

# PENNSYLVANIA BULLETIN

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

**No. 442, September 2011**

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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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# THE COURTS

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated August 17, 2011, Carol Chandler is suspended from the Bar of this Commonwealth for a period of 1 year and 1 day effective September 16, 2011. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,

*Secretary*

*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 11-1499. Filed for public inspection September 2, 2011, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CH. 93 ]

#### Stream Redesignations (Fishing Creek, et al.)

The Environmental Quality Board (Board) amends §§ 93.9c, 93.9d, 93.9f, 93.9l and 93.9o.

This order was adopted by the Board at its meeting of May 18, 2011.

#### A. *Effective Date*

This final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

#### B. *Contact Persons*

For further information, contact Rodney A. Kime, Chief, Division of Water Quality Standards, Bureau of Water Standards and Facility Regulation, 11th Floor, Rachel Carson State Office Building, P. O. Box 8467, 400 Market Street, Harrisburg, PA 17105-8467, (717) 787-9637; or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD-users) or (800) 654-5988 (voice users). This final-form rulemaking is available electronically through the Department of Environmental Protection (Department) web site at <http://www.depweb.state.pa.us>.

#### C. *Statutory and Regulatory Authority*

This final-form rulemaking is being made under the authority of sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402), which authorize the Board to develop and adopt rules and regulations to implement The Clean Streams Law, and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which grants to the Board the power and duty to formulate, adopt and promulgate rules and regulations for the proper performance of the work of the Department. In addition, section 303 of the Clean Water Act (33 U.S.C.A. § 1313) sets forth requirements for water quality standards.

#### D. *Background of the Amendments*

Water quality standards are in-stream water quality goals that are implemented by imposing specific regulatory requirements (such as treatment requirements, effluent limits and best management practices) on individual sources of pollution.

The Department may identify candidates for redesignation during routine waterbody investigations. Requests for consideration may also be initiated by other agencies. Organizations, businesses or individuals may submit a rulemaking petition to the Board.

The Department considers candidates for High Quality (HQ) or Exceptional Value (EV) Waters and all other designations in its ongoing review of water quality standards. In general, HQ and EV Waters must be maintained at their existing quality and permitted activities shall ensure the protection of designated and existing uses.

Existing use protection is provided when the Department determines, based on its evaluation of the best available scientific information, that a surface water attains water uses identified in §§ 93.3 and 93.4 (relating to protected water uses; and Statewide water uses). Examples of water uses protected include the following: Cold Water Fishes (CWF), Warm Water Fishes (WWF), HQ and EV. A final existing use determination is made on a surface water at the time the Department takes a permit or approval action on a request to conduct an activity that may impact surface water. If the determination demonstrates that the existing use is different than the designated use, the water body will immediately receive the best protection identified by either the attained uses or the designated uses. A stream will then be "redesignated" through the rulemaking process to match the existing uses with the designated uses. For example, if the designated use of a stream is listed as protecting WWF but the redesignation evaluation demonstrates that the water attains the use of CWF, the stream would immediately be protected for CWF, prior to a rulemaking. Once the Department determines the water uses attained by a surface water, the Department will recommend to the Board that the existing uses be made "designated" uses, through rulemaking, and be added to the list of uses identified in § 93.9 (relating to designated water uses and water quality criteria).

The streams in this final-form rulemaking were all evaluated in response to petitions as follows:

<i>Stream</i>	<i>County</i>	<i>Petitioner</i>
Buck Hill Creek	Monroe	Buck Hill Conservation Foundation
Lehigh River (upper)	Lackawanna, Monroe, Wayne, Luzerne	North Pocono Citizens Alert Regarding the Environment (CARE)
Little Lehigh Creek	Lehigh, Berks	Mid-Atlantic Environmental Law Center
Gallows Run	Bucks	Gallows Run Watershed Association
French Creek and Beaver Run	Chester	Green Valleys Association
Tannery Hollow Run	Cameron	Cameron County Conservation District
Fishing Creek	Lancaster	Patrick McClure
Deer Creek and Little Falls	York	Shrewsbury Township

These regulatory changes were developed as a result of aquatic studies conducted by the Bureau of Water Standards and Facility Regulation. The physical, chemical and biological characteristics and other information on these waterbodies were evaluated to determine the appropriateness of the current and requested designations using applicable regulatory criteria and definitions. In reviewing whether waterbodies qualify as HQ or EV Waters, the Department considers the criteria in § 93.4b (relating to qualifying as High Quality or Exceptional Value Waters). Based upon the data and information collected on these waterbodies, the Board has made the designations.

