit expired because of effluent violations and could not be renewed.

NPDES Permit No. PA0102270, Sewage, **Skyline Development, Inc.**, P. O. Box 806, Indianola, PA 15051. This existing facility is located in West Salem Township, **Mercer County**.

Description of Proposed Action/Activity: Issuance of a new NPDES permit replacing an expired NPDES permit for a minor treated sewage discharge. The permittee has also signed a Consent Order and Agreement to address ongoing noncompliance issues.

NPDES Permit No. PA0029122, Sewage, **Saxonburg Area Authority**, 420 West Main Street, Saxonburg, PA 16056. This proposed facility is located in Penn Township, **Butler County**.

Description of Proposed Action/Activity: Renewal of an existing discharge of treated sewage. The final permit was revised to include a Total Dissolved Solids monitoring requirement for the next calendar year.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

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

WQM Permit No. 1409405, Sewerage, SIC 4952, **University Area Joint Authority**, 1576 Spring Valley Road, State College, PA 16801-8499. This proposed facility will be located in Patton Township, **Centre County**.

Description of Proposed Action/Activity: Permit issued authorizing the construction and operation of an 18-inch diameter gravity sewer interceptor to convey wastewater from the existing sewer collection system at the intersection of North Atherton Street and Valley Vista Drive to the existing Western Patton Interceptor that conveys flows from North Atherton Street and Hawbaker Industrial Drive to the Route 322 Bypass. Two “at-capacity” pump stations will be eliminated by this project.

WQM Permit No. WQG02080901, Sewerage, SIC 4952, **Athens Borough**, 2 South River Street, Athens, PA 18810. This proposed facility is located in Athens Borough, **Bradford County**.

Description of Proposed Action/Activity: Permit issued authorizing the replacement of the sanitary sewer on Public, Maple, Ferry and Satterlee Streets. This project includes the replacement of the existing 15-inch clay piping with 8-inch PVC piping, installation of a new 8-inch PVC force main and the construction of the new Maple Street pump station.

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

WQM Permit No. 0209201, Industrial Waste, **Pittsburgh Water and Sewer Authority**, 900 Freeport Road, Pittsburgh, PA 15238. This proposed facility is located in the City of Pittsburgh, **Allegheny County**.

Description of Proposed Action/Activity: Construction of a wastewater treatment plant to treat filter backwash water at their water treatment plant in the City of Pittsburgh, Allegheny County.

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

WQM Permit No. WQG018719, Sewerage, **Jason and Marguerite Hanes**, 412 North Saint Marys Street, Saint Marys, PA 15857-3658. This proposed facility is located in Saint Marys City Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of a single-residence sewage treatment plant.

WQM Permit No. WQG018716, Sewerage, **Michael L. Fisher**, 837 East 25th Street, Erie, PA 16503. This proposed facility is located in Greenfield Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of a single-residence sewage treatment plant.

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

WQM Permit No. 2300404, Amendment, Sewerage, **White Horse Village, Inc.**, 535 Gradyville Road, Newtown Square, PA 19073. This proposed facility is located in Edgmont Township, **Delaware County**.

Description of Action/Activity: Modifications to the existing wastewater treatment plant.

WQM Permit No. 2398402-T2, Transfer, Sewage, **Richard E. Javage, Jr. and Peter and Michele Wahba**, 241 and 261 Woodhill Lane, Media, PA 19063. This proposed facility is located in Upper Providence Township, **Delaware County**.

Description of Action/Activity: Permit Transferred formerly Richard E. Javage, Jr. and Julie Saft.

WQM Permit No. 1509409, Sewerage, **Lower Oxford Township**, 220 Township Road, Oxford, PA 19363. This proposed facility is located in Lower Oxford Township, **Chester County**.

Description of Action/Activity: Construct an LPS system to collect sewers along a section of Route 10 and construct a force main for a proposed pump station not included in the scope of this project.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024509006	Dolan Construction 401 South 13th Street Reading, PA 19602	Monroe	Chestnuthill Township	Poplar Run EV MF
PAI023909014	Bennett Lehigh St. Holdings, LP Attn: Fitzpatrick Lentz and Bubba, PC 4001 Schoolhouse Lane Center Valley, PA 18034	Lehigh	City of Allentown	Trout Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030708004	Bee Line Wholesalers 1833 Pleasant Valley Boulevard Altoona, PA 16602	Blair	Logan Township	Sandy Run HQ-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056309003	David Paul Hapchuck 226 Rankin Road Washington, PA 15301-3182	Washington	South Strabane Township	Little Chartiers Creek HQ-WWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI064209002	Bradford Regional Airport Authority 212 Airport Drive Lewis Run, PA 16734	McKean	Lafayette Township	UNT to Threemile Run CWF and UNT to East Branch Tunungwant Creek HQ-CWF

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

General Permit Type—PAG-2

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>
Haverford Township Delaware County	PAG200 2309020	Merion Golf Club 450 Ardmore Avenue Ardmore, PA 19003	Cobbs Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Concord Township Delaware County	PAG200 2309010	Bank of America 4 Sentry Parkway Suite 200 Blue Bell, PA 19422	Chester Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Chester Township Delaware County	PAG200 2309018	David Sciocchett P. O. Box 407 511 Welsh Street Chester, PA 19013	Ridley Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Marlborough Township Montgomery County	PAG200 4605207-3	Aqua Pool Construction, Inc. 4219 Old Bethlehem Pike Suite 4 Telford, PA 18969	Tributary Perkiomen Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Butler Township Luzerne County	PAG2004007019	Woodmont at Butler Commons, LLP Attn: John Kieser 119 Cherry Hill Road Parsippany, NJ 07054	Nescopeck Creek CWF, MF	Luzerne County Conservation District (570) 674-7991
Williams Township Northampton County	PAG2004809008	Todd Van Cleef Country Classics Legacy at Morgan Hill, LLC 339A Amwell Road Hillsborough, NJ 08844	Tributary to Delaware River TSF, MF	Northampton County Conservation District (610) 746-1971
Ayr Township Fulton County	PAG2002909004	F & M Trust Company 20 South Main Street Chambersburg, PA 17201	Big Cove Creek CWF	Fulton County Conservation District 216 North Second Street McConnellsburg, PA 17233 (717) 485-3547, Ext. 122
Derry Township Hummelstown Borough Dauphin County	PAG2002209031	Sherri Smith Lower Dauphin School District 291 East Main Street Hummelstown, PA 17036	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Jackson Township York County	PAG2006709022	Rockville Road, LP 160 Ram Drive Hanover, PA 17331	Conewago Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 (717) 840-7430
Peach Bottom Township York County	PAG2006709032	Ben LePage PECO Energy Company 2301 Market Street S9-1 Philadelphia, PA 19103	Susquehanna River WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 (717) 840-7430
Limestone Township Union County	PAG2006009008	Paul Hetrick 2890 SR 104 Mifflinburg, PA 17844	Penns Creek CWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Cambria County Richland Township	PAG2001109002	Dean Yoder DL Development Group, LLC 129 Norlin Drive Davidsville, PA 15928-9232	UNT to Stonycreek River CWF	Cambria County Conservation District (814) 472-2120

<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>
Indiana County Blairsville Borough Burrell Township	PAG2003209014	Blairsville Municipal Authority c/o Michael LaMantia 203 East Market Street Blairsville, PA 15717	Conemaugh River WWF	Indiana County Conservation District (724) 463-8547
Hermitage City Mercer County	PAG2004309007	Quaker Meadows, LLC Jeffrey Woda 229 Huber Village Road Suite 100 Westerville, OH 43081	UNT Shenango River WWF	Mercer County Conservation District (724) 662-2242
Clarion County Perry Township	PAG2091609005	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	UNT to Clarion River CWF	Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 (814) 472-1800

General Permit Type—PAG-3

<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>
Harford Township Susquehanna County	PAR212233	B & D Stone Co. 474 Bell Mt. Road Greenfield Township, PA 18407	Nine Partners Creek CWF	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Glendon Borough Northampton County	PAR802260	Ward Trucking, LLC P. O. Box 1553 Altoona, PA 16603-1553	Lehigh River WWF	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Lancaster County Lititz Borough	PAR113516	NTN-BCA Corporation—Lititz Plant 1600 East Bishop Court Mt. Prospect, IL 60056-7604	UNT Lititz Run WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Reading City	PAR233508	Quadrant EPP USA, Inc. 2120 Fairmont Avenue Reading, PA 19605-3041	Schuylkill River WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County West Manchester Township	PAR143511	American Color Graphics, Inc. 215 North Zarfoss Drive York, PA 17404-5800	UNT Codorus Creek WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Blair County Antis Township	PAR603557	Caracciolo Steel and Metal Yard 1813 Old Sixth Avenue Road Altoona, PA 16601	Little Juniata River TSF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Cumberland County Shippensburg Borough	PAR123560	Schreiber Foods, Inc. 208 East Dykeman Road Shippensburg, PA 17257-8700	UNT Middle Spring Creek CWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bedford County Napair Township	PAR603567	James Young A J Auto Salvage 983 West Ridge Road Schellsburg, PA 15559	UNT to Shawnese Branch WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*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>
Juniata County Fermanagh Township	PAR603566	Steven Zeiders Steve's Used Cars 241 Butcher Shop Road Mifflintown, PA 17059	UNT to Schweyer Run CWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Columbia County South Centre Township	PAR124813	Del Monte Corporation One Market Street San Francisco, CA 94119-3575	Storm Drain to Susquehanna River CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
College Township Centre County	PAR804876	Sheetz 2000 East College Avenue State College, PA 16801	Bald Eagle Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Oil Creek Township Crawford County	PAR228323	Weyerhaeuser NR Company 11117 Skyline Drive Titusville, PA 16354	UNT to Oil Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Millcreek Township Erie County	PAR808352	Erie Regional Airport Authority 4411 West 12th Street Erie, PA 16505	Wilkins Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-4

*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>
Douglass Township Montgomery County	PAG040128	Mark and Justine Amarnek 132 Middle Creek Road Gilbertsville, PA 19525	Middle Creek Watershed 3E	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Upper Frederick Township Montgomery County	PAG040134	Terry Schnable 3234 Rockhill Road Perkiomenville, PA 18074	UNT to Perkiomen Creek Watershed 3E	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5970
Cambria Township Cambria County	PAG046409	Richard Prostejovsky 1083 Manor Drive Ebensburg, PA 15931-9634	UNT of North Branch	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Indiana Township Allegheny County	PAG046244	Nathan P. and Marla P. Kress 941 Old Mill Road Cheswick, PA 15024	Tributary of Rawlins Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

<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>
Saint Marys City Elk County	PAG049541	Jason and Marguerite Hanes 412 North Saint Marys Street Saint Marys, PA 15857-3658	Water Tank Run 17-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Greenfield Township Erie County	PAG049538	Michael L. Fisher 837 East 25th Street Erie, PA 16503	UNT to the West Branch of French Creek 16A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-12

<i>Facility Location: Municipality & Location</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Lancaster County Clay Township	PAG123685	Thomas Zartman 820 Hilltop Road Ephrata, PA 17522	Middle Creek WWF 7J	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

STATE CONSERVATION COMMISSION

**NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR
NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES)
PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

Persons aggrieved by any action may appeal under section 517 of Act 38, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachael Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Jay Deiter 2040 River Road Bainbridge, PA 17502	Lancaster	152.8	612.5	Hogs, Heifers	NA	Approved
David Rosenberry Gretna View Farm 3709 North Colebrook Road Manheim, PA 17545	Lancaster	183.6	698.78	Steers, Layers	NA	Approved

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Troester Dairy 175 Cannon Road Mifflinburg, PA 17844	Union	773	1,070.25	Dairy	NA	Approved

PUBLIC WATER SUPPLY (PWS) PERMITS

The Department of Environmental Protection 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, 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 the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (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 of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, 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.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Permit No. 4008503, Public Water Supply.

Applicant	Valley Gorge Mobile Home Park 316 Susquehanna Street White Haven, PA 18661
Borough or Township	White Haven Borough
County	Luzerne
Type of Facility	PWS

Consulting Engineer Paul Swerdon, P. E.
Valley Gorge Mobile Home Park
316 Susquehanna Street
White Haven, PA 18661

Permit to Construct Issued October 6, 2009

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

Permit No. 3609505, Public Water Supply.

Applicant	Landis Homes
Municipality	Manheim Borough
County	Lancaster
Type of Facility	Installation of a sodium hypochlorite disinfection and phosphate booster station for a consecutive system.

Consulting Engineer Charles A. Kehew, II, P. E.
James A. Holley and Associates, Inc.
18 South George Street
York, PA 17401

Permit to Construct Issued October 13, 2009

Operations Permit issued to **Elizabethtown Area Water Authority**, 7360124, West Donegal Township, **Lancaster County** on October 19, 2009, for the operation of facilities approved under Construction Permit No. 3607509.

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

Permit No. 266W013-T1—Transfer, Public Water Supply.

Applicant	PA American Water Company
Township or Borough	Wallacetown Borough
County	Clearfield
Responsible Official	Paul A. Zielinski PA American Water Company 800 West Hersheypark Drive Hershey, PA 17111
Type of Facility	Public Water Supply—Operation
Consulting Engineer	N/A
Permit Issued Date	October 15, 2009
Description of Action	Transfer and operation of a storage tank and distribution system.

Permit No. MA-T1 (266W013)—Transfer, Public Water Supply.

Applicant **PA American Water Company**
 Township or Borough Wallaceton Borough
 County **Clearfield**
 Responsible Official Paul A. Zielinski
 PA American Water Company
 800 West Hersheypark Drive
 Hershey, PA 17111
 Type of Facility Public Water Supply—Operation
 Consulting Engineer N/A
 Permit Issued Date October 15, 2009
 Description of Action Transfer and operation of a transmission line and metering/pressure reducing station to convey finished water from PA American Water Co. to Wallaceton Borough.

Permit No. MA (5386502)—Operation, Public Water Supply.

Applicant **Northern Tier Children’s Home, Inc.**
 Township or Borough Harrison Township
 County **Potter**
 Responsible Official Fern P. Burdick, Administrator
 Northern Tier Children’s Home, Inc.
 4309-L SR 49
 Harrison Valley, PA 16927
 Type of Facility Public Water Supply—Operation
 Consulting Engineer William S. Bray, P. E.
 P. O. Box 535
 Wellsboro, PA 16901
 Permit Issued Date October 16, 2009
 Description of Action Operation of the ion exchange water softener unit.

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

Permit No. 6309501, Public Water Supply.

Applicant **Authority of the Borough of Charleroi**
 3 McKean Avenue
 P. O. Box 211
 Charleroi, PA 15022
 Borough or Township Charleroi Borough
 County **Washington**
 Type of Facility Water supply system
 Consulting Engineer KLH Engineers, Inc.
 5173 Campbells Run Road
 Pittsburgh, PA 15205
 Permit to Construct Issued October 6, 2009

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

Operations Permit issued to **Pine Grove Township Municipal Authority**, PWSID No. 6620029, Pine Grove Township, **Warren County**, October 14, 2009, for the

operation of the new 199,000-gallon potable water storage tank, and upgrades to 2 existing wells; distribution system replacement and extensions and an upgrade to the tank/system control building, as approved by construction permit number 6206503, issued January 26, 2007.

Operations Permit issued to **Weber Family Limited Partnership, d/b/a Woodlands Mobile Home Park**, PWSID No. 6200039, Vernon Township, **Crawford County**, October 15, 2009, for the operation of Well No. 3 as a source of supply; the abandonment of Well No. 2, and additional disinfection facilities to serve Wells No. 1 and No. 3 as approved by construction permit number 2009503, issued July 1, 2009.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

Plan Location: Roger and Denise Radcliff

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Lehigh Township	1069 Municipal Road Walnutport, PA 18088	Northampton

Plan Description: The approved plan provides for the subdivision plan submitted for the previously referenced proposed Official Plan Revision consisting of a single-family residence on a 0.42 acre tract. This project proposes a small flow treatment facility to repair a malfunctioning onlot sewage disposal system, which currently serves the residence. The proposed treatment facility will include a two-compartment 1,500-gallon septic tank with a Zabel A300 Effluent filter, an EcoFlow® ST-650 Peat filter and an E-Z Set Ultraviolet Radiation Disinfection unit. A 4-inch PVC discharge pipe from the ultraviolet disinfection unit will discharge the proposed 500 gpd of treated effluent to a UNT to the Lehigh River, which has a designated water use of CWF in Chapter 93 of 25 Pa. Code. A private well provides water to the residence. The proposed development is located at 4279 Chestnut Drive, Lehigh Township, Northampton County. Any required NPDES Permits or WQM Permits must be obtained by Roger and Denise Radcliff.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Foster Township	P. O. Box 465 Freeland, PA 18224	Luzerne

Plan Description: Foster Township had previously revised its Official Sewage Facilities Plan for the East End portion of the Township and received approval of the Plan from the Department of Environmental Protection (Department) on August 20, 2004. The current submission was submitted to the Department to permit the Township to modify the proposed facilities to be constructed at the Powerhouse Road Pumping Station (Pumping Station) from those previously described in the Department’s August 20, 2004, Plan approval. The Plan also proposes the abandonment of the existing force main that currently conveys wastewater from the existing Pumping Station to the existing wastewater collection system located in White Haven Borough. In lieu of using the existing force main, the Plan proposes to construct a new 8-inch diameter force main with an alignment across

Linesville Creek, under Interstate 80, along Trimmer Avenue with a tie-in point at the existing manhole 116 located at the intersection of Church and Erie Streets in White Haven Borough. Wastewater would then be conveyed to the Suburban Wastewater Company's existing Wastewater Treatment Facility by means of the line route shown on Exhibit 7 found in the Plan. The proposed line route through White Haven Borough will not require any additional modifications to the wastewater collection system segments used to convey wastewater from the force main tie-in at Manhole 116 to the wastewater treatment facility. Treated wastewater will continue to be discharged to the Lehigh River.

Financing of the wastewater collection and conveyance systems is to be provided by the United States Department of Agriculture's Rural Development Program.

Implementation of the proposed project will require a Water Management Part II Permit for the construction and operation of the proposed sewage facilities. Issuance of a Part II Permit will be based upon a technical evaluation of the permit application and supporting documentation. Starting construction prior to obtaining a Part II Permit is a violation of The Clean Streams Law. The permit shall be obtained by the appropriate owners of the wastewater disposal facilities.

Other Departmental permits may be required for construction if encroachment to streams or wetlands will result. The Department's review has also not identified any significant environmental impacts resulting from this proposal.

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—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (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, shall 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 refuse 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 after 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 Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Ronald S. Brezinski, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Proposed Turkey Hill Minit Market, 289 North Church and 28th Streets, Hazle Township, **Luzerne County**. Christopher J. Candela, ATC Associates, Inc., 920 Germantown Pike, Suite 200, Plymouth Meeting, PA 19462 has submitted a Final Report, on behalf of his client, Turkey Hill Minit Markets, 257 Centerville Road, Lancaster, PA 17603, concerning the remediation of groundwater found to have been impacted by VOCs, SVOCs and lead. The report was submitted to document attainment of the Statewide Health Standard. A public notice regarding the submission of the Final Report was published in *The Standard Speaker* on September 25, 2009.

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

Village Greens Golf Course, Sinking Spring Borough, **Berks County**. Liberty Environmental, Inc., 10 North 5th Street, Suite 800, Reading, PA 19601, on behalf of Traditions Development Corporation, 7159 Red Top Road, Hummelstown, PA 17036, submitted a Remedial Investigation Report and Cleanup Plan concerning site soils and groundwater contaminated with arsenic. The site will be remediated to a combination of Statewide Health and Site-Specific Standards.

Getz Residence, Swatara Township, **Lebanon County**. ATC Associates, Inc., 101 Allegheny Street, Suite B, Hollidaysburg, PA 16648, on behalf of Cindy and Ernie Getz, 3 Eve Avenue, Lebanon, PA 17042 and Kreiser Fuel Service, 122 Race Horse Drive, Jonestown, PA 17038, submitted a Final Report concerning site soils contaminated with home heating oil released from a ruptured tank. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

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

M/K Express-Altire SR 322 West Accident, College Township, **Centre County**. Minuteman Spill Response, Inc., P. O. Box 10, Mifflinville, PA 18631 on behalf of M/K Express, P. O. Box 509, East Butler, PA 16029 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard. The site will remain a public highway.

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

Pennzoil Rouseville Refinery (Former Rouseville Refinery—Plant 2), Cornplanter Township, **Venango**

County. URS Corporation, 501 Holiday Drive, Building 4, Suite 300, Pittsburgh, PA 15220 on behalf of Pennzoil-Quaker State Company, 12700 Northborough Drive, 300 E-11, Houston, TX 77067 and Honeywell, Inc., has submitted a Risk Assessment/Remedial Investigation Report concerning remediation of site soil contaminated with separate phase petroleum liquids and petroleum refining related constituents including, but not limited to, Benzene, Toluene, Ethyl Benzene, Xylenes, Cumene, Methyl tert-Butyl Ether, Naphthalene, 1,2,4 Trimethylbenzene, 1,3,5 Trimethylbenzene, Flourene, Anthracene, Phenanthrene, Pyrene, Benzo(a)anthracene, Chrysene, Benzo(a)pyrene, Benzo(g,h,i)perylene, Dibenzofuran, 1,2,3 Trichloropropane, 1,1,2,2-Tetrachloroethane, Arsenic, Iron, Thallium, Lead and site groundwater contaminated with separate phase petroleum liquids and petroleum refining related constituents including, but not limited to, Benzene, Toluene, Ethyl Benzene, Xylenes, Cumene, Methyl tert-Butyl Ether, Naphthalene, 1,2,4 Trimethylbenzene, 1,3,5 Trimethylbenzene, Flourene, Anthracene, Phenanthrene, Pyrene, Benzo(a)anthracene, Chrysene, Benzo(a)pyrene, Benzo(g,h,i)perylene, Arsenic, Iron, Lead. The Remedial Investigation/Risk Assessment Report is intended to document remediation of the site to meet the Statewide Health and Site-Specific Standards.

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—6026.908).

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of 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 provisions of 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 refuse 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 provisions of 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 before 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 Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Maroon Residence, 7 Joni Drive, Spring Brook Township, Lackawanna County. James P. Sposito, James P. Sposito Associates, 11 Archbald Street, Carbondale, PA 18407 submitted a Final Report, on behalf of his client, Thomas Maroon, 7 Joni Drive, Moscow, PA 18444, concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from an underground storage tank. The report documented attainment of the Statewide Health Standard for soils and was approved on October 13, 2009.

Schwarz Residence, 4160 Bunker Hill Road, Lehigh Township, Northampton County. Thomas Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002 submitted a Final Report, on behalf of his client, Heritage Village Management, LLC, 4196A Heritage Lane, Walnutport, PA 18088, concerning the remediation of soil found to have been impacted by No. 2 heating oil as a result of a leaking aboveground storage tank. The report documented attainment of the Statewide Health Standard and was approved on October 14, 2009. The report was originally submitted within 90 days of the release.

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

Safe Harbor Former Incinerator Site, Conestoga Township, Lancaster County. NTH Consultants, 444 Creamery Way, Suite 100, Exton, PA 19341, on behalf of Safe Harbor Water Power Corporation, 1 Powerhouse Road, Conestoga, PA 17516, submitted a Final Report concerning remediation of site soils contaminated with metals and PAHs associated with an abandoned incinerator. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department of Environmental Protection on October 13, 2009.

Vulcan Materials Company, formerly York Lintel and Cast Stone, Inc., Oxford Township, Adams County. Herbert, Rowland, and Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Vulcan Materials Company, 875 Oxford Avenue, Hanover, PA 17331, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department of Environmental Protection on October 19, 2009.

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

Honeywell Wax Mfg OLD, Borough of Emlenton, **Venango County**. URS Corporation, Foster Plaza 4, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 on behalf of Pennzoil-Quaker State Company, 12700 Northborough Drive, 300 E-11, Houston, TX 77067 has submitted a Cleanup Plan concerning the remediation of site soil contaminated with benzene, 1,2,4-trimethylbenzene, cyclohexane, dibenzofuran, ethylbenzene, methylene chloride, toluene, total xylenes, arsenic, chromium, lead, and mercury; and site groundwater contaminated with 1,2,4-trimethylbenzene, benzene, chloromethane, naphthalene, total xylenes, aluminum, antimony, arsenic, copper, iron, lead, manganese, selenium, and zinc. The Cleanup Plan was approved by the Department of Environmental Protection on August 13, 2009.

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

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

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Permit ID No. 300837. Keystone Generating Station Ash/Refuse Disposal Site, RRI Energy Northeast Management Company, 121 Champion Way, Suite 200, Canonsburg, PA 15317. Operation of a residual waste landfill in Plumcreek Township, **Armstrong County**. Permit renewal issued in the Regional Office on October 19, 2009.

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, Ray Kempa, New Source Review Chief, (570) 826-2507.

48-302-105GP1: Sands Bethlehem Gaming, LLC, 77 Sands Boulevard, Bethlehem, PA 18015, on September 8, 2009, to construct and operate three boilers at the site in Bethlehem, **Northampton County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, William R. Weaver, New Source Review Chief, (717) 705-4702.

GP1-01-03036: Gettysburg College, 300 North Washington Street, Gettysburg, PA 17325, on October 13, 2009, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in Gettysburg Borough, **Adams County**.

GP1-06-03147: Exeter Township Authority, 4975 DeMoss Road, Reading, PA 19606, on October 13, 2009, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in Exeter Township, **Berks County**.

GP1-06-03148: The Hershey Company Technical Center, 1025 Reese Avenue, Hershey, PA 17033-0805, on

October 14, 2009, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in the City of Reading, **Berks County**.

GP3-21-03093: Liberty Excavators, Inc., 4402 Gettysburg Road, Camp Hill, PA 17011, on October 9, 2009, for a Portable Nonmetallic Mineral Processing Plant under GP3 in Silver Spring Township, **Cumberland County**.

GP4-22-03011: General Electric Service and Sales Co., 2430 Raleigh Street, Harrisburg, PA 17111, on October 19, 2009, for a Burn-Off Oven under GP4 in the City of Harrisburg, **Dauphin County**. This is a renewal of the GP4 permit.

GP11-21-03093: Liberty Excavators, Inc., 4402 Gettysburg Road, Camp Hill, PA 17011, on October 9, 2009, for a Nonroad Engine under GP11 in Silver Spring Township, **Cumberland County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Sachin Shankar, New Source Review Chief, (484) 250-5920.

46-01980: Blommer Chocolate Co., 1101 Blommer Drive, East Greenville, PA 18041, on October 8, 2009, to add a dust collector to an existing Aspiration Channel on Production Line 1 in Upper Hanover Township, **Montgomery County**. The proposed source has the potential to emit 0.68 tpy PM after controls.

09-0022C: Cleveland Steel Container Corp., 350 Mill Street, Quakertown, PA 18951, on October 16, 2009, to reactivate a spray booth (Source ID 103B—Pail Line Flange Booth); VOC emissions from the spray booth are controlled by the existing Regenerative Thermal Oxidizer (Source ID C05) and PM emissions from the spray booth are controlled by existing filter system (C12) in Quakertown Borough, **Bucks County**. The facility is an area source for HAPs and major for VOC. The plan approval modification will contain requirements to keep the facility operating within all applicable air quality requirements for this source.

09-0152B: Gelest, Inc., 11 East Steel Road, Morrisville, PA 19067, on October 16, 2009, to move a dust collector outside the building which will control PM emissions from the existing blenders and mills, at their facility in Falls Township, **Bucks County**. This facility is a Minor facility. There will be an increase of 0.016 ton of PM emissions due to this modification. The Plan Approval will contain monitoring and recordkeeping requirements to keep the source operating within the allowable emissions and all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2531.

54-302-077: WPS Westwood Generation, LLC, 1716 Lawrence Drive, DePere, WI 54115, on October 14, 2009, to modify their existing CFB boiler at their facility in Frailey and Porter Townships, **Schuylkill County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, William R. Weaver, New Source Review Chief, (717) 705-4702.

38-05003G: Carmeuse Lime, Inc., 3 Clear Spring Road, Annville, PA 17003-0160, on October 15, 2009, for their petroleum coke, bituminous coal, No. 2 fuel oil and cocoa bean waste burning plant in North Londonderry Township, **Lebanon County**. This approval authorizes the use of resin flakes as fuel in the three lime kilns at the facility.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Sachin Shankar, New Source Review Chief, (484) 250-5920.

09-0007C: Waste Management Disposal Services of PA, Inc., 1000 New Ford Mill Road, Morrisville, PA 19067, on September 30, 2009, to operate two backup flares in Falls Township, **Bucks County**.

09-0174: Liberty Coating Co., LLC, 21 Steel Road South, Morrisville, PA 19067, on October 6, 2009, to operate an existing blasting and surface coating operation in Falls Township, **Bucks County**.

09-0010A: Teva Pharmaceuticals USA, Inc., 650 Cathill Road, Sellersville, PA 18960, on October 6, 2009, to operate a fluidized bed dryer, a cartridge dust collector and a HEPA filter West Rockhill Township, **Bucks County**.

09-0203: AE Polysilicon Corp., 1 Ben Fairless Drive, Fairless Hills, PA 19030 on October 6, 2009, to operate an ultra-high purity polysilicon Falls Township, **Bucks County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, M. Gorog and B. Hatch, Environmental Engineer Managers, (412) 442-4163/5226.

30-00072E: Consol Pennsylvania Coal Co., LLC, 1525 Pleasant Grove Road, Claysville, PA 15323-1073, on October 20, 2009, for continued construction of sources associated with the Crabapple Overland Conveyor in Richhill Township, **Greene County**. The plan approval was extended until April 20, 2010.

63-00936A: MarkWest Liberty Midstream and Resources, LLC, 1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202-2126, on October 9, 2009, to extend until April 12, 2010, the period of temporary operation of the propane removal system located in Chartiers Township, **Washington County**. The plan approval has been extended.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.

24-131M: SGL Carbon, LLC, 900 Theresia Street, St. Marys, PA 15857, on October 31, 2009, to construct a new CVD Reactor 8 (Source 7104) and associated scrubber system (C7104) in the City of Saint Marys, **Elk County**. This is a CAM source. This is Title V facility.

Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and Pa. Code Chapter 127, Subchapter G.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Matthew Williams, Facilities Permitting Chief, (814) 332-6940.

42-00158: TIN, Inc., d/b/a Temple-Inland—Mt. Jewett MDF Operations, 303 South Temple Drive, Diboll, TX 75941-2419, on October 7, 2009, for an administrative amendment to the Title V Operating Permit to incorporate the plan approval conditions from 42-158L, 42-158M, and 42-158N in **McKean County**.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2507.

54-00066: Siberline Manufacturing Co., Inc., 130 Lincoln Drive, Tamaqua, PA 18252, on October 16, 2009, to manufacture paste made from purchased aluminum in Rush Township, **Schuylkill County**. 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. This is a State-only Natural Minor Operating Permit.

54-00051: Department of Corrections—Mahanoy SCI, 301 Morea Road, Frackville, PA 17932, on October 16, 2009, to re-issue a State-only (Synthetic Minor) Operating Permit for operation of a boiler and two emergency generators at their facility in West Mahanoy Township, **Schuylkill County**.

54-00068: Pleasant Valley Modular Homes, Inc., P. O. Box 88, Pine Grove, PA 17963-0088, on October 20, 2009, for production of modular homes in Pine Grove Township, **Schuylkill County**. 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. This is a State-only Synthetic Minor Operating Permit.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, William R. Weaver, New Source Review Chief, (717) 705-4702.

67-03013: Georgia Pacific Corp., 25 Walnut Street, Mount Wolf, PA 17347, on October 16, 2009, for their corrugated paper packaging plant in Mount Wolf Borough, **York County**. This is a renewal of the State-only operating permit.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Matthew Williams, Facilities Permitting Chief, (814) 332-6940.

10-00130: Eden, Inc., P. O. Box Y, Knox, PA 16232-0625, on October 13, 2009, re-issued the Natural Minor Operating Permit for this wood products coating facility in Knox Borough, **Clarion County**. The facility's primary emissions are from surface coating operations.

20-00979: National Fuel Gas Supply Corp.—Carter Hill Station, 12146 Follette Road, Wattsburg, PA 16442, on October 13, 2009, re-issued the Natural Minor Operat-

ing Permit to operate a natural gas compressor station and gas processing plant in Wayne Township, **Erie County**.

25-00383: Erie Hard Chrome, Inc.—Erie Plant, 1570 12th Street, Erie, PA 16511-1750, on October 14, 2009, re-issued the Natural Minor Operating Permit to operate this chrome plating facility in the City of Erie, **Erie County**. The facility's primary emissions are from the plating processes.

25-00941: McDonald Sand and Gravel, 9856 Drury Road, Girard, PA 16417, on October 8, 2009, issued a new State-only Operating Permit for the sand and gravel screening operations at their facility in Girard Township, **Erie County**. The facility is a Natural Minor. The primary sources at the facility include the wet sand and gravel screening (75 tph), conveyors, and a 171 hp diesel engine to provide power for the screening operations.