#### *E. Summary of Comments and Responses on the Proposed Rulemaking*

The Board approved the proposed rulemaking for the Fishing Creek, et al. package at its July 13, 2010, meeting. The proposed rulemaking was published at 40 Pa.B. 5337 (September 18, 2010) with provision for a 45-day public comment period that closed on November 2, 2010. Supportive comments were received from 162 commentators who favored the redesignation of portions of the French Creek basin to exceptional value. Commentators listed many reasons for their support of the redesignation of the French Creek basin including the natural beauty of the basin, the recreational opportunities it provides, the importance of protecting aquatic life and wildlife, the importance to the spiritual and emotional well-being of people, flood control and clean water for people, the health of local communities and the importance to preserve the basin for future generations. Additionally, the United States Environmental Protection Agency (EPA) Region 3 commended the Department on its continuing effort to upgrade streams into its highest level of the Special Protection Waters Program. The EPA also noted that, if finalized, this package will redesignate 251.35 stream miles in this Commonwealth to EV status. The EPA otherwise had no comments. No opposing comments were received during the comment period. Additional remarks were received from the Chester County Water Resources Authority and the Chester County Board of Commissioners. Both indicated strong support of the redesignation of French Creek and Beaver Run to EV, Migratory Fishes and urged the Independent Regulatory Review Commission (IRRC) to approve the upgrade of French Creek and Beaver Run as recommended by the Board and the Department. This redesignation is consistent with and will help implement "Watersheds—An Integrated Water Resources Management Plan for Chester County and its Watersheds" and "Landscapes 2." "Watersheds" is the water resources component of Chester County's comprehensive plan "Landscapes 2."

On August 31, 2010, the Department submitted a copy of the proposed rulemaking to IRRC and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment in accordance with section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)). IRRC did not raise any comments, recommendations or objections to any portion of the proposed rulemaking and changes were not made from the proposed rulemaking to this final-form rulemaking. Therefore, under section 5(g) of Regulatory Review Act, the final rulemaking will be deemed approved by IRRC.

#### *F. Summary of Changes to the Proposed Rulemaking*

Changes were not made to the redesignations recommended in the proposed rulemaking.

#### *G. Benefits, Costs and Compliance*

##### *Benefits*

Overall, the Commonwealth, its citizens and natural resources will benefit from these amendments because they provide the appropriate level of protection to preserve the integrity of existing and designated uses of surface waters in this Commonwealth. Protecting water quality provides economic value to present and future generations in the form of clean water for drinking, recreational opportunities and aquatic life protection. It is important to realize these benefits to ensure opportunity and development continue in a manner that is environmentally, socially and economically sound. Maintenance of water quality ensures its future availability for all uses.

##### *Compliance Costs*

The streams recommended for redesignation are already protected at their existing use. Therefore, the designated use revision will not impose increased compliance costs on the regulated community.

Persons conducting or proposing activities or projects shall comply with the regulatory requirements regarding designated and existing uses. Persons expanding a discharge or adding a new discharge point to a stream could be adversely affected if they need to provide a higher level of treatment or best management practices to meet the designated and existing uses of the stream. For example, these increased costs may take the form of higher engineering, construction or operating cost for point source discharges. Treatment costs and best management practices are site-specific and depend upon the size of the discharge in relation to the size of the stream and many other factors. It is therefore not possible to precisely predict the actual change in costs. Economic impacts would primarily involve the potential for higher treatment costs for new or expanded discharges to streams that are redesignated. The initial costs resulting from the installation of technologically advanced wastewater treatment processes and best management practices may be offset by potential savings from and increased value of improved water quality through more cost-effective and efficient treatment over time.

##### *Compliance Assistance Plan*

The amendments have been developed as part of an established program that has been implemented by the Department since the early 1980s. The amendments are consistent with and based on existing Department regulations. The amendments extend additional protection to selected waterbodies that exhibit exceptional water quality and are consistent with antidegradation requirements established by the Clean Water Act (33 U.S.C.A. §§ 1251—1387) and The Clean Streams Law (35 P. S. §§ 691.1—691.1001). All surface waters in this Commonwealth are afforded a minimum level of protection through compliance with the water quality standards, which prevent pollution and protect existing water uses.

The redesignations will be implemented through the Department's permit and approval actions. For example, the National Pollutant Discharge Elimination System (NPDES) permitting program bases effluent limitations on the use designation of the stream. These permit conditions are established to assure water quality criteria are achieved and designated and existing uses are protected. New and expanded dischargers with water quality based effluent limitations are required to provide effluent treatment according to the water quality criteria associated with existing uses and revised designated water uses.

*Paperwork Requirements*

The final-form rulemaking should not have direct paperwork impact on the Commonwealth, local governments and political subdivisions or the private sector. These amendments are based on existing Department regulations and simply mirror the existing use protection that is already in place for these streams. There may be some indirect paperwork requirements for new or expanding dischargers to streams upgraded to HQ or EV. For example, NPDES general permits are not currently available for new or expanded discharges to these streams. Thus an individual permit, and its associated paperwork, would be required. Additionally, paperwork associated with demonstrating social and economic justification may be required for new or expanded discharges to certain HQ Waters and consideration of nondischarge alternatives is required for all new or expanded discharges to EV and HQ Waters.

H. *Pollution Prevention*

The water quality standards and antidegradation program are major pollution prevention tools because the objective is to prevent degradation by maintaining and protecting existing water quality and existing uses. Although the antidegradation program does not prohibit new or expanded wastewater discharges, nondischarge alternatives are encouraged and required when environmentally sound and cost effective. Nondischarge alternatives, when implemented, remove impacts to surface water and reduce the overall level of pollution to the environment by remediation of the effluent through the soil.

I. *Sunset Review*

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

J. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act, on August 31, 2010, the Department submitted a copy of the proposed rulemaking, published at 40 Pa.B. 5337, to IRRC and the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documentation. The Department has considered all public comments in preparing this final-form rulemaking. Comments were not received on the proposed rulemaking from IRRC or the House and Senate Committees.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on July 20, 2011, the final-form

rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, this final-form rulemaking was deemed approved by IRRC, effective July 20, 2011.

K. *Findings*

The Board finds that:

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

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

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 40 Pa.B. 5337.

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

(5) This final-form rulemaking does not contain standards or requirements that exceed requirements of the companion Federal regulations.

L. *Order*

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

(a) The regulations of the Department, 25 Pa. Code Chapter 93, are amended by amending §§ 93.9d, 93.9f, 93.9l and 93.9o to read as set forth at 40 Pa.B. 5337 and by amending § 93.9c to read as in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Chairperson of the Board shall submit this order, 40 Pa.B. 5337 and Annex A to the Office of General Counsel and the Office of Attorney General for approval and review as to legality and form, as required by law.

(c) The Chairperson shall submit this order, 40 Pa.B. 5337 and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required under the Regulatory Review Act.

(d) The Chairperson shall certify this order, 40 Pa.B. 5337 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

MICHAEL L. KRANCER,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 41 Pa.B. 4265 (August 6, 2011).)*