37-00321: New Castle Recycling, 215 Gardner Avenue, New Castle, PA 16101-3926, on October 7, 2009, issued a renewal State-only Operating Permit for the scrap metal cutting operations in the City of New Castle, **Lawrence County**. The facility is a Natural Minor. The primary sources at the facility include scrap cutting of large objects under a metal hood that is controlled by a baghouse and yard cutting for smaller carbon steel scrap (with minimal amounts of nickel and chrome) and aluminum.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) 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, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

09-00077: Exelon Generation Co., LLC—Pennsylvania Power Production Plant, 1414 Bordentown Road, Morrisville, PA 19067, on October 6, 2009, for operation of two combustion turbines that convert landfill gas into electric power when the demand is high at their facility in Falls Township, **Bucks County**. The issued State-only Operating Permit was administratively amended to incorporate the conditions of the General Plan Approval and General Operating Permit Application (BAQ-GPA/GP-22) No. 09-328-001GP.

15-00067: HERR Foods, Inc., 273 Old Baltimore Pike, West Nottingham, PA 19362, on October 8, 2009, the amendment to incorporate a new Baked Potato Chip Production Line and its conditions from Plan Approval 15-0067F into the State-only Operating Permit in West Nottingham Township, **Chester County**. Administrative Amendment of State-only Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

46-00027: Johnson and Johnson Pharmaceutical Research and Development, LLC, Welsh and McKean Roads, Spring House, PA 19477, on October 14, 2009, to amend the conditions of a Title V Operating Permit for Source IDs 035—037—three 14.29 mmBtu/hr Boilers at Welsh and McKean Roads, Lower Gwynedd Township, **Montgomery County**. This Title V Operating Permit was administratively amended to incorporate Plan Approval No. 46-0027B.

46-00005: Merck and Co., Inc., P. O. Box 4, WP20-208, 770 Sumneytown Pike, West Point, PA 19486-0004,

on October 14, 2009, the conditions of Title V Operating Permit were amended for Source IDs 380, 852 and 381—four shell freezers and emergency generator at Sumneytown Pike, Upper Gwynedd Township, **Montgomery County**. This Title V Operating Permit was administratively amended to incorporate Plan Approval No. 46-0005AC.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Barbara Hatch, Facilities Permitting Chief, (412) 442-4174.

03-00027: RRI Energy Northeast Management Co., 121 Champion Way, Suite 220, Canonsburg, PA 15317-5817, Administrative Amendment issued on September 22, 2009, to change the name of the owner/operator of the Keystone Power Plant in Plumcreek Township, **Armstrong County**. This is a Title V Operating Permit.

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 (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—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality 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).

Coal Permits Actions

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

30841316 and NPDES Permit No. PA0213535, Consol Pennsylvania Coal Company, P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323, to revise the permit for the Bailey Mine and Prep Plant in Aleppo Township, **Greene County** to add surface acreage to install the 15 I Bleeder Airshaft and four Boreholes. Surface Acres Proposed 13.7. No additional discharges. Application received June 1, 2009. Permit issued October 14, 2009.

17921603 and NPDES Permit No. PA0214612, Hepburnia Coal Company, P. O. Box I, Grampian, PA 16838, to renew the permit for the Bells Landing Tipple in Greenwood Township, **Clearfield County** and related NPDES permit. No additional discharges. Application received February 23, 2009. Permit issued October 19, 2009.

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

17980124. River Hill Coal Company, Inc. P. O. Box 141, Kylertown, PA 16847. Permit renewal for reclamation only of a bituminous surface mine in Bigler Township, **Clearfield County**, affecting 61.2 acres. Permit issued October 8, 2009.

14980101. Sky Haven Coal, Inc., 5510 State Park Road, Penfield, PA 15849. Permit renewal for reclamation

only of a bituminous surface mine in Snow Shoe Township, **Centre County**, affecting 207.4 acres. Permit issued October 8, 2009.

17980117 and NPDES No. PA0238104. Junior Coal Contracting, Inc., 2330 Six Mile Road, Philipsburg, PA 16866. Permit renewal for the continued operation and restoration of a bituminous surface mine in Decatur Township, **Clearfield County**, affecting 75.6 acres. Receiving streams: Laurel Run and Little Laurel Run to Moshannon Creek to West Branch Susquehanna River, classified for the following uses: CWF, CWF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received August 19, 2009. Permit issued October 13, 2009.

17813091. Sky Haven Coal, Inc., 5510 State Park Road, Penfield, PA 15849. Permit renewal for reclamation only of a bituminous surface mine in Graham Township, **Clearfield County**, affecting 196.3 acres. Permit issued October 8, 2009.

17070116 and NPDES No. PA0256668. Amerikohl Mining, Inc., 202 Sunset Drive, Butler, PA 16001. Revision of an existing bituminous surface mine for a road variance in Sandy and Winslow Townships, in **Clearfield and Jefferson Counties**, affecting 552 acres. Receiving streams: Sandy Lick Creek to Redbank Creek to Allegheny River, classified for the following uses: CWF, CWF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received June 12, 2009. Permit issued October 14, 2009.

Noncoal Permits Actions

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

54090301. Pottsville Materials, LLC, 2052 Lucon Road, P. O. Box 196, Skippack, PA 19474, commencement, operation and restoration of a quarry operation in New Castle Township, **Schuylkill County** affecting 179 acres, receiving stream: none. Application received May 15, 2009. Permit issued October 14, 2009.

ABANDONED MINE RECLAMATION

ACT 181 ONLY

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

Primacy Bond Forfeiture Contract Awarded	PBF 56960111.1
Location	Stonycreek Township Somerset County Pennsylvania
Description	Act 181 Bond Forfeiture Reclamation Project Big J Mining, Inc. SMP No. 56960111
Contractor	Coal Loaders, Inc. 210 East Main Street P. O. Box 556 Ligonier, PA 15658
Amount	\$409,105
Date of Award	October 16, 2009

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151–161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). 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

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

28094117. David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17201-9655, blasting activity permit issued for a manure pit development in Letterkenny Township, **Franklin County**. Blasting activity permit end date is October 2, 2010. Permit issued October 7, 2009.

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

41094006. Penna. General Energy, 120 Market Street, Warren, PA 16365, construction blasting for a road and well located in Cummings Township, **Lycoming County**. Permit issued October 13, 2009. Permit expires December 31, 2009.

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

36094169. TJ Angelozzi, Inc., 7845 Kabik Court, Woodbine, MD 21797, construction blasting for Hawthorne Ridge Townhouse Development in Lancaster Township, **Lancaster County** with an expiration date of December 1, 2009. Permit issued October 9, 2009.

36094170. TJ Angelozzi, Inc., 7845 Kabik Court, Woodbine, MD 21797, construction blasting for Hawthorne Ridge Townhouse Development in Lancaster Township, **Lancaster County** with an expiration date of December 1, 2009. Permit issued October 9, 2009.

58094015. Geokinetics, R. R. 6, Box 6176, Towanda, PA 18848, construction blasting for the Bradford 3D Extension in Forest Lake, Rush, Jessup, Auburn and Middletown Townships, **Susquehanna County** with an expiration date of October 31, 2010. Permit issued October 13, 2009.

67094121. J Roy's, Inc., P. O. Box 125, Bowmansville, PA 17507, construction blasting for Newberry Point Development in Newberry Township, **York County** with an expiration date of October 1, 2010. Permit issued October 13, 2009.

36094171. Gerlach's Drilling and Blasting, 172 Bender Mill Road, Lancaster, PA 17603, construction blasting for improvements to Keens Road in Manheim Township, **Lancaster County** with an expiration date of October 15, 2010. Permit issued October 14, 2009.

46094117. Rock Work, Inc., 1257 DeKalb Pike, Blue Bell, PA 19422, construction blasting for Village of Caralea Development in East Norriton Township, **Montgomery County** with an expiration date of October 31, 2010. Permit issued October 15, 2009.

46094002. American Infrastructure (Allan A. Myers), 1805 Berks Road, Worcester, PA 19490, construction blasting for SR 1058 Road Expansion in Lower Salford, Towamencin, Franconia and Hatfield Townships, **Montgomery County** with an expiration date of October 1, 2010. Permit issued October 16, 2009.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (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 the applicable provisions of 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, 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 the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (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 of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, 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 Floodplain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 P.S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E09-941. Solebury Township, 3092 Sagan Road, P.O. Box 139, Solebury, PA 18963-0139, Solebury Township, **Bucks County**, United States Army Corps of Engineers, Philadelphia District.

To restore and stabilize approximately 1 mile segment of the Middle Branch of the Paunacussing Creek (HQ, CWF) utilizing natural stream channel design (Rosgen Method) and bioengineering techniques. This work will

include cross vanes, construction of bank full benches, bank rehabilitation, live fascines and gravel bar removal. The site is extended from Street Road to Aquatong Road, near the Village of Carversville, starting at Buckingham, PA USGS Quadrangle N: 19.5 inches; W: 8.5 inches, and ending in Lumberville PA, USGS Quadrangle N: 2 inches; W: 4 inches.

E51-237. Philadelphia Water Department, Aramark Tower, 2nd Floor, 1101 Market Street, Philadelphia, PA 19107, City and County of Philadelphia, United States Army Corps of Engineers, Philadelphia District.

To restore and maintain approximately 5,376 linear feet of severely eroded channel of Mill Run (Tributary to the Wissahickon Creek) and its tributary, utilizing fluvial geomorphologic principles (FGM) and natural stream channel design (NSCD). The site is located near the intersection of Old Line and Mill Roads (Germantown, PA USGS Quadrangle N: 12.1 inches; W: 15.5 inches).

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

E07-429. Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648, United States Army Corps of Engineers, Baltimore District.

To: (1) raze a two span reinforced concrete closed spandrel arch bridge carrying SR 1014 over Little Juniata River (CWF); (2) construct and maintain a 205.5-foot long by 31.5-foot wide two span pre-stressed concrete T-beam bridge with a total span of 198.7 feet, a minimum underclearance of 5.3 feet and a skew of 55°, across Little Juniata River (CWF) approximately 65 feet downstream from the existing structure; and (3) temporarily affect 0.02 acre PFO wetland for temporary causeway placement, all located in the Town of Ironville (Tyrone, PA Quadrangle Latitude: 40° 39' 36" N; Longitude: 78° 13' 5" W, N: 6.4 inches; W: 12.9 inches) in Snyder Township, **Blair County**, and for the purpose of replacing the deteriorated structure. The project proposes to utilize two temporary causeways and temporary cofferdams in a staged manner.

E67-866. Lower Windsor Township, 2425 Craley Road, Wrightsville, PA 17368, Southern Heights, Trinity Road North, Lower Windsor Township, **York County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain two outfall structures, one 36 inches and the other 15 inches into a UNT of Canadochly Creek (WWF) and a road, a portion of which is in the floodway of the UNT to Canadochly Creek Watershed 7I. The project also involves the lengthening of an existing twin 48-inch CMP Culvert under North Trinity Road as part of the new road construction. The project is located on North Trinity Road approximately 500 feet from Cool Creek Road (Red Lion, PA Quadrangle N: 20 inches; W: 4.75 inches, Latitude 39° 59' 33"; Longitude: 76° 32' 0.96") in Lower Windsor Township, **York County**. The purpose of the project is for a subdivision resulting in seven lots for residential development.

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

E02-1611. Allegheny County Department of Public Works, 501 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219. To excavate accumulated sediment

in North Park Lake, Hampton and McCandless Townships, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Glenshaw, PA Quadrangle N: 17.40 inches; W: 16.96 inches, Latitude: 40° 35' 45"; Longitude: 79° 59' 50"). To remove accumulated sediment from North Park Lake for the purpose of restoring the open water habitat and aquatic ecosystem to the lake. The lake is V-shaped, and currently has a surface area of approximately 63 acres. This project will be completed in two phases. Phase I will involve the excavation of approximately 104,000 cubic yards (CY) of sediment, primarily from the North Fork Pine Creek (CWF) arm of the lake. Phase II will involve the excavation of approximately 213,000 CY of sediment, primarily from the Pine Creek (CWF) arm of the lake, and the area in front of the dam. The accumulated sediments will be removed by conventional earth moving equipment, after the lake is dewatered. All of the excavated sediment will be transported and disposed at the Wildwood Mine Sediment Placement Area (Glenshaw, PA Quadrangle N: 16.04 inches; W: 14.23 inches, Latitude: 40° 35' 18"; Longitude: 79° 58' 39"). Upon completion of this project, the restored lake will have a surface area of approximately 63 acres, and water depths that will range from shallow shoreline areas, to approximately 26 feet at the most downstream end of the lake. Structures such as porcupine cribs, porcupine crib juniors, rock humps, mixed stone piles, and osprey nests will be installed in and around the restored lake, to restore aquatic habitat. In addition, coir fiber logs will be installed along the lake bank at select locations, and outlet protection will be added to existing culverts around the lake. The project is located on the west side of Babcock Road at the intersection of Babcock and Ingomar Roads. This project will impact approximately 0.21 acre of wetland, and will include the construction of approximately 0.25 acre of replacement wetland.

E65-933, Department of Transportation, District 12-0, 825 North Gallatin Avenue Ext., P. O. Box 459, Uniontown, PA 15401-0459. To construct and maintain wetland mitigations in South Huntingdon Township, **Westmoreland County**, United States Army Corps of Engineers, Pittsburgh District (Smithton, PA Quadrangle North 7.3 inches; West 17.4 inches, Latitude 40° 9' 52"; Longitude 79° 45' 6", to North 7.8 inches; West 15.0 inches, Latitude 40° 9' 58"; Longitude 79° 44' 11"). To construct and maintain:

1. a 118-foot long extension of a 259-foot long, 12-foot span arch culvert under the to be widened SR 70 interchanges access ramp over Dutch Hollow (WWF) and to relocate 110-foot of stream channel on the upstream side and 40-foot of stream channel on the downstream side of the culvert;

2. a 152-foot long 91-inch by 58-inch elliptical RCP replacement and extension of an existing 93-foot long 75-inch by 57-inch elliptical CMP under the to be widened SR 70 in a UNT to the Youghiogheny River (WWF) and to relocate 60 feet of stream channel on the upstream side of the culvert and to place 25 feet long energy dissipater on the downstream side of the culvert;

3. replacements and extensions of four culverts in tributaries to Dutch Hollow (WWF) impacting an additional 150 feet of stream and three culverts in tributaries to Youghiogheny River (WWF) impacting an additional 110 feet of stream channel. All of these tributaries have drainage areas less than 100 acres;

4. road construction associated temporary crossings and stormwater outfalls;

5. to place and maintain fill in a total of 0.92 acre of PEM/PFO wetlands.

Wetland mitigation is provided at the Jacobs Creek wetland mitigation bank, Fayette County. Stream mitigation is provided at two locations to compensate for losses. The first location is along Dutch Hollow immediately upstream of the proposed culvert extension. The second location is located along Meadow Run in Ohioyle State Park, Stewart Township, Fayette County. This project is associated with SR 70 and Smithton interchange improvements starting approximately 0.2 mile east of the Youghiogheny River and extending east approximately 1 mile and is located in South Huntingdon Township, Westmoreland.

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

E25-730, Washington Township, 11800 Edinboro Road, Edinboro, PA 16412. T-307 Bridge Over Little Conneauttee Creek, in Washington Township, **Erie County**, United States Army Corps of Engineers, Pittsburgh District (Cambridge Springs, PA Quadrangle N: 41° 52' 47"; W: 80° 3' 13").

To remove the existing structure and to construct and maintain a prestressed concrete spread box beam bridge having a clear span of 66.75 feet and an underclearance of 7.9 feet on a 67° skew across Little Conneauttee Creek, place and maintain fill within the 100-year flood plain of Little Conneauttee Creek associated with changes to roadway elevation, realign approximately 375 feet of a tributary to Little Conneauttee Creek along the south side of the roadway extending from the mouth along the west side of Little Conneauttee Creek extending upstream and impact a deminimus amount of wetland adjoining Little Conneauttee Creek on T-307, Conneauttee Road, approximately 800 feet east of SR 86.

E61-288, Department of Transportation, District 1-0, 255 Elm Street, Oil City, PA. SR 0008, Section A03 Cherrytree, in Cherrytree Township, **Venango County**, United States Army Corps of Engineers, Pittsburgh District (Titusville South, PA Quadrangle N: 41° 32' 11"; W: 79° 42' 56").