**Fiscal Note:** Fiscal Note 7-461 remains valid for the final adoption of the subject regulations.

## Annex A

## TITLE 25. ENVIRONMENTAL PROTECTION

## PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Subpart C. PROTECTION OF NATURAL RESOURCES

## ARTICLE II. WATER RESOURCES

## CHAPTER 93. WATER QUALITY STANDARDS

## DESIGNATED WATER USES AND WATER QUALITY CRITERIA

## § 93.9c. Drainage List C.

Delaware River Basin in Pennsylvania  
*Delaware River*

Stream	Zone	County					Water Uses Protected	Exceptions to Specific Criteria
		*	*	*	*	*		
1—Delaware River	Main Stem, Tocks Island to Lehigh River					Northampton	WWF, MF	See DRBC regulations—Water Quality Zone 1D
2—UNTs to Delaware River	Basins, Tocks Island to Brodhead Creek					Monroe	HQ-CWF, MF	None
2—Brodhead Creek								
3—Middle Branch Brodhead Creek	Basin, source to confluence with Buck Hill Creek					Monroe	HQ-CWF, MF	None
3—Buck Hill Creek	Basin, Source to Griscom Creek					Monroe	EV	None
4—Griscom Creek	Basin					Monroe	HQ-CWF	None
3—Buck Hill Creek	Basin, Griscom Creek to Buck Hill Falls					Monroe	HQ-CWF	None
3—Buck Hill Creek	Basin, Buck Hill Falls to confluence with Middle Branch Brodhead Creek					Monroe	HQ-CWF, MF	None
2—Brodhead Creek	Mainstem, confluence of Middle Branch Brodhead Creek and Buck Hill Creek to LR 45060 (SR 2022) Bridge					Monroe	HQ-CWF, MF	None
3—UNTs to Brodhead Creek	Basins, confluence of Middle Branch Brodhead Creek and Buck Hill Creek to LR 45060 Bridge					Monroe	HQ-CWF, MF	None
3—Goose Pond Run	Basin					Monroe	HQ-CWF, MF	None
		*	*	*	*	*		

[Pa.B. Doc. No. 11-1500. Filed for public inspection September 2, 2011, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

## [ 25 PA. CODE CH. 93 ]

## Stream Redesignations (Clarks Creek, et al.)

The Environmental Quality Board (Board) amends §§ 93.9f, 93.9j, 93.9o, and 93.9r to read as set forth in Annex A.

This order was adopted by the Board at its meeting of May 18, 2011.

A. *Effective Date*

This final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

B. *Contact Persons*

For further information, contact Rodney A. Kime, Chief, Division of Water Quality Standards, Bureau of Water Standards and Facility Regulation, 11th Floor, Rachel Carson State Office Building, P. O. Box 8467, 400 Market Street, Harrisburg, PA 17105-8467, (717) 787-9637; or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD-users) or (800) 654-5988 (voice users). This final-form rulemaking is available electronically through the Department of Environmental Protection (Department) web site at <http://www.depweb.state.pa.us>.

*C. Statutory and Regulatory Authority*

This final-form rulemaking is being made under the authority of sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402), which authorize the Board to develop and adopt rules and regulations to implement The Clean Streams Law, and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which grants to the Board the power and duty to formulate, adopt and promulgate rules and regulations for the proper performance of the work of the Department. In addition, section 303 of the Clean Water Act (33 U.S.C.A. § 1313) sets forth requirements for water quality standards.

*D. Background of the Amendments*

Water quality standards are in-stream water quality goals that are implemented by imposing specific regulatory requirements (such as treatment requirements, effluent limits and best management practices (BMPs)) on individual sources of pollution.

The Department may identify candidates for redesignation during routine waterbody investigations. Requests for consideration may also be initiated by other agencies. Organizations, businesses or individuals may submit a rulemaking petition to the Board.

The Department considers candidates for High Quality (HQ) or Exceptional Value (EV) Waters and all other designations in its ongoing review of water quality standards. In general, HQ and EV Waters must be maintained at their existing quality and permitted activities shall ensure the protection of designated and existing uses.

Existing use protection is provided when the Department determines, based on its evaluation of the best available scientific information, that a surface water attains water uses identified in §§ 93.3 and 93.4 (relating to protected water uses; and Statewide water uses). Examples of water uses protected include the following: Cold Water Fishes (CWF), Warm Water Fishes (WWF), HQ and EV. A final existing use determination is made on a surface water at the time the Department takes a permit or approval action on a request to conduct an activity that may impact surface water. If the determination demonstrates that the existing use is different than the designated use, the water body will immediately receive the best protection identified by either the attained uses or the designated uses. A stream will then be “redesignated” through the rulemaking process to match the existing uses with the designated uses. For example, if the designated use of a stream is listed as protecting WWF but the redesignation evaluation demonstrates that the water attains the use of CWF, the stream would immediately be protected for CWF, prior to a rulemaking. Once the Department determines the water uses attained by a surface water, the Department will recommend to the Board that the existing uses be made “designated” uses, through rulemaking, and be added to the list of uses identified in § 93.9 (relating to designated water uses and water quality criteria).

The following streams were evaluated in response to four petitions, as well as requests from the Department’s Southcentral Regional Office (SCRO) and the Fish and Boat Commission (FBC) and a corrective amendment by the Bureau of Water Standards and Facility Regulation (BWSFR):

<i>Stream</i>	<i>County</i>	<i>Petitioner / Requestor</i>
Pine Creek	Schuylkill	Friends of Pine Creek
Cacoosing Creek	Berks	SCRO
Unnamed Tributary (UNT) 00926 to Schuylkill River; locally Spring Mill Run	Montgomery	Steven S. Brown, Chairperson Whitemarsh Township Environmental Advisory Board
Clarks Creek	Wayne	Glen Abello
UNT 07792 to Conestoga River	Lancaster	FBC
Hammer Creek	Lebanon and Lancaster	Heidelberg Township
Toms Run	Clarion and Forest	BWSFR

The amendments included in this final-form rulemaking were developed as a result of aquatic studies conducted by the BWSFR. The physical, chemical and biological characteristics and other information on these waterbodies were evaluated to determine the appropriateness of the current and requested designations using applicable regulatory criteria and definitions. In reviewing whether waterbodies qualify as HQ or EV Waters, the Department considers the criteria in § 93.4b (relating to qualifying as High Quality or Exceptional Value Waters). Based upon the data and information collected on these waterbodies, the Board has made the designations in Annex A.

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

The Board approved the proposed rulemaking for the Clarks Creek, et al. package at its February 16, 2010, meeting. The proposed rulemaking was published at 40 Pa.B. 2122 (April 24, 2010) with provision for a 45-day

public comment period that closed on June 8, 2010. Comments were received from ten commentators during the official comment period. One commentator was discouraged that Pine Creek did not qualify for special protection. The other nine commentators were largely opposed to redesignating Hammer Creek from HQ-CWF, Migratory Fishes (MF) to CWF, MF for the portion of the basin extending from the second Rexmont Road crossing to but not including UNT 07678. These commentators included concerned residents, conservancy and watershed organizations, the Lebanon and Lancaster County Conservation Districts, the Chesapeake Bay Foundation and one Pennsylvania State Representative.

*Pine Creek Comments*

Friends of Pine Creek (petitioner) submitted comments expressing dissatisfaction that Pine Creek did not qualify for special protection. Along with their comments, they

submitted additional water chemistry data in hopes that the Department would evaluate it and find the additional data to be sufficient to redesignate Pine Creek as a special protection water.

The Board is encouraged that it received public support for elevated protection of Pine Creek. However, the Department examined the newly submitted data and found it was insufficient to redesignate Pine Creek. The Board's final regulation retains the designated use of Pine Creek in § 93.9f.

*Hammer Creek—Supportive Comments*

The Board received comments that applauded efforts to redesignate Walnut Run (a tributary to Hammer Creek in Lancaster County) to EV.

*Hammer Creek—Opposing Comments*

Nine commentators were largely opposed to the redesignation of Hammer Creek from HQ-CWF, MF to CWF, MF for the portion of the basin extending from the second Rexmont Road crossing to but not including UNT 07678.

The Board disagrees with the commentators assessments. The Department conducted an extensive review of historical data, recent field surveys and land use reviews. The review determined that the portion of the upper Hammer Creek basin from the second Rexmont Road crossing to but not including UNT 07678 does not now display and has not in the past displayed existing uses characteristic of special protection classification. Correctly defining the designated use based on the appropriate existing use will not have a negative impact on current water quality. The Department is required to periodically review and revise its water quality standards as necessary. This correction to Hammer Creek's designated use is an action that strives for designation accuracy, while preserving the integrity of existing and designated use classifications in this Commonwealth.