To conduct the following activities associated with the realignment and improvement to SR 0008, Section A03, Segment 0610 to 0650 extending approximately 2.2 miles north from the intersection of T-617, Hamilton Corners Road:

1. To remove the existing bridge and construct and maintain a prestressed concrete spread box beam bridge having a clear span of 50 feet and an underclearance of 6.3 feet on a 70° skew across Cherrytree Run just north of T-617. A temporary roadway to maintain traffic will be installed downstream of the existing bridge and will consist of four 5-foot diameter culverts in Cherrytree Run and impact a 0.01 acre of isolated wetland.

2. To fill a total of 0.39 acre of wetland near the intersection of SR 0008 and T-540, Cherrytree Road.

3. To install various extensions and relocations of drainage structures impacting a cumulative total of approximately 485 linear feet of culverts and realignment of a total of 190 linear feet of open channels of tributaries to Cherrytree Run having contributory drainage areas less than 100 acres.

Project includes debit from Department of Transportation's existing Polk Wetland Bank for replacement of 0.39 acre of impacted wetland.

ENVIRONMENTAL ASSESSMENTS

Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.

EA1009-013. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project (Sherwin North), in Clay Township, **Butler County**, United States Army Corps of Engineers, Pittsburgh District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 4,400 linear feet of dangerous highwalls. The project will include the elimination of 897 feet of channel and the backfilling of 0.43 acre of PEM wetlands and 0.18 acre of a waterbody that have developed within the open surface mine pits. A 0.61 acre replacement wetland and 674 linear feet of pool-riffle channel will be constructed with the project (West Sunbury Quadrangle N: 1 inch; W: 9.5 inches).

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control Permits have been issued.

Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T 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 any right of appeal beyond that permitted by applicable statutes and decisional law.

If individuals want to challenge this action, their appeal must reach the Board within 30 days. Individuals do not need a lawyer 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. If individuals cannot afford a lawyer, individuals may qualify for pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

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

10/13/09
ESCGP-1 No.: ESX09-129-0028
Applicant Name: Atlas Energy Resources, LLC
Contact Person: Jeremy Hirtz
Address: 800 Mountain View Drive
City: Smithfield State: PA Zip Code: 15478
County: Westmoreland Township: Sewickley
Receiving Stream and Classifications: Browneller Run, Other

10/16/09
ESCGP-1 No.: ESX09-051-0037
Applicant Name: Atlas Energy Resources, LLC
Contact Person: Jeremy Hirtz
Address: 800 Mountain View Drive
City: Smithfield State: PA Zip Code: 15478
County: Fayette Township: Franklin
Receiving Streams and Classifications: UNT to Bolden Run, Other

10/16/09
ESCGP-1 No.: ESX09-059-0047
Applicant Name: Atlas Energy Resources, LLC
Contact Person: Jeremy Hirtz
Address: 800 Mountain View Drive
City: Smithfield State: PA Zip Code: 15478
County: Greene Township: Jefferson
Receiving Streams and Classifications: UNTs 40987 and 40988 to Pumpkin Run, Other

10/16/09
ESCGP-1 No.: ESX09-111-0007
Applicant Name: EQT Production Company
Contact Person: Shari Hodges
Address: 455 Racetrack Road
City: Washington State: PA Zip Code: 15301
County: Somerset Township: Elk Lick
Receiving Stream and Classifications: McClintock Run Basin, CWF, Other

10/16/09
ESCGP-1 No.: ESX09-129-0029
Applicant Name: CNX Gas Company, LLC
Contact Person: Stephanie Ranker
Address: 200 Evergreen Drive
City: Waynesburg State: PA Zip Code: 15370
County: Westmoreland Township: Rostraver
Receiving Stream and Classifications: Becketts Run, WWF, Other

Northcentral Region: Oil and Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

ESCGP-1 No.: ESX09-015-0048
Applicant Name: Chesapeake Appalachia, LLC
Contact Person: Eric Haskins
Address: 100 1ST Center
City, State, Zip: Horseheads, NY 14845
County: Bradford
Township: Albany
Receiving Streams and Classifications: UNT to South Branch Towanda Creek

ESCGP-1 No.: ESX09-115-0012
Applicant Name: Chief Oil and Gas, LLC
Contact Person: Michael Hritz
Address: 6051 Wallace Road, Ext., Suite 210
City, State, Zip: Wexford, PA 15090
County: Susquehanna
Township: Springville
Receiving Streams and Classifications: UNT to Meshopen Creek

ESCGP-1 No.: ESX09-015-0045
Applicant Name: Chesapeake Appalachia, LLC
Contact Person: Eric Haskins
Address: 100 1ST Center
City, State, Zip: Horseheads, NY 14845
County: Bradford
Township: Smithfield
Receiving Streams and Classifications: UNT Sugar Creek

ESCGP-1 No.: ESX09-115-0011
 Applicant Name: Chesapeake Appalachia, LLC
 Contact Person: Eric Haskins
 Address: 100 1ST Center
 City, State, Zip: Horseheads, NY 14845
 County: Susquehanna
 Township(s): Auburn
 Receiving Streams and Classifications: UNT to Tuscarora
 Creek

ESCGP-1 No.: ESX09-015-0050
 Applicant Name: Chesapeake Appalachia, LLC
 Contact Person: Eric Haskins
 Address: 100 1ST Center
 City, State, Zip: Horseheads, NY 14845
 County: Bradford
 Township: Wyalusing
 Receiving Streams and Classifications: UNT to
 Susquehanna River

ESCGP-1 No.: 41-08-806
 Applicant Name: Chief Oil and Gas, LLC
 Contact Person: Michael Hritz
 Address: 6051 Wallace Road, Ext., Suite 210
 City, State, Zip: Wexford, PA 15090
 County: Lycoming
 Township: Penn
 Receiving Stream and Classifications: Sugar Run

ESCGP-1 No.: ESX09-117-0013
 Applicant Name: East Resources, Inc.
 Contact Person: Jefferson Long
 Address: 301 Brush Creek Road
 City, State, Zip: Warrendale, PA 15086
 County: Tioga
 Township: Jackson
 Receiving Stream and Classifications: Mutton Lane
 Creek

ESCGP-1 No.: ESX09-117-0019
 Applicant Name: East Resources, Inc.
 Contact Person: Jefferson Long
 Address: 301 Brush Creek Road
 City, State, Zip: Warrendale, PA 15086
 County: Tioga
 Township: Richmond
 Receiving Stream and Classifications: Elk Run

ESCGP-1 No.: ESX09-117-0018
 Applicant Name: East Resources, Inc.
 Contact Person: Jefferson Long
 Address: 301 Brush Creek Road
 City, State, Zip: Warrendale, PA 15086
 County: Tioga
 Township: Richmond
 Receiving Stream and Classifications: Elk Run

ESCGP-1 No.: ESX09-117-0020
 Applicant Name: East Resources, Inc.
 Contact Person: Jefferson Long
 Address: 301 Brush Creek Road
 City, State, Zip: Warrendale, PA 15086
 County: Tioga
 Township: Rutland
 Receiving Stream and Classifications: Mill Creek

ESCGP-1 No.: ESX09-117-0022
 Applicant Name: East Resources, Inc.
 Contact Person: Jefferson Long
 Address: 301 Brush Creek Road
 City, State, Zip: Warrendale, PA 15086
 County: Tioga
 Township: Rutland
 Receiving Streams and Classifications: UNT to Mill
 Creek

ESCGP-1 #No.: ESX09-117-0023
 Applicant Name: East Resources, Inc.
 Contact Person: Jefferson Long
 Address: 301 Brush Creek Road
 City, State, Zip: Warrendale, PA 15086
 County: Tioga
 Township: Jackson
 Receiving Streams and Classifications: UNT to Seeley
 Creek

ESCGP-1 No.: ESX09-117-0015
 Applicant Name: East Resources, Inc.
 Contact Person: Jefferson Long
 Address: 301 Brush Creek Road
 City, State, Zip: Warrendale, PA 15086
 County: Tioga
 Township: Rutland
 Receiving Streams and Classifications: UNT to Mill
 Creek, Bear Creek

ESCGP-1 No.: ESX09-117-0014
 Applicant Name: East Resources, Inc.
 Contact Person: Jefferson Long
 Address: 301 Brush Creek Road
 City, State, Zip: Warrendale, PA 15086
 County: Tioga
 Township: Rutland
 Receiving Stream and Classifications: Elk Run

ESCGP-1 No.: ESX09-117-0016
 Applicant Name: East Resources, Inc.
 Contact Person: Jefferson Long
 Address: 301 Brush Creek Road
 City, State, Zip: Warrendale, PA 15086
 County: Tioga
 Township: Tioga
 Receiving Stream and Classifications: Steam Mill Creek

ESCGP-1 No.: ESX09-117-0014
 Applicant Name: East Resources, Inc.
 Contact Person: Jefferson Long
 Address: 301 Brush Creek Road
 City, State, Zip: Warrendale, PA 15086
 County: Tioga
 Township: Rutland
 Receiving Stream and Classifications: Elk Run

ESCGP-1 No.: ESX09-117-0016
 Applicant Name: East Resources, Inc.
 Contact Person: Jefferson Long
 Address: 301 Brush Creek Road
 City, State, Zip: Warrendale, PA 15086
 County: Tioga
 Township: Tioga
 Receiving Stream and Classifications: Steam Mill Creek

ESCGP-1 No.: ESX09-015-0052
 Applicant Name: Chesapeake Appalachia, LLC
 Contact Person: Eric Haskins
 Address: 100 1ST Center
 City, State, Zip: Horseheads, NY 14845
 County: Bradford
 Township: Towanda
 Receiving Streams and Classifications: Susquehanna
 River to North side of pad, Towanda Creek to south
 side of pad.

ESCGP-1 No.: ESX09-015-0051
 Applicant Name: Chesapeake Appalachia, LLC
 Contact Person: Eric Haskins
 Address: 100 1ST Center
 City, State, Zip: Horseheads, NY 14845
 County: Bradford
 Township: Burlington
 Receiving Streams and Classifications: Deer Lick Run,
 Secondary Browns Creek, Sugar Creek

*Northwest Region: Oil and Gas Program Manager, 230
 Chestnut Street, Meadville, PA 16335.*

ESCGP-1 No.: ESX09-019-0012
 Applicant Name: Rex Energy Corp.
 Contact Person: Timothy Beattie
 Address: 476 Rolling Ridge Drive, Suite 300
 City, State, Zip: State College, PA 16801
 County: Butler
 Townships: Connonquenessing, Forward, Jackson
 Receiving Streams and Classifications: Connoquenessing
 Creek, WWF, Little Connoquenessing Creek, CWF

STORAGE TANKS

SITE-SPECTIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, Director, P. O. 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>
09-49-002	Sunoco Partners Marketing and Terminals, LP 525 Fritztown Road Sinking Spring, PA 19608 Attn: Jed A. Werner	Northumberland	Point Township	Two ASTs storing biodiesel	67,680 gallons total

SPECIAL NOTICES

Southwest Regional Office, Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Categorical Exclusion

Location: East Conemaugh Borough, 355 First Street, East Conemaugh, PA 15909—East Conemaugh Borough, Cambria County

Description: The Pennsylvania Infrastructure Investment Authority which administers Pennsylvania’s State Revolving Fund is intended to be the funding source for this project.

The Borough proposes to separate its combined sewer system to eliminate wet weather overflows.

The Department of Environmental Protection’s (Department) review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

Location: Neville Township, 5050 Grand Avenue, Pittsburgh, PA 15225—Neville Township, Allegheny County

Description: The Pennsylvania Infrastructure Investment Authority which administers Pennsylvania’s State Revolving Fund is intended to be the funding source for this project.

The Township proposes to replace old forcemains to prevent forcemain breaks and eliminate intermittent sewage discharges.

The Department of Environmental Protection’s (Department) review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department

hereby categorically excludes this project from the State Environmental Review Process.

Location: O’Hara Township, 325 Fox Chapel Road, Pittsburgh, PA 15238—O’Hara Township, Allegheny County

Description: The Pennsylvania Infrastructure Investment Authority which administers Pennsylvania’s State Revolving Fund is intended to be the funding source for this project.

The Township proposes to repair sewers to reduce wet weather flows and comply with an Order.

The Department of Environmental Protection’s (Department) review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

Location: Pittsburgh Water and Sewer Authority, 1200 Penn Avenue, Pittsburgh, PA 15222—City of Pittsburgh, Allegheny County

Description: The Pennsylvania Infrastructure Investment Authority which administers Pennsylvania’s State Revolving Fund is intended to be the funding source for this project.

The Authority proposes to repair sewers to reduce wet weather flows and comply with an Order.

The Department of Environmental Protection’s (Department) review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

Location: Connellsville Municipal Authority, P. O. Box 925, Connellsville, PA 15425—City of Connellsville, Fayette County

Description: The Pennsylvania Infrastructure Investment Authority which administers Pennsylvania's State Revolving Fund is intended to be the funding source for this project.

The authority proposes a partial combined sewer separation to reduce wet weather flows and combined sewer overflows.

The Department of Environmental Protection's (Department) review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

Location: Cresson Borough Municipal Authority, 631 Second Street, Cresson, PA 16630-Cresson Borough, Cambria County

Description: The Pennsylvania Infrastructure Investment Authority which administers Pennsylvania's State Revolving Fund is intended to be the funding source for this project.

The Authority proposes to replace old sanitary sewers to reduce flows and eliminate sanitary sewer overflows.

The Department of Environmental Protection's (Department) review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

Location: Sewickley Borough, 601 Thorn Street, Sewickley, PA 15143—Sewickley Borough, Allegheny County

Description: The Pennsylvania Infrastructure Investment Authority which administers Pennsylvania's State Revolving Fund is intended to be the funding source for this project.

The Borough proposes to replace the existing headworks and sludge dewatering facilities at the existing sewage treatment plant.

The Department of Environmental Protection's (Department) review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

The Coxes Creek TMDL, originally approved by USEPA in April 2009, has been revised to reflect the inclusion of wasteload allocations for additional NPDES permits not included in the originally approved TMDL.

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. To request a copy of the proposed TMDL, contact:

Jennifer Orr
TMDL Development Section,
Watershed Protection Division
Pennsylvania Department of Environmental Protection
P. O. Box 8555
Harrisburg, PA 17105-8555
or (717) 772-5670, jeorr@state.pa.us

The TMDLs can be accessed through the Department of Environmental Protection (Department) web site (<http://www.dep.state.pa.us>) by clicking on the Water Topics Link, then the TMDL link. Persons with a disability may use the Pennsylvania AT&T Relay Service by calling (800)

654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed.

Written and e-mail comments will be accepted at the previous addresses and must be received by November 30, 2009. Comments will not be accepted by facsimile or voice mail. The Department will consider all comments in developing the final TMDL, which will be submitted to Environmental Protection Agency (EPA) for approval.

[Pa.B. Doc. No. 09-2033. Filed for public inspection October 30, 2009, 9:00 a.m.]

DEPARTMENT OF HEALTH

Availability of Draft Preventive Health and Health Services Block Grant; Application for Federal Fiscal Year 2010

The Department of Health (Department) is making copies available of the draft Preventive Health and Health Services Block Grant (block grant) Application for Federal Fiscal Year 2010, under 42 U.S.C.A. § 300w-4. This application is the Commonwealth's draft request to the United States Department of Health and Human Services (HHS) for block grant funding to address the Healthy People 2010 Health Status Objectives.

The block grant application is Pennsylvania's funding (fix formula-based) request to HHS describing proposed services, program goals and objectives and activities that is available for public comment. Electronic or hard copies of the proposals can be obtained by calling the Bureau of Health Promotion and Risk Reduction (Bureau) at (717) 787-6214.

A public hearing will be conducted by the Department for the purpose of receiving testimony on the previously-mentioned application in accordance with 42 U.S.C.A. § 300w-4. Comments and suggestions from the public should relate to the priorities and program plans included in the application.

The hearing will be held from 1 p.m. until 3 p.m., November 9, 2009, in the Conference Room 1000, Health and Welfare Building, 625 Forster Street, Harrisburg, PA. Persons wishing to testify are requested to preregister by contacting the Bureau at (717) 787-6214. Registration will be accepted on the day of the hearing. Persons will be allotted a maximum of 15 minutes to testify. Individuals should provide the Department with two copies of their testimony at the time of the hearing.

Written comments will be accepted and should be sent to the Bureau at the address listed previously and should be received no later than 4 p.m., December 10, 2009.

Persons with a disability who require an alternative format of the application or desire to comment in alternative format (for example, large print, audio tape or Braille) or wish to attend the hearing and require special accommodations, should notify the Bureau at (717) 787-6214, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-2034. Filed for public inspection October 30, 2009, 9:00 a.m.]