Two of the Hammer Creek commentators expressed concern for the potential degradation of downstream waters if the upstream restrictions are loosened.

Providing the appropriate (albeit less restrictive) designated use for these reaches will not adversely affect conditions in downstream waters with a more restrictive designated use. Hammer Creek basin from and including UNT 07678 to the inlet of Speedwell Forge Lake will retain its special protection designation and its water quality will be protected under the antidegradation requirements.

Comments were received that identified ongoing collaborative efforts to restore and improve the Hammer Creek watershed. These efforts include restoration by watershed associations, county conservation districts, residents, local communities and other local organizations. The work has included offering technical assistance and cost-share opportunities to watershed landowners and farmers to implement BMPs reducing sediment and nutrients to the Hammer Creek. These efforts have been bolstered by support from the United States Fish and Wildlife Service and a Growing Greener Grant which allowed the completion of 9,916 feet of stream bank fencing and the establishment of 9,916 feet of riparian buffer zone. Additional fencing and stream bank stabilization work was also completed. In addition, concern was raised that the proposed regulation did not comply with the Executive Order from President Barack Obama to accelerate improvements in the Chesapeake Bay watershed.

The Board recognizes that the Department continuously seeks to restore and improve water quality by working with watershed associations, local residents and farmers, communities and organizations and the Department is grateful for their hard work which is often conducted by volunteers and funded through donations and State funds. Defining the correct existing use will not diminish the value of these local efforts. The final regulations do not undermine the Executive Order from President Barack Obama by accurately categorizing the surface water of Hammer Creek.

Comments were received regarding whether the Department had considered the approval requirements of the Act 537 Plan for Heidelberg Township in its determination of the recommendation for Hammer Creek.

The Board acknowledges that the Department did not consider the approval requirements of the Act 537 Plan for Heidelberg Township while determining its recommendation of the existing and designated use for the Hammer Creek basin. When evaluating the correct existing use, the BWSFR considers the factors in §§ 93.4 and 93.4b. The type of sewage system needed in an area is not a factor in determining this recommendation.

Comments received suggest that with further restorative work, the stream would actually improve and could be classified as EV. The Board concurs with the Department in that restorative work completed to date has led to some water quality improvements and that additional restorative work could result in further improvements. However, past and present land use conditions and the Department's data and modeling review indicate the improvements requisite for HQ existing uses, let alone EV, are not realistically achievable without long-term changes in land use conditions. If land use changes occur in the watershed that positively affect the water quality, then the stream may be reevaluated in the future.

A commentator disputes the assertion that BMPs cannot remedy the Hammer Creek. The Board concurs with the Department's supportive attitude regarding the restorative efforts in the Hammer Creek watershed that incorporate BMPs. The improvements involving BMPs in the basin were acknowledged in the Hammer Creek report. However, the application of BMPs currently only affect a portion of the study area and on a larger scale, the watershed cannot achieve special protection unless permanent land use changes, such as forested buffers and conservation easements, are widespread. The Department continues to promote and support BMPs and this redesignation does not indicate otherwise.

Comments suggested that the model employed by the Department to study the effects of BMPs on the Hammer Creek watershed was not appropriately calibrated and that reductions of groundwater inputs of nitrogen and phosphorus were not considered.

To limit error, steps were taken by the Department to match geology and land use as closely as possible. Also, the reference watersheds were in close proximity to each other and adjustments were made in some modeling parameters to account for BMPs and animals in each watershed.

The Predict model groups BMPs into eight general types and does not model specific practices. BMP efficiencies can be adjusted to reflect what is in place or available; therefore, there is no actual limitation on the mixture of BMPs. The Department used applicable BMP efficiencies and considered all practical BMPs in its modeling analyses. Suburban or onsite septic system



BMPs were not included in the analysis because neither one would have provided any significant reduction in loadings. Suburban and urban areas accounted for only 9% of the basin area so those reductions were negligible. The assumption for onsite septic was that it would be converted to a point source discharge and the treatment system would have employed tertiary treatment resulting in very small nutrient loadings to Hammer Creek.