Decisions on Requests for Exceptions to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b), for exceptions to regulations contained in 28 Pa. Code Part IV Health Facilities, Subparts B—G.

Section 51.33(d) provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from April 2009 through September 2009. Future publications of decisions on exception requests will appear on a quarterly basis.

Requests for additional information on the exception requests and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals and ambulatory surgical facilities shall be addressed to Joanne Salsgiver, Chief, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120. Inquiries regarding long-term care facilities shall be addressed to William Bordner, Director, Division of Nursing Care Facilities, Room 528, Health and Welfare Building, Harrisburg, PA 17120.

Hospitals

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Chambersburg Hospital	28 Pa. Code § 51.6(c)	staff identification	12/13/08	granted
Waynesboro Hospital	28 Pa. Code § 51.6(c)	staff identification	03/07/09	granted
Butler Memorial Hospital	28 Pa. Code § 51.23	PET scanning services	03/07/09	denied
Easton Hospital	28 Pa. Code § 51.23	PET scanning services	02/14/09	granted
Gettysburg Hospital	28 Pa. Code § 51.23	PET scanning	02/21/09	granted
Evangelical Community Hospital	28 Pa. Code § 101.172	patient limits	02/14/09	denied
HealthSouth Regional Specialty Hospital	28 Pa. Code § 103.31	hospital requirements	12/13/08	granted for 3 months
Lewistown Hospital	28 Pa. Code § 101.3	hospital requirements	01/24/09	granted
The Children's Institute	28 Pa. Code § 101.31	hospital requirements	02/14/09	denied
Robert Packer Hospital	28 Pa. Code § 107.2	medical staff	12/20/08	not necessary
Penn State Hershey Rehabilitation Hospital	28 Pa. Code § 107.26	tissue committee	02/14/09	granted
Select Specialty Hospital Johnstown	28 Pa. Code § 107.26	tissue committee	12/03/08	granted
Select Specialty Hospital Johnstown	28 Pa. Code § 107.26	tissue committee	12/13/08	granted
Southwest Regional Medical Center	28 Pa. Code § 107.26	tissue committee	02/14/09	granted
Southwest Regional Medical Center	28 Pa. Code § 107.32	meetings and attendance	01/24/09	granted
St. Mary Medical Center	28 Pa. Code § 107.32	medical staff meetings		denied
Elk Regional Health Center	28 Pa. Code § 107.62	oral orders	01/31/09	granted/denied
West Penn Allegheny Health System—Allegheny General Hospital	28 Pa. Code § 115.25	infant footprints	03/21/09	granted
Canonsburg General Hospital	28 Pa. Code § 123.25	explosion hazards	12/20/08	granted
Charles Cole Memorial Hospital	28 Pa. Code § 123.25	explosion hazards	04/25/09	granted
Lancaster Regional Medical Center	28 Pa. Code § 123.25	explosion hazards	03/14/09	granted
Mercy Hospital—Scranton	28 Pa. Code § 123.25	explosion hazards	03/07/09	granted
Southwest Regional Medical Center	28 Pa. Code § 123.25	explosion hazards	12/13/08	granted
Washington Hospital	28 Pa. Code § 123.25	explosion hazards	11/29/08	granted
Westfield Medical Center	28 Pa. Code § 123.25	explosion hazards	04/25/09	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Hospital of the University of Pennsylvania—Radiation Oncology Unit at Chestnut Hill Hospital	28 Pa. Code § 127.31(b)	radiology services	06/28/08	withdrawn by DAAC
ACMH Hospital	28 Pa. Code § 127.32	written orders	12/13/08	granted
Altoona Regional Health System	28 Pa. Code § 127.32	diagnostic radiology	02/21/09	granted
Brookville Hospital	28 Pa. Code § 127.32	written orders	12/13/08	granted
Chambersburg Hospital	28 Pa. Code § 127.32	written orders	03/28/09	granted
Children's Hospital of Pittsburgh of UPMC	28 Pa. Code § 127.32	written orders	12/20/08	granted
Doylestown Hospital	28 Pa. Code § 127.32	written orders	02/14/09	granted
Easton Hospital	28 Pa. Code § 127.32	written orders	04/25/09	granted
Edgewood Surgical Hospital	28 Pa. Code § 127.32	written orders	04/25/09	granted
Elk Regional Health Center	28 Pa. Code § 127.32	written orders	12/20/08	granted
Excelsa Frick Hospital	28 Pa. Code § 127.32	written orders	03/07/09	granted
Excelsa Latrobe Hospital	28 Pa. Code § 127.32	written orders	03/07/09	granted
Fulton County Medical Center	28 Pa. Code § 127.32	written orders	04/25/09	granted
Gettysburg Hospital	28 Pa. Code § 127.32	written orders	03/21/09	granted
Grand View Hospital	28 Pa. Code § 127.32	written orders	04/25/09	granted
Hamot Medical Center	28 Pa. Code § 127.32	written orders	02/21/09	granted
Heart of Lancaster Regional Medical Center	28 Pa. Code § 127.32	written orders	02/14/09	granted
Heritage Valley Beaver	28 Pa. Code § 127.32	written orders	01/24/09	granted
Heritage Valley Sewickley	28 Pa. Code § 127.32	written orders	01/24/09	granted
Holy Redeemer Hospital and Medical Center	28 Pa. Code § 127.32	written orders	02/14/09	granted
Holy Spirit Hospital	28 Pa. Code § 127.32	written orders	01/24/09	granted
JC Blair Memorial Hospital	28 Pa. Code § 127.32	written orders	02/21/09	granted
Jennersville Regional Hospital	28 Pa. Code § 127.32	written orders	03/28/09	granted
Lancaster General Hospital	28 Pa. Code § 127.32	written orders	04/25/09	granted
Lancaster Regional Medical Center	28 Pa. Code § 127.32	written orders	02/17/09	granted
Lehigh Valley Hospital Muhlenberg	28 Pa. Code § 127.32	written orders	04/25/09	granted
Magee-Womens Hospital	28 Pa. Code § 127.32	written orders	02/14/09	granted
Marian Community Hospital	28 Pa. Code § 127.32	written orders	01/24/09	granted
Memorial Hospital—York	28 Pa. Code § 127.32	written orders	03/28/09	granted
Mercy Fitzgerald Hospital	28 Pa. Code § 127.32	written orders	04/25/09	granted
Mercy Hospital Scranton	28 Pa. Code § 127.32	written orders	02/21/09	granted
Mercy Philadelphia Hospital	28 Pa. Code § 127.32	written orders	04/25/09	granted
Mercy Suburban Hospital	28 Pa. Code § 127.32	written orders	02/14/09	granted
Millcreek Community Hospital	28 Pa. Code § 127.32	written orders	02/21/09	granted
Miners Medical Center	28 Pa. Code § 127.32	written orders	12/13/08	granted
Monongahela Valley Hospital Inc.	28 Pa. Code § 127.32	written orders	03/21/09	granted
Montrose General Hospital	28 Pa. Code § 127.32	written orders	04/25/09	granted
Mount Nittany Medical Center	28 Pa. Code § 127.32	written orders	12/20/08	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Penn State Milton S. Hershey Medical Center	28 Pa. Code § 127.32	written orders	03/14/09	granted
Pinnacle Health	28 Pa. Code § 127.32	written orders	12/13/08	granted
Pottstown Memorial Medical Center	28 Pa. Code § 127.32	written orders	04/25/09	granted
Robert Packer Hospital	28 Pa. Code § 127.32	written orders	03/21/09	granted
Roxborough Memorial Hospital	28 Pa. Code § 127.32	written orders	03/28/09	granted
Saint Vincent Health Center	28 Pa. Code § 127.32	written orders	03/28/09	granted
St. Mary Medical Center	28 Pa. Code § 127.32	written orders	04/25/09	granted
St. Christopher's Hospital for Children	28 Pa. Code § 127.32	written orders	12/13/08	granted
The Bloomsburg Hospital	28 Pa. Code § 127.32	written orders	04/25/09	granted
The Ellwood City Hospital	28 Pa. Code § 127.32	written orders	03/14/09	granted
UPMC Bedford	28 Pa. Code § 127.32	written orders	02/21/09	granted
UPMC Braddock	28 Pa. Code § 127.32	written orders	02/21/09	granted
The Washington Hospital	28 Pa. Code § 127.32	written orders	03/28/09	granted
UPMC Mercy	28 Pa. Code § 127.32	written orders	04/25/09	granted
UPMC Northwest	28 Pa. Code § 127.32	written orders	12/13/08	granted
UPMC Presbyterian Shadyside	28 Pa. Code § 127.32	written orders	12/13/08	granted
UPMC South Side	28 Pa. Code § 127.32	written orders	04/25/09	granted
UPMC St Margaret	28 Pa. Code § 127.32	written orders	02/21/09	granted
Warren General Hospital	28 Pa. Code § 127.32	written orders	12/20/08	granted
Waynesboro Hospital	28 Pa. Code § 127.32	written orders	03/28/09	granted
West Penn Allegheny Health System— Allegheny General Hospital	28 Pa. Code § 127.32	written orders	03/21/09	granted
York Hospital	28 Pa. Code § 127.32	written orders	03/28/09	granted
Bucktail Medical Center	28 Pa. Code § 131.22	treatment orders	12/20/08	granted
Jersey Shore Hospital	28 Pa. Code § 131.22	treatment orders	12/20/08	granted
Soldiers and Sailors Memorial Hospital	28 Pa. Code § 137.12(d)	delivery suite	03/14/09	granted
Meadville Medical Center	28 Pa. Code § 138.15	high risk cardiac	02/21/09	granted w/conditions
Uniontown Hospital	28 Pa. Code §§ 138.15 and 138.18(b)	high risk cardiac	02/21/09	granted
Excelsa Health Westmoreland Hospital	28 Pa. Code § 138.18	EPS Studies		denied
Waynesboro Hospital	28 Pa. Code §§ 143.4 and 143.7	podiatric patients	02/14/09	denied
Altoona Regional Health System	28 Pa. Code § 153.1	2.1.1.4 (desk), 2.2.1	11/15/08	withdrawn
DuBois Regional Medical Center—Brookville Hospital Campus	28 Pa. Code § 153.1	3.1-5.2.1.1 (corridor width)	12/20/08	granted
DuBois Regional Medical Center—Charles Medical Center	28 Pa. Code § 153.1	3.1-5.2.1.1 (corridor width)	12/20/08	granted
Elk Regional Health Center	28 Pa. Code § 153.1	3.1, 2.1.3.1 (space requirements)	03/28/09	granted
Elk Regional Health Center	28 Pa. Code § 153.1	3.1-2.1.7.5 (soiled workroom)	03/28/09	not necessary

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Hospital of the University of Pennsylvania	28 Pa. Code § 153.1	2.1-3.4.2.1(1)	12/20/08	granted
Main Line Surgery	28 Pa. Code § 153.1	2.4.2 stepdown recovery	03/28/09	granted
Pinnacle Health at Harrisburg Hospital	28 Pa. Code § 153.1	2.1-5.3.2.4 clearance	01/10/09	granted
Southwest Regional Medical Center	28 Pa. Code § 153.1	2.3-2.2.1.1 special	03/14/09	granted
Southwest Regional Medical Center	28 Pa. Code § 153.1	3.1.1.5 handwashing	02/21/09	granted
St. Luke's Hospital	28 Pa. Code § 153.1	2.1-10.3 electrical		denied
St. Luke's Quakertown Hospital	28 Pa. Code § 153.1	2.1-10.3 (NFPA 70)		denied
The Center for Cosmetic Surgery PC, d/b/a The Skin Center	28 Pa. Code § 153.1	3.7-5.2.1.1 corridor	11/22/08	granted
The Children's Hospital of Philadelphia	28 Pa. Code § 153.1	7.2.A5 toilet room doors	03/14/09	denied
The Western Pennsylvania Hospital	28 Pa. Code § 153.1	2.1.2.1(2) (clearances)	02/21/09	granted
Thomas Jefferson University	28 Pa. Code § 153.1	3.2.2.4(3) borne infection	03/14/09	denied
Trevoze Specialty Care Surgical Center	28 Pa. Code § 153.1	3.7-2.4.1.1(2) PACU	10/18/08	granted/not necessary
UPMC Braddock	28 Pa. Code § 153.1	10.1.4.2 vacuum	03/21/09	not necessary
UPMC Mercy Hospital	28 Pa. Code § 153.1	2.1-3.1.1.1(1) Patient	10/18/08	granted/not necessary
UPMC Presbyterian Shadyside	28 Pa. Code § 153.1	2.1.2.1 space	02/21/09	granted
UPMC Presbyterian Shadyside	28 Pa. Code § 153.1	2.1-5.5.4.2 (toilets)	02/21/09	granted
West Penn Allegheny Health System The Western Pennsylvania Hospital	28 Pa. Code § 153.1	2.4 section 2.1.1.2.(1)	03/21/09	granted
Ambulatory Surgical Facilities				
Bethlehem Endoscopy Center	28 Pa. Code § 551.3(ii)	definitions	02/14/09	granted
Brandywine Valley Endoscopy Center	28 Pa. Code § 551.3	definitions	12/20/08	granted
Saint Vincent Endo Center, LLC	28 Pa. Code § 551.3	definitions	02/21/09	denied
SAM Surgery Center	28 Pa. Code § 551.3	definitions	02/14/09	denied
The Pain & Surgical Center of Langhorne	28 Pa. Code § 551.3	definitions	02/21/09	denied
The PMA Gastroenterology Center	28 Pa. Code § 551.3	definitions	03/14/09	granted
Blue Bell Ambulatory Surgery Center	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	03/28/09	granted
Center for Specialized Surgery	28 Pa. Code § 551.21(d)(2)	laparoscopic surgery	12/01/07	granted subject to terms
Lackawanna Surgery Center	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	12/13/08	granted
Lee Ambulatory Surgery Facility	28 Pa. Code § 551.21	criteria for ambulatory surgery	12/20/08	denied
Mount Nittany Surgical Center	28 Pa. Code § 551.21	criteria for ambulatory surgery	03/07/09	granted
Northwood Surgery Center	28 Pa. Code § 551.21	criteria for ambulatory surgery	03/28/09	denied
Physicians Surgery Center Lancaster Regional	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	04/19/08	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Surgery Center at Limerick	28 Pa. Code § 551.21	criteria for ambulatory surgery	02/14/09	denied
Surgical Specialty Center	28 Pa. Code § 551.21	criteria for ambulatory surgery	03/21/09	denied
UPMC Mercy South Side Surgery Center	28 Pa. Code §§ 553.1, 555.2 and 555.3	principle, medical staff	03/28/09	granted
Warminster Surgical Center	28 Pa. Code § 553.31	administrative	01/24/09	granted
SAM Surgery Center	28 Pa. Code § 555.31	propofol	02/14/09	denied
Ambulatory Surgery Center of Pennsylvania Hospital	28 Pa. Code § 569.35	general safety precautions	04/25/09	granted
Carlisle Outpatient Surgery Center	28 Pa. Code § 569.35	general safety precautions	03/28/09	granted
Geisinger Endoscopy & Surgery Center	28 Pa. Code § 569.35	general safety precautions	02/21/09	granted
Holy Redeemer Ambulatory Surgery Center	28 Pa. Code § 569.35	general safety precautions	10/04/08	granted
St. Christopher Hospital for Children	28 Pa. Code § 569.35(7)	general safety precautions	01/24/09	granted
Surgery Center of Lancaster	28 Pa. Code § 569.35	general safety precautions	01/24/09	granted
UOC Surgical Services	28 Pa. Code § 569.35	general safety precautions	04/25/09	granted
Warminster Surgical Center	28 Pa. Code § 569.35	general safety precautions	12/20/08	granted
Westfield Surgery Center	28 Pa. Code § 569.35	general safety precautions	02/14/09	granted
Carlisle Outpatient Surgery Center	28 Pa. Code § 571.1	3.7-5.2.2.2 ceiling finishes	03/28/09	not necessary
Mahoning Valley Ambulatory Surgery Center	28 Pa. Code § 571.1	3.7- A2.3.3	02/14/09	granted
Susquehanna Endo Center	28 Pa. Code § 571.1	3.9.2.2 examination	12/13/08	not necessary
Nursing Care Facilities				
Muncy Valley Hospital Skilled Nursing Unit	28 Pa. Code § 201.3	definitions	03/14/09	granted
Julia Pound Care Center	28 Pa. Code § 201.3	definitions	04/18/09	granted
Consulate Health Care of Cheswick	28 Pa. Code § 201.3	definitions	05/09/09	granted
Marian Manor	28 Pa. Code § 201.3	definitions	05/09/09	granted
Messiah Village	28 Pa. Code § 201.3	definitions	05/23/09	granted
Susque-View Home	28 Pa. Code § 201.3	definitions	07/11/09	granted
Memorial Medical Center	28 Pa. Code § 201.17	location	06/13/09	granted
Millcreek Community Hospital Transitional Care Unit	28 Pa. Code § 201.18(e)	management	05/09/09	temp granted
Millcreek Manor	28 Pa. Code § 201.18(e)	management	05/09/09	temp granted
UPMC Northwest Transitional Care Unit	28 Pa. Code § 201.18(e)	management	06/13/09	temp granted
Grove City Medical Center Transitional Care Center	28 Pa. Code § 201.18(e)	management	07/11/09	temp granted
Presbyterian Center for Continuing Care	28 Pa. Code § 201.18(e)	management	09/05/09	temp granted
Nottingham Village	28 Pa. Code § 205.6(a)	function of building	03/14/09	granted
Phoebe Home, Inc.	28 Pa. Code § 205.6(a)	function of building	03/14/09	denied
Forbes Road Nursing and Rehab Center	28 Pa. Code § 205.6(a)	function of building	04/04/09	granted
Wallingford Nursing and Rehab Center	28 Pa. Code § 205.6(a)	function of building	04/18/09	granted
St. Barnabas Nursing Home	28 Pa. Code § 205.6(a)	function of building	04/18/09	granted
Phoebe Home, Inc.	28 Pa. Code § 205.6(a)	function of building	05/09/09	granted

NOTICES

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<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Coldstream Crossing	28 Pa. Code § 205.6(a)	function of building	05/23/09	granted
Main Line Nursing and Rehab Center	28 Pa. Code § 205.6(a)	function of building	06/13/09	granted
Main Line Nursing and Rehab Center	28 Pa. Code § 205.6(a)	function of building	06/20/09	granted
Provident Point Healthcare Residence	28 Pa. Code § 205.6(a)	function of building	06/20/09	granted
Grandview Health Homes, Inc.	28 Pa. Code § 205.6(a)	function of building	06/27/09	granted
Pleasant Ridge Manor East	28 Pa. Code § 205.6(a)	function of building	07/11/09	granted
Meadows Nursing and Rehab Center	28 Pa. Code § 205.6(a)	function of building	07/11/09	granted
Phoebe Berks Health Care Center, Inc.	28 Pa. Code § 205.6(a)	function of building	07/25/09	granted
Pennsylvania Soldiers' and Sailors' Home	28 Pa. Code § 205.10(a)	doors	05/09/09	temp granted
Fox Subacute at Mechanicsburg	28 Pa. Code § 205.21(a)	special care room	07/25/09	granted
Progressive Care	28 Pa. Code § 205.24(a)	dining room	04/04/09	granted
John Heinz Senior Rehab Care	28 Pa. Code § 205.24	dining room	04/04/09	denied
Coldstream Crossing	28 Pa. Code § 205.26(e)	laundry	05/23/09	granted
Progressive Care	28 Pa. Code § 205.27	lounge and recreation rooms	04/04/09	granted
John Heinz Senior Rehab Care	28 Pa. Code § 205.27	lounge and recreation rooms	04/04/09	denied
St. Monica Manor	28 Pa. Code § 205.27	lounge and recreation rooms	07/18/09	temp granted
St. Monica Manor	28 Pa. Code § 205.28(b)	dining room	07/18/09	temp granted
St. Monica Manor	28 Pa. Code § 205.28(b)	nurses' station	07/18/09	granted
Fox Subacute Mechanicsburg Hospital ECF	28 Pa. Code § 205.28(c)	nurses' station	09/19/09	temp granted
John Heinz Senior Rehab Care	28 Pa. Code § 205.31	storage	04/04/09	denied
Cranberry Place	28 Pa. Code § 205.36(h)	bathing facilities	06/13/09	granted
Fox Subacute at Mechanicsburg	28 Pa. Code § 205.36(b)	bathing facilities	07/25/09	granted
Memorial Medical Center	28 Pa. Code § 205.38(b)	toilet facilities	06/13/09	granted
Progressive Care	28 Pa. Code § 205.38(b)	toilet facilities	04/04/09	granted
UPMC Northwest Transitional Care Unit	28 Pa. Code § 205.38(d)	toilet facilities	06/13/09	granted
Provident Point Healthcare Residence	28 Pa. Code § 205.67(j)	electrical requirements	06/20/09	granted
Rockhill Mennonite Community	28 Pa. Code § 205.67(j)	electrical requirements	07/25/09	not required
Charles Cole Memorial Hospital, ECF	28 Pa. Code § 211.3(a)	oral and telephone orders	04/25/09	denied
Lakeview Senior Care and Living Center	28 Pa. Code § 211.3(a)	oral and telephone orders	04/25/09	denied

Persons with a disability who require an alternative format of this notice, (for example, large print, audiotape, Braille) should contact the Division of Acute and Ambulatory Care or the Division of Nursing Care Facilities at the previously-referenced address or, for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-2035. Filed for public inspection October 30, 2009, 9:00 a.m.]

Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; Public Meeting

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301(a) and 317(b) of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Wednesday, November 18, 2009, from 9 a.m. until 4 p.m. at the Harrisburg Holiday Inn West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

For additional information, contact Kenneth McGarvey, Department of Health, Bureau of Communicable Diseases, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who wish to attend the meeting, and require an auxiliary aid, service or other accommodation to do so, should also contact Joseph Pease at the previously listed number, or at V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-2036. Filed for public inspection October 30, 2009, 9:00 a.m.]

Integrated Human Immunodeficiency Virus (HIV) Integrated Council; Public Meeting

The Statewide Integrated HIV Planning Council, established by the Department of Health (Department) under sections 301(a) and 317(b) of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Tuesday, November 17, 2009, from 9 a.m. to 2 p.m. at the Harrisburg Holiday Inn West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

For additional information, contact Joseph Pease, Department of Health, Bureau of Communicable Diseases, Division of HIV/AIDS, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who wish to attend the meeting, and require an auxiliary aid, service or other accommodation to do so, should also contact Joseph Pease at the previously listed number, or at V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-2037. Filed for public inspection October 30, 2009, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.6(a), 205.25(a), 205.26(a) and 205.67(k).

Lutheran Community at Telford
235 North Washington Street
Telford, PA 18969
FAC ID 124502

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, paexcept@health.state.pa.us.

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before they decide whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who wish to comment in an alternative format (for example, large print, audiotape, Braille), should contact the Division of Nursing Care Facilities at the address or phone numbers listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-2038. Filed for public inspection October 30, 2009, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Request for Bids

PennSERVE announces the availability of grant funding for operation of local AmeriCorps programs beginning in August 2010. Eligible applicants are public and private nonprofit organizations, including faith-based and other community organizations; institutions of higher education; government entities within states or territories (for example, cities, counties); Native American Tribes; and partnerships or consortia. The grants support the recruitment, training and management of AmeriCorps members who meet local needs in the areas of education, environment/clean energy, health, veterans, economic opportunity for the disadvantaged and other human services needs. A cash or in-kind match contribution is required. Complete applications are due by 3 p.m. on Thursday, December 3, 2009. The AmeriCorps Application Instructions (RFA No. 2010-ACS-01) are available on the PennSERVE web site located at www.pennserve.state.pa.us or by calling (866) 673-7838.

SANDI VITO,
Secretary

[Pa.B. Doc. No. 09-2039. Filed for public inspection October 30, 2009, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meetings Scheduled

The following meetings of the Health Care Cost Containment Council (Council) have been scheduled: Wednesday, November 4, 2009, Data Systems Committee—10 a.m.; Education Committee—1 p.m.; Executive Committee—3 p.m. and Thursday, November 5, 2009, Council Meeting—10 a.m. Additional Council meetings are scheduled for January 6 and 7, 2010 and March 3 and 4, 2010. The meetings will be held in the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons in need of accommodations due to a disability, who wish to attend the meetings, should contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, or call (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

DAVID H. WILDERMAN,
Acting Executive Director

[Pa.B. Doc. No. 09-2040. Filed for public inspection October 30, 2009, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in Section 5.2 of the Regulatory Review Act (71 P.S. § 645.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

IRRC

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
125-103	Pennsylvania Gaming Control Board Employees; Slot Machines; Accounting and Internal Controls; and Compulsive and Problem Gambling 39 Pa.B. 5018 (August 22, 2009)	9/21/09	10/21/09
125-105	Pennsylvania Gaming Control Board Jackpot and Credit Meter Payouts 39 Pa.B. 5022 (August 22, 2009)	9/21/09	10/21/09

Pennsylvania Gaming Control Board Regulation #125-103 (IRRC #2781)

Employees; Slot Machines; Accounting and Internal Controls; and Compulsive and Problem Gambling

October 21, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the August 22, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

1. Section 461a.7. Slot machine minimum design standards.—Clarity.

Subsection (y) adds the phrase “or other sizes approved by the Bureau of Gaming Operations.” It is unclear how this approval is obtained. Would a licensee be required to go through the waiver process under Section 461a.24?

This should be clarified in the final-form regulation. Similar concerns apply to Sections 461a.10(b) and 461a.22(b).

2. Section 465a.2. Internal control systems and audit protocols.—Need; Reasonableness.

Under Subsection (c)(9), the Board proposes to require a licensee to amend its internal controls to ensure that its employees are in compliance with Chapter 435a (relating to Employees). In the preamble, the Board states that it is adding this requirement because licensees “are expected to be proactive about having their employees comply with the various reporting requirements.”

Downs Racing, LP asserts that it is unreasonable to shift this oversight responsibility from the Board to the licensee and would be burdensome and unnecessary. The Board should further explain the need for and reasonableness of this new provision.

3. Section 465a.8. Licensed facility.—Clarity.

Proposed language that is added to Subsection (c) states “. . . and any other doors designated by the Bureau of Gaming Operations. . . .” It is unclear how this designa-

tion would be made. The Board should clarify this provision in the final-form regulation.

4. Section 465a.9. Surveillance system; surveillance department control; surveillance department restrictions.—Clarity.

Subsection (c)(5)(iv) adds language that would require a licensee to maintain photographs of individuals who are on the Board's self-exclusion list in the licensee's photo library. It is unclear if these photographs could be placed in the same photo library as all current employees or if a licensee would be required to create a separate photo library just for those people on the self-exclusion list. The final-form regulation should clarify this provision.

Pennsylvania Gaming Control Board

Regulation #125-105 (IRRC #2782)

Jackpot and Credit Meter Payouts

October 21, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the August 22, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

Section 465a.26. Jackpot and credit meter payouts.—Implementation procedures; Clarity.

According to the Board, Subsections (b)(2), (3) and (4) have been amended to give slot machine licensees greater flexibility as to whom they may designate to act as a witness for jackpot or credit meter payouts of various amounts. We have two concerns.

First, each paragraph, depending on the payout amount, requires certain licensee personnel to be present when jackpot or credit meter payout slips are created. Paragraphs (3) and (4) include the phrase "or other employee holding the same or greater level of authority." Would this provision allow any employee with a greater level of authority to act as a witness with the required personnel? The final-form regulation should be amended to clarify these paragraphs.

Second, Paragraph (2) pertains to payouts *between* \$1,200.00 and \$9,999.99. Paragraph (3) pertains to payouts *between* \$10,000.00 and \$24,999.99. A commentator has noted that this language does not address payouts of exactly \$1,200.00, \$9,999.99, \$10,000.00 and \$24,999.99. We recommend that the final-form regulation be amended to include these specific amounts.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 09-2041. Filed for public inspection October 30, 2009, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations, which are scheduled to be considered on the date noted. The

Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained at their web site, www.irrc.state.pa.us.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Public Received</i>	<i>Meeting</i>
14-515	Department of Public Welfare Food Stamp Discretionary Provisions	10/19/09	11/19/09
31-12	State Employees' Retirement Board Death Benefits	10/20/09	12/3/09

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 09-2042. Filed for public inspection October 30, 2009, 9:00 a.m.]

INSURANCE DEPARTMENT

Blue Cross of Northeastern Pennsylvania—BlueCare Assure PPO

By filing No. 1535-BLC-33-PPO-BASERATE Blue Cross of Northeastern Pennsylvania requested approval to increase the current rates for the BlueCare Assure PPO Plan. The filing requests an increase of 46.5%. The proposed rate increase would affect approximately 950 members and would produce additional income of about \$1.3 million annually. The requested effective date of the change is January 1, 2010.

Unless formal administrative action is taken prior to January 14, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.ins.state.pa.us. Under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, rmathur@state.pa.us, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-2043. Filed for public inspection October 30, 2009, 9:00 a.m.]

Conneaut Valley Health Center; Prehearing**Appeal of Conneaut Valley
Health Center under the Medical Care
Availability and Reduction of Error (MCARE) Act
(40 P. S. §§ 1303.101—1303.910); Doc. No.
MM09-10-016**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

On or before November 17, 2009, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's September 11, 2009, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for December 17, 2009, at 9:30 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before December 15, 2009. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before December 2, 2009, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before December 15, 2009.

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, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-2044. Filed for public inspection October 30, 2009, 9:00 a.m.]

Jagdish R. Shah, M. D.; Prehearing**Appeal of Jagdish R. Shah, M. D. under the
Medical Care Availability and Reduction of Error
(MCARE) Act (40 P. S. §§ 1303.101—1303.910);
Doc. No. MM09-10-012**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

On or before November 17, 2009, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's September 22, 2009, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for December 17, 2009, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference

to the Hearings Administrator on or before December 15, 2009. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before December 2, 2009, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before December 15, 2009.

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, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-2045. Filed for public inspection October 30, 2009, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to the 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 offices in Harrisburg, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Ronald Worobey; file no. 09-183-76584; State Farm Mutual Automobile Insurance Company; Doc. No. P09-10-015; December 8, 2009, 9:30 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons

participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-2046. Filed for public inspection October 30, 2009, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

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 November 16, 2009. 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-2009-2134046. Kenneth Lee Wiltrout t/a Wiltrout's Transport Service (22 Sunday Road, Kutztown, Berks County, PA 19530), persons, in paratransit service, from points in the Counties of Berks and Lehigh, to points in Pennsylvania, and return.

A-2009-2134352. Joel B. Showalter (5436 Meadville Road, New Holland, Lancaster County, PA 17557), persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

A-2009-2134666. Cardinal Express, LLC (2205 Woodridge Drive, Macungie, Lehigh County, PA 18062), a corporation of the Commonwealth—persons for nonemergency medical reasons, in paratransit service, between points in Berks, Lehigh and Northampton Counties, and return.

A-2009-2136644. Hybrid Planet Chauffeur Services, LLC (200 James Drive, Havertown, Delaware County, PA 19083)—a limited liability company of the Commonwealth, to begin to transport, as a common carrier, by motor vehicle, persons, in paratransit service, from points in the Counties of Delaware, Chester and Montgomery to the 30th Street Train Station located in Philadelphia.

A-2009-2136922. Marlin R. Dively (152 Sunset Road, Friedens, Somerset County, PA 15541), persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Somerset County, to points in Pennsylvania, and return.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as contract carriers for the transportation of household goods as described under the application.

A-2009-2134463. Clark and Reid Company, Inc. (One Dunham Road, Billerica, Middlesex County, MA 01821), a corporation of the Commonwealth of Massachusetts, and a foreign business corporation of the Commonwealth, for the right to begin to transport, as a contract carrier, for CARTUS Corporation, household goods in use, between points in Pennsylvania.

Application of the following for approval to begin operating as a broker for transportation of persons as described under the application.

A-2009-2134203. Wendt Touring, Inc. (401 Market Street - 707, Steubenville, OH 43952), a corporation of the State of Ohio and a foreign business corporation of the Commonwealth, for a brokerage license, evidencing the Commission's approval of the beginning of the right and privilege to operate as a broker, to arrange for the transportation of persons, between points in Pennsylvania.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Neil D. Snyder;
Doc. No. C-2009-2041377*

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 Neil D. Snyder (respondent) is under suspension effective April 15, 2008, for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at R. R. 3, Box 398G, Alverton, PA 15612.
3. That respondent was issued a Certificate of Public Convenience by this Commission on December 12, 1997, at A-00114375.
4. That respondent has failed to maintain evidence of Liability insurance and Cargo insurance on file with this Commission. The penalty is \$250 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 \$250 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-00114375 for failure to maintain evidence of current insurance on file with the Commission; (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) 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,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
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:

James J. McNulty, 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 \$250 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:

James J. McNulty, 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.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-2047. Filed for public inspection October 30, 2009, 9:00 a.m.]