The model did not account for a reduction in groundwater inputs of nitrogen and phosphorus over time. However, for nutrients to appreciably diminish, significant BMP additions and land use conversions (for example, forested buffers and cessation of agricultural uses) would need to occur. Given the long-term nutrient saturation of the soils since Hammer Creek was agriculturally developed, it would take many years before a nutrient decrease would be evident in response to BMP implementation or land use conversions. This potential delay in the remediation of water quality in response to agricultural BMPs resulting from the reserves of leachable nitrogen in heavily manured soils was recognized and addressed by Koerkle and Gustafson-Minnich, 1997 in a report titled *Surface-water Quality Changes After 5 Years of Nutrient Management in the Little Conestoga Creek Headwaters, Pennsylvania, 1989-91* (USGS: Water-Resources Investigations Report 97-4048). Another confounding factor which could contribute to the lag time between the implementation of BMPs and noted improvements in water quality is the unknown travel times for groundwater. "The time required for the effects of reduced nutrient inputs to travel from the land surface to the ground water, then to be discharged as base flow, could have exceeded the 3.5 year post-BMP monitoring period" in a study by Koerkle, et al. in 1996 report titled *Evaluation of Agricultural Best-Management Practices in the Conestoga River Headwaters, Pennsylvania: Effects of Nutrient Management on Water Quality in the Little Conestoga Creek Headwaters, 1983-89* (USGS: Water Resources Investigations Report 95-4046).

Concerns were raised that improvements through in-stream habitat restoration and the application of forested riparian buffers were not considered. The Board appreciates the Department's recognition of the ability of improved forested buffers to improve physical in-stream habitat and provide shade from the tree canopy. The benefits from improving forested buffers are vitally supportive of macroinvertebrate and fish populations. These benefits can begin and become noticeable within the first 5 to 10 years of the implementation of the improvement. Over time the tree canopy will mature and provide more shade for the aquatic habitat. It will likely take at least 20 to 25 years for the benefits of newly planted forest buffers to improve the stream quality to a level commensurate with special protection qualifications. If stream improvements are demonstrated by widespread land use conversions in the watershed, the stream may be eligible for special protection in the future.

#### *Hammer Creek—Additional Comments*

Additional remarks were received from the United States Environmental Protection Agency (EPA) Region 3 outside of the official comment period. The Department received a letter from the EPA on June 10, 2010. The EPA commended the Department on its continuing effort to evaluate and properly designate surface waters of this Commonwealth, especially protecting existing water quality and uses through its antidegradation program, but the EPA raised some questions regarding the Hammer Creek stream report. The Department replied to the specific

questions regarding the Hammer Creek stream report in a letter to the EPA Region 3.

On April 14, 2010, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment in accordance with section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)). IRRC did not raise any comments, recommendations or objections to any portion of the proposed rulemaking.

#### *F. Summary of Changes to the Proposed Rulemaking*

Changes were not made to the redesignations recommended in the proposed rulemaking.

#### *G. Benefits, Costs and Compliance*

##### *Benefits*

Overall, the Commonwealth, its citizens and natural resources will benefit from these amendments because they provide the appropriate level of protection to preserve the integrity of existing and designated uses of surface waters in this Commonwealth. Protecting water quality provides economic value to present and future generations in the form of clean water for drinking, recreational opportunities and aquatic life protection. It is important to realize these benefits to ensure opportunity and development continue in a manner that is environmentally, socially and economically sound. Maintenance of water quality ensures its future availability for all uses.

##### *Compliance Costs*

The streams recommended for redesignation are already protected at their existing use. Therefore, the designated use revision will not impose increased compliance costs on the regulated community.

Persons conducting or proposing activities or projects shall comply with the regulatory requirements regarding designated and existing uses. Persons expanding a discharge or adding a new discharge