Public Input Hearing

In Re: R-2009-2121928 et al.; Francis M. Cappiello, Sr., C-2009-2125083; Office of Consumer Advocate, C-2009-2125411; Kenneth and Catherine Green, C-2009-2129247; David Roberts, C-2009-2129279; William E. Brown, C-2009-2130546; Mary and Richard Hanel, C-2009-2130816; Mario and Elaine Sinatra, C-2009-2130982; Edgardo Caraballo, C-2009-2131987; Peter Palmadessa, C-2009-2132065; Frank and Carmela Gerage, C-2009-2132086; Beverly A. Hill, C-2009-2132087 v. Clean Treatment Sewage Company; Rate Increase.

By the Commission

JAMES J. MCNULTY,
Secretary

Notice

This is to inform you that Public Input Hearing on the previously-captioned case will be held as follows:

Type: Public Input Hearing
Date: Monday, November 9, 2009
Times: 2 p.m. and 6 p.m.
Location: Marcel Lake Estates Club House
 103 Lake Drive
 Dingmans Ferry, PA 18328

Note: Advise the attendant at the front gate that you are attending the Pennsylvania Public Utility Commission's (Commission) Public Input Hearing.

Presiding: Administrative Law Judge Ember S. Jandebeur
 Room 317, Scranton State Office Building
 100 Lackawanna Avenue
 Scranton, PA 18503
 Telephone: (570) 963-4818
 Fax: (570) 963-3310

For persons with a disability wishing to attend the hearing, the Commission may be able to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to your hearing to submit your request.

For individuals requiring an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to your hearing to submit your request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

[Pa.B. Doc. No. 09-2048. Filed for public inspection October 30, 2009, 9:00 a.m.]

Telecommunications

A-2009-2135873. The United Telephone Company of Pennsylvania, LLC, d/b/a Embarq Pennsylvania and Metropolitan Telecommunications Company of PA, d/b/a MetTel. Joint petition of The United Telephone Company of Pennsylvania, LLC, d/b/a Embarq Pennsylvania and Metropolitan Telecommunications Company of PA, d/b/a MetTel for approval of a master interconnection, collocation and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania, LLC, d/b/a Embarq and Metropolitan Telecommunications Company of PA, d/b/a MetTel, by its counsel, filed on October 14, 2009, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a master interconnection, collocation and resale 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 in the *Pennsylvania Bulletin*. Copies of The United Telephone Company of Pennsylvania, LLC, d/b/a Embarq and Metropolitan Telecommunications Company of PA, d/b/a MetTel 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.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-2049. Filed for public inspection October 30, 2009, 9:00 a.m.]

Telecommunications

A-2009-2136511. Verizon North, Inc. and Selectel, Inc. Joint petition of Verizon North, Inc. and Selectel, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Selectel, Inc., by its counsel, filed on October 15, 2009, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of 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 Verizon North, Inc. and Selectel, Inc. 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.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-2050. Filed for public inspection October 30, 2009, 9:00 a.m.]

Telephonic Public Input Hearing

In Re: R-2009-2110093; C-2009-2120624; C-2009-2133127; Office of Consumer Advocate; Richard and Linda Rouzer v. Birch Acres Water Works, Inc.; Rate Increase.

By the Commission

JAMES J. MCNULTY,
Secretary

Notice

This is to inform you that a hearing, by telephone, on the previously-captioned case will be held as follows:

Type: Telephonic Public Input Hearing
Date: Wednesday, November 4, 2009
Time: 2 p.m.
Presiding: Administrative Law Judge Ky Van Nguyen
 801 Market Street
 Suite 4063
 Philadelphia, PA 19107
 Telephone: (215) 560-2105
 Fax: (215) 560-3133

Individuals wishing to testify at the telephonic public input hearing, must contact the Office of Consumer Advocate (OCA) before 5 p.m. Wednesday, October 28,

2009, to provide your name, telephone number and the topic of your testimony. Individuals may call the OCA toll-free at (800) 684-6560.

Beginning at 2 p.m. Wednesday, November 4, 2009, consumers will testify in the order they signed up. Any persons that have not contacted the OCA by Wednesday, October 28, 2009, will not be able to participate in the telephonic public input hearing.

For persons with a disability wishing to attend the hearing, the Pennsylvania Public Utility Commission (Commission) may be able to make arrangements for your special needs. Call the scheduling office at the Commission at least 5 business days prior to your hearing to submit your request.

Individuals requiring an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to your hearing to submit your request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

[Pa.B. Doc. No. 09-2051. Filed for public inspection October 30, 2009, 9:00 a.m.]

Water Service

A-2009-2136801. Aqua Pennsylvania, Inc. Application of Aqua Pennsylvania, Inc. for approval of: 1) the acquisition by Aqua PA of the water system assets of Paupackan Lake Association, Inc.; and 2) the right of Aqua PA to begin to offer, render, furnish or supply water service to the public in a portion of Lake Township and additional portion of Paupack Township, Wayne County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before November 16, 2009. The documents filed in support of the application are available for

inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Aqua Pennsylvania, Inc.

Through and By Counsel: Thomas T. Niesen, Esquire, Thomas, Long, Niesen and Kennard, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-2052. Filed for public inspection October 30, 2009, 9:00 a.m.]

STATE BOARD OF PHARMACY

Professional and Occupational Affairs v. Michael Lee Harenza, R.Ph.; Doc. No. 0880-54-2008

On July 28, 2009, the State Board of Pharmacy (Board) suspended the license of Michael Lee Harenza, license no. RP-441391, of Devon, Chester County, due to his inability to practice pharmacy by reason of physical or mental disease or disability.

Individuals may obtain a copy of the order of suspension by writing to Carole L. Clarke, Board Counsel, State Board of Pharmacy, P. O. Box 2649, Harrisburg, PA 17105-2649.

This order of suspension represents the Board's final agency decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

MICHAEL A. PODGURSKI, R.Ph.,
Chairperson

[Pa.B. Doc. No. 09-2053. Filed for public inspection October 30, 2009, 9:00 a.m.]

STATE POLICE

Approved Registration Sites under the Registration of Sexual Offenders Act

The Commissioner of the State Police, under 42 Pa.C.S. Chapter 97, Subchapter H (relating to registration of sexual offenders), shall publish a list of approved registration sites located throughout this Commonwealth where individuals subject to the requirements of 42 Pa.C.S. §§ 9795.1 and 9796 (relating to registration; and verification of residence) can report to fulfill these requirements.

The approved registration sites are:

County	Police Station	Address	Phone
Adams	PSP Gettysburg	3033 Old Harrisburg Road Gettysburg, PA 17325	(717) 334-8111
Adams	Adams County Prison Central Booking	45 Major Bell Lane Gettysburg, PA 17325	(717) 334-1911
Allegheny	PSP Pittsburgh	449 McCormick Road Moon Township, PA 15108	(412) 787-2000

<i>County</i>	<i>Police Station</i>	<i>Address</i>	<i>Phone</i>
Allegheny	PSP Gibsonia (Turnpike)	3000 Haberlein Road Gibsonia, PA 15044	(724) 443-5907
Allegheny	Allegheny County ID Section Walk-In	660 1st Avenue 3rd Floor Municipal Courts Building Pittsburgh, PA 15219	
Armstrong	PSP Kittanning	184 Nolte Drive Kittanning, PA 16201	(724) 543-2011
Beaver	PSP Beaver	1400 Brighton Road Beaver, PA 15009	(724) 773-7400
Beaver	Beaver County Sheriff Regional Booking Center	6000 Woodlawn Boulevard Aliquippa, PA 15001	(724) 378-8177 Ext. 112
Bedford	PSP Bedford	171 Arthur L. Hershey Drive Bedford, PA 15522	(814) 623-6133
Bedford	PSP Everett (Turnpike)	1605 Ashcom Road Suite 2 Everett, PA 15537	(814) 652-6131
Berks	Berks County Sheriff	633 Court Street 3rd Floor Reading, PA 19601	(610) 478-6240
Berks	PSP Reading	600 Kenhorst Boulevard Reading PA 19611	(610) 378-4011
Berks	PSP Hamburg	90 Industrial Drive Hamburg, PA 19526	(610) 562-6885
Blair	PSP Hollidaysburg	1510 North Juniata Street Hollidaysburg, PA 16648	(814) 696-6100
Bradford	PSP Towanda	R. D. 1 Towanda, PA 18848	(570) 265-2186
Bucks	PSP Dublin	3218 Rickert Road Perkasie, PA 18944	(215) 249-9191
Bucks	PSP Trevese	3501 Neshaminy Boulevard Bensalem, PA 19020	(215) 942-3900
Bucks	Bensalem Township Police	2400 Byberry Road Bensalem, PA 19020	(215) 633-3700
Bucks	Upper Makefield Township Police	1076 Eagle Road Newtown, PA 18940	(215) 968-3020
Bucks	Perkasie Police	620 West Chestnut Street Perkasie, PA 18944	(215) 257-6876
Butler	PSP Butler	200 Barracks Road Butler, PA 16001	(724) 284-8100
Butler	Butler County Prison	202 South Washington Street Butler, PA 16001	(724) 284-5256
Butler	Butler County Day Reporting Center	227 West Cunningham Street Butler, PA 16001	(724) 284-5259
Butler	Cranberry Township Police	2525 Rochester Road Suite 500 Cranberry Township, PA 16066	(724) 776-5180
Cambria	PSP Ebensburg	100 Casale Court Ebensburg, PA 15931	(814) 471-6500
Cambria	Richland Township Police	322 Schoolhouse Road Johnstown, PA 15904	(814) 266-8333
Cameron	PSP Emporium	12921 Route 120 Emporium, PA 15834	(814) 486-3321
Carbon	PSP Pocono (Turnpike)	HCR 1 P. O. Box 18 White Haven, PA 18661	(570) 443-9511

<i>County</i>	<i>Police Station</i>	<i>Address</i>	<i>Phone</i>
Carbon	PSP Lehighton	5730 Interchange Road Lehighton, PA 18235	(610) 377-4270
Centre	PSP Philipsburg	3104 Port Matilda Highway Phillipsburg, PA 16866	(814) 342-3370
Centre	PSP Rockview	745 South Eagle Valley Road Bellefonte, PA 16823	(814) 355-7545
Centre	Centre County Prison	700 Rishel Hill Road Bellefonte, PA 16823	(814) 355-6868
Chester	Chester County Prison	501 South Wawaset Road West Chester, PA 19380	(610) 793-1510
Chester	Coatesville Police	1 City Hall Place Coatesville, PA 19320	(610) 384-2300 Ext. 0
Chester	Tredyffrin Township Police	1100 DuPortail Road Berwyn, PA 19312	(610) 644-3221
Chester	West Goshen Township Police	1025 Paoli Pike West Chester, PA 19380	(610) 696-7400
Chester	West Whiteland Township Police	222 North Pottstown Pike Exton, PA 19341	(610) 363-0200
Chester	PSP Embreeville	997 Lieds Road Coatesville, PA 19320	(484) 340-3241
Chester	PSP Avondale	2 Moxley Lane Avondale, PA 19311	(610) 268-2022
Clarion	PSP Clarion	209 Commerce Road Clarion, PA 16214	(814) 226-1710
Clarion	Clarion County Prison	309 Amsler Avenue Shippensburg, PA 16254	(814) 226-9615
Clearfield	PSP Clearfield	147 Doe Hill Road Woodland, PA 16881	(814) 857-3800
Clinton	PSP Lamar	7127 Nittany Valley Drive Mill Hall, PA 17751	(570) 726-6000
Clinton	Clinton County Prison Central Booking Center	58 Pine Mountain Road McElhattan, PA 17748	(570) 769-7680
Columbia	Bloomsburg Police	301 East 2nd Street Bloomsburg, PA 17815	(570) 784-4155
Columbia	PSP Bloomsburg	6850 Hidlay Church Road Bloomsburg, PA 17815	(570) 387-4701
Crawford	PSP Meadville	11176 Murray Road Meadville, PA 16335	(814) 332-6911
Cumberland	PSP Carlisle	1538 Commerce Avenue Carlisle, PA 17015	(717) 249-2121
Cumberland	PSP Newville (Turnpike)	248 Center Road Newville, PA 17241	(717) 776-3135
Cumberland	Cumberland County Prison Central Booking	1101 Claremont Road Carlisle, PA 17013	(717) 245-8787
Dauphin	Derry Township Police	620 Clearwater Road Hershey, PA 17033	(717) 534-2201
Dauphin	Harrisburg City Police	123 Walnut Street Harrisburg, PA 17101	(717) 255-3131
Dauphin	Lower Paxton Township Police	425 Prince Street Harrisburg, PA 17109	(717) 657-5656
Dauphin	PSP Highspire (Turnpike)	Turnpike Building Route 283 and Eisenhower Boulevard Harrisburg, PA 17106	(717) 939-9551 Ext. 4290
Dauphin	PSP Harrisburg	8000 Bretz Drive Harrisburg, PA 17112	(717) 671-7500

<i>County</i>	<i>Police Station</i>	<i>Address</i>	<i>Phone</i>
Dauphin	PSP Lykens	301 State Drive Elizabethville, PA 17023	(717) 362-8700
Delaware	Media Borough Police	301 North Jackson Street Media, PA 19063	(717) 565-6655
Delaware	PSP Media	1342 West Baltimore Pike Media, PA 19063	(484) 840-1000
Delaware	Marple Township Police	225 South Sproul Road Broomall, PA 19008	(610) 356-1501
Delaware	Radnor Township Police	301 Iven Avenue Wayne, PA 19087	(610) 688-0503
Delaware	Ridley Township Police	100 East MacDade Boulevard Folson, PA 19033	(610) 532-4001
Delaware	Springfield Township Police	50 Powell Road Springfield, PA 19064	(610) 544-1100
Delaware	Upper Chichester Township Police	8400 Furey Road Boothwyn, PA 19061	(610) 485-8400
Elk	PSP Ridgway	15010 Boot Jack Road Ridgway, PA 15853	(814) 776-6136
Erie	PSP Erie	4320 Iroquois Avenue Erie, PA 16511	(814) 898-1641
Erie	PSP Corry	11088 Route 6 East Union City, PA 16438	(814) 663-2043
Erie	PSP Girard	5950 Meadville Road Girard, PA 16417	(814) 774-9611
Fayette	PSP Uniontown	1070 Eberly Way Lemont Furnace, PA 15456	(724) 439-7111
Forest	PSP Tionesta	R. D. 1 Box 43 DD Tionesta, PA 16353	(814) 755-3565
Franklin	PSP Chambersburg	679 Franklin Farm Lane Chambersburg, PA 17202	(717) 264-5161
Fulton	PSP McConnellsburg	23170 Great Cove Road McConnellsburg, PA 17233	(717) 485-3131
Greene	PSP Waynesburg	255 Elm Drive Waynesburg, PA 15370	(724) 627-6151
Huntingdon	PSP Huntingdon	10637 Raystown Road Huntingdon, PA 16652	(814) 627-3161
Indiana	PSP Indiana	4221 Route 286 Highway West Indiana, PA 15701	(724) 357-1960
Jefferson	PSP DuBois	101 Preston Way Falls Creek, PA, 15840	(814) 371-4652
Jefferson	PSP Punxsutawney	485 North Findley Street Punxsutawney, PA 15767	(814) 938-0510
Juniata	PSP Lewistown	34 Arch Rock Road Mifflintown, PA 17059	(717) 320-1010
Lackawanna	PSP Dunmore	85 Keystone Industrial Park Dunmore, PA 18512	(570) 963-3156
Lackawanna	Scranton Police	100 South Washington Avenue Scranton, PA 18503	(570) 348-4134
Lancaster	PSP Bowmansville (Turnpike)	443 Panorama Drive Denver, PA 17517	(717) 445-6716
Lancaster	Elizabethtown Police	600 South Hanover Street Elizabethtown, PA 17022	(717) 367-6540
Lancaster	PSP Ephrata	21 Springhouse Road Ephrata, PA 17522	(717) 721-7667

NOTICES

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<i>County</i>	<i>Police Station</i>	<i>Address</i>	<i>Phone</i>
Lancaster	PSP Lancaster	2099 Lincoln Highway East Lancaster, PA 17602	(717) 299-7650
Lancaster	Lancaster City Police	39 West Chestnut Street Lancaster, PA 17603	(717) 735-3300
Lawrence	PSP New Castle	3539 Wilimington Road New Castle, PA 16105	(724) 598-2211
Lawrence	New Castle Police	230 North Jefferson Street New Castle, PA 16101	(724) 656-9300
Lebanon	PSP Jonestown	2632 SR 72 Jonestown, PA 17038	(717) 865-2194
Lebanon	Lebanon County Central Booking	400 South 8th Street Lebanon, PA 17042	(717) 228-4413
Lehigh	PSP Fogelsville	8320 Schantz Road Breinigsville, PA 18031	(610) 395-1438
Lehigh	PSP Bethlehem	2930 Airport Road Bethlehem, PA 18017	(610) 861-2026
Lehigh	Lehigh County Prison Central Booking	38 North Fourth Street Allentown, PA 18102	(610) 782-3270
Luzerne	PSP Hazleton	250 Dessen Drive West Hazleton, PA 18202	(570) 459-3890
Luzerne	Butler Township Police	415 West Butler Drive Drums, PA 18222	(570) 788-4111
Luzerne	Hazleton Police Department	40 North Church Street Hazleton, PA 18201	(570) 459-4940
Luzerne	Kingston Police	500 Wyoming Avenue Kingston, PA 18704	(570) 288-3674
Luzerne	Luzerne County Correctional Facility	99 Water Street Wilkes-Barre, PA 18702	(570) 825-1666
Luzerne	PSP Shickshinny	872 Salem Boulevard Berwick, PA 18603	(570) 542-4117
Luzerne	PSP Wyoming	475 Wyoming Avenue Wyoming, PA 18644	(570) 697-2000
Lycoming	PSP Montoursville	899 Cherry Street Montoursville, PA 17754	(570) 368-5700
McKean	PSP Kane	3178 Route 219 Kane, PA 16735	(814) 778-5555
Mercer	PSP Mercer	826 Franklin Road Mercer, PA 16137	(724) 662-6162
Mercer	Southwest Regional Police	500 Roemer Boulevard Farrell, PA 16121	(724) 983-2720
Mifflin	PSP Lewistown	34 Arch Rock Road Mifflintown, PA 17059	(717) 320-1010
Mifflin	Mifflin County Prison Central Booking	103 West Market Street Lewistown, PA 17044	(717) 248-1130
Monroe	PSP Swiftwater	HC 1 Box 121 Swiftwater, PA 18370	(570) 839-7701
Monroe	PSP Fern Ridge	P. O. Box 1440 Blakeslee, PA 18610	(570) 646-2271
Montgomery	Abington Township Police	1166 Old York Road Abington, PA 19001	(267) 536-1100
Montgomery	PSP King of Prussia (Turnpike)	251 Flint Hill Road King of Prussia, PA 19406	(610) 279-1605
Montgomery	PSP Skippack	2047C Bridge Road Schwenksville, PA 19473	(610) 410-3835

<i>County</i>	<i>Police Station</i>	<i>Address</i>	<i>Phone</i>
Montgomery	Montgomery Township Police	1001 Stump Road Montgomeryville, PA 18936	(215) 362-2300
Montgomery	Plymouth Township Police	700 Belvoir Road Plymouth, PA 19462	(610) 279-1900
Montgomery	Towamencin Township Police	1090 Troxel Road Lansdale, PA 19446	(215) 368-7606
Northampton	PSP Belfast	654 Bangor Road Nazareth, PA 18064	(610) 258-0816
Northumberland	PSP Stonington	2465 SR 61 Sunbury, PA 17801	(570) 286-5601
Northumberland	PSP Milton	50 Lawton Lane Milton, PA 17847	(570) 524-2662
Northumberland	Sunbury Police	440 Market Street Sunbury, PA 17801	(570) 286-4584
Perry	PSP Newport	52 Red Hill Court Newport, PA 17074	(717) 567-3110
Philadelphia	PSP Philadelphia	2201 Belmont Avenue Philadelphia, PA 19131	(215) 965-5870
Pike	PSP Blooming Grove	434 Route 402 Hawley, PA 18428	(570) 226-5720
Potter	PSP Coudersport	3140 East Second Street Coudersport, PA 16915	(814) 274-8690
Schuylkill	PSP Schuylkill Haven	23 Meadowbrook Drive Schuylkill Haven, PA 17972	(570) 593-2000
Schuylkill	PSP Frackville	31 Eleanor Drive Frackville, PA 17931	(570) 874-5300
Snyder	PSP Selinsgrove	204 Universal Road Selinsgrove, PA 17870	(570) 374-8145
Snyder	Snyder County Sheriff	12 South Main Street Middleburg, PA 17842	(570) 837-3311
Somerset	PSP Somerset	142 Sagamore Street Somerset, PA 15501	(814) 445-4104
Somerset	PSP Somerset (Turnpike)	177 Menser Road Somerset, PA 15501	(814) 445-9606
Somerset	Somerset Borough Police	340 West Union Street Somerset, PA 15501	(814) 445-4596
Sullivan	PSP Laporte	5837 Route 220 Laporte, PA 18626	(570) 946-4610
Susquehanna	PSP Gibson	2856 SR 848 New Milford, PA 18834	(570) 465-3154
Tioga	PSP Mansfield	1745 Valley Road Mansfield, PA 16933	(570) 662-2151
Tioga	Tioga County Probation Department	118 Main Street Wellsboro, PA 16901	(570) 724-9340
Union	Union County Courthouse	103 South Second Street Lewisburg, PA 17837	(570) 524-2943
Venango	PSP Franklin	6724 US 322 Franklin, PA 16323	(814) 676-6596
Venango	Franklin Police	430 13th Street Franklin, PA 16323	(814) 437-1644
Warren	PSP Warren	22001 Route 6 Warren, PA 16365	(814) 728-3600
Warren	Warren County Jail	407 Market Street Warren, PA 16365	(814) 723-7553
Washington	PSP Washington	83 Murtland Avenue Washington, PA 15301	(724) 223-5200

<i>County</i>	<i>Police Station</i>	<i>Address</i>	<i>Phone</i>
Washington	Washington County Family Court Center	29 West Cherry Avenue Washington, PA 15301	(724) 228-6999
Wayne	PSP Honesdale	R. R. 6 14 Collan Park Honesdale, PA 18431	(570) 251-7207
Westmoreland	PSP Greensburg	100 North Westmoreland Avenue Greensburg, PA 15601	(724) 832-3288
Westmoreland	PSP Belle Vernon	560 Circle Drive Belle Vernon, PA 15012	(724) 929-6262
Westmoreland	PSP New Stanton (Turnpike)	2200 North Center Avenue New Stanton, PA 15672	(724) 755-9463
Westmoreland	PSP Kiski Valley	4451 SR 66 Apollo, PA 15613	(724) 727-3434
Westmoreland	Greensburg Police	416 South Main Street Greensburg, PA 15601	(724) 834-3800
Westmoreland	Rostraver Township Police	205 Municipal Drive Belle Vernon, PA 15012	(724) 929-8811
Westmoreland	Murrysville Police	4120 Sardis Road Murrysville, PA 15668	(724) 327-2111
Westmoreland	New Kensington Police	301 11th Street New Kensington, PA 15068	(724) 339-7533
Wyoming	PSP Tunkhannock	915 SR6W Tunkhannock, PA 18657	(570) 836-2141
York	PSP York	110 Trooper Court York, PA 17403	(717) 428-1011
York	York County Sheriff	45 North George Street York, PA 17401	(717) 771-9601

Comments, suggestions or questions may be directed to the Pennsylvania State Police, Megan's Law Section, 1800 Elmerton Avenue, Harrisburg, PA 17110. Individuals with a disability and require an alternative format of this document (that is, large print, audio tape, Braille) contact the Megan's Law Section so that necessary arrangements can be made.

COLONEL FRANK E. PAWLOWSKI,
Commissioner

[Pa.B. Doc. No. 09-2054. Filed for public inspection October 30, 2009, 9:00 a.m.]

STATE REAL ESTATE COMMISSION

Professional and Occupational Affairs v. Eugene Thomas Richards, Jr.; File No. 07-56-05014

On June 24, 2009, Eugene Thomas Richards, Jr., license nos. NM043173A, NM043173B and NA043173A, of Cape May, NJ, had his licenses revoked and was assessed a \$2,000 civil penalty based on his demonstrating bad faith, dishonesty, untrustworthiness or incompetence, commingling money belonging to another with his own, misappropriating/taking escrow moneys and failing to account for escrow moneys.

Individuals may obtain a copy of the order by writing to Judith Pachter Schulder, Board Counsel, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the final State Real Estate Commission's (Commission) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court

in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Commission with a copy of their petition for review. The Commission contact for receiving service of the appeals is the previously-named Board counsel.

MICHAEL WEISS,
Chairperson

[Pa.B. Doc. No. 09-2055. Filed for public inspection October 30, 2009, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved the following list of projects, during the period of September 1, 2009, through September 30, 2009.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net or Stephanie L. Richardson, Secretary to the Commission, (717) 238-0423, Ext. 304, fax (717) 238-2436, srichardson@srbc.net or mail inquiries to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

Supplementary Information

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process set forth in 18 CFR 806.22(f) for the time period specified previously:

Approvals By Rule Issued:

1. J-W Operating Company, Pad ID: Pardee and Curtin Lumber Co. C-10H, ABR-20090901, Shippen Township, Cameron County, PA; Consumptive Use of up to 4.500 mgd; Approval Date: September 1, 2009.

2. Ultra Resources, Inc., Pad ID: Kjelgaard Pad, ABR-20090902, Gaines Township, Tioga County, PA; Consumptive Use of up to 4.990 mgd; Approval Date: September 1, 2009.

3. Ultra Resources, Inc., Pad ID: T Pierson Pad, ABR-20090903, Gaines Township, Tioga County, PA; Consumptive Use of up to 4.990 mgd; Approval Date: September 1, 2009.

4. Chesapeake Appalachia, LLC, Pad ID: Bonnie, ABR-20090904, Albany Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: September 1, 2009.

5. Chesapeake Appalachia, LLC, Pad ID: Hunsinger, ABR-20090905, Rush Township, Susquehanna County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: September 1, 2009.

6. Chesapeake Appalachia, LLC, Pad ID: Martin, ABR-20090906, Granville Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: September 1, 2009.

7. Chesapeake Appalachia, LLC, Pad ID: Farr, ABR-20090907, Towanda Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: September 1, 2009.

8. Alta Operating Company, LLC, Pad ID: Turner Pad Site, ABR-20090403.1, Liberty Township, Susquehanna County, PA; Consumptive Use of up to 3.999 mgd; Approval Date: September 2, 2009.

9. Alta Operating Company, LLC, Pad ID: Fiondi Pad Site, ABR-20090404.1, Middletown Township, Susquehanna County, PA; Consumptive Use of up to 3.999 mgd; Approval Date: September 2, 2009.

10. Anadarko E & P Company, LP, Pad ID: C.O.P. Tract 343 Pad C, ABR-20090908, Noyes Township, Clinton County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: September 3, 2009.

11. East Resources, Inc., Pad ID: Becker 404, ABR-20090909, Jackson Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 8, 2009.

12. East Resources, Inc., Pad ID: White 262-1H, ABR-20090910, Jackson Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 8, 2009.

13. East Resources, Inc., Pad ID: Stefanowich 269-1H, ABR-20090911, Jackson Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 8, 2009.

14. East Resources, Inc., Pad ID: Knight 271-1H, ABR-20090912, Jackson Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 8, 2009.

15. Chesapeake Appalachia, LLC, Pad ID: Sharer, ABR-20090913, Stevens Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: September 8, 2009.

16. East Resources, Inc., Pad ID: Empson 235-1H, ABR-20090914, Sullivan Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 8, 2009.

17. Alta Operating Company, LLC, Pad ID: Knosky Pad Site, ABR-20090915, Rush Township, Susquehanna County, PA; Consumptive Use of up to 3.999 mgd; Approval Date: September 8, 2009.

18. Alta Operating Company, LLC, Pad ID: Carty Pad Site, ABR-20090916, Liberty Township, Susquehanna County, PA; Consumptive Use of up to 3.999 mgd; Approval Date: September 8, 2009.

19. EOG Resources, Inc., Pad ID: PHC 23H/24H, ABR-20090917, Lawrence Township, Clearfield County, PA; Consumptive Use of up to 1.999 mgd; Approval Date: September 8, 2009.

20. EOG Resources, Inc., Pad ID: PHC 28H/29H, ABR-20090918, Lawrence Township, Clearfield County, PA; Consumptive Use of up to 1.999 mgd; Approval Date: September 8, 2009.

21. East Resources, Inc., Pad ID: Bowers 408, ABR-20090919, Jackson Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 9, 2009.

22. Chief Oil and Gas, LLC, Pad ID: Falk Unit No. 1H, ABR-20090920, Penn Township, Lycoming County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: September 9, 2009.

23. Chief Oil and Gas, LLC, Pad ID: Spotts Unit Drilling Pad No. 1, ABR-20090921, Mifflin Township, Lycoming County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: September 10, 2009.

24. Chief Oil and Gas, LLC, Pad ID: Kensinger Unit Drilling Pad No. 1, ABR-20090922, Penn Township, Lycoming County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: September 10, 2009.

25. Chief Oil and Gas, LLC, Pad ID: Maguire Unit Drilling Pad No. 1, ABR-20090923, Watson Township, Lycoming County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: September 10, 2009.

26. Chief Oil and Gas, LLC, Pad ID: Stroble Unit Drilling Pad No. 1, ABR-20090924, Mifflin Township, Lycoming County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: September 10, 2009.

27. Chief Oil and Gas, LLC, Pad ID: Poor Shot Unit Drilling Pad No. 1, ABR-20090925, Anthony Township, Lycoming County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: September 10, 2009.

28. Pennsylvania General Energy Company, LLC; Pad ID: Pine Hill 1941 A-B, ABR-20090926, Eulalia Township, Potter County, PA; Consumptive Use of up to 4.900 mgd; Approval Date: September 10, 2009.

29. Anadarko E & P Company, LP, Pad ID: COP Tr 244 No. 1000H, ABR-20090927, Rush Township, Centre County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: September 15, 2009.

30. Anadarko E & P Company, LP, Pad ID: COP Tr 244 No. 1001H and No. 1002H, ABR-20090928, Rush Township, Centre County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: September 15, 2009.

31. Pennsylvania General Energy Company, LLC, Pad ID: Pine Hill West B Pad, ABR-20090929, Sylvania Township, Potter County, PA; Consumptive Use of up to 4.900 mgd; Approval Date: September 17, 2009.

32. Cabot Oil and Gas Corporation, Pad ID: ShieldsG P1, ABR-20090930, Dimock Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: September 18, 2009.

33. Cabot Oil and Gas Corporation, Pad ID: HunsingerA P2, ABR-20090931, Dimock Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: September 18, 2009.

34. Fortuna Energy, Inc., Pad ID: DCNR 587 Pad No. 17, ABR-20090932, Ward Township, Tioga County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: September 18, 2009.

35. Seneca Resources Corporation, Pad ID: D.M. Pino Pad H, ABR-20090933, Covington Township, Tioga County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: September 19, 2009.

36. Seneca Resources Corporation, Pad ID: Marvin 1V Pad, ABR-20090934, Covington Township, Tioga County, PA; Consumptive Use of up to 0.500 mgd; Approval Date: September 19, 2009.

37. East Resources, Inc., Pad ID: Sherman 234-1H, ABR-20090935, Sullivan Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 21, 2009.

38. East Resources, Inc., Pad ID: Cole 236, ABR-20090936, Sullivan Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: September 21, 2009.

39. Cabot Oil and Gas Corporation, Pad ID: Hoover P1, ABR-20090937, Dimock Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: September 22, 2009.

40. Alta Operating Company, LLC, Pad ID: Micks Pad Site, ABR-20090938, Forest Lake Township, Susquehanna County, PA; Consumptive Use of up to 3.999 mgd; Approval Date: September 22, 2009.

41. Chief Oil and Gas, LLC, Pad ID: Chase A-1H Drilling Pad No. 1, ABR-20090939, Boggs Township, Clearfield County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: September 23, 2009.

42. Chesapeake Appalachia, LLC, Pad ID: Welles 2, ABR-20090940, Terry Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: September 25, 2009.

43. Stone Energy Corporation, Pad ID: Stang Well No. 1, ABR-20090941, Rush Township, Susquehanna County, PA; Consumptive Use of up to 1.000 mgd; Approval Date: September 25, 2009.

44. Stone Energy Corporation, Pad ID: Loomis Well No. 1, ABR-20090942, Rush Township, Susquehanna County, PA; Consumptive Use of up to 1.000 mgd; Approval Date: September 29, 2009.

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THOMAS W. BEAUDUY,
Deputy Director

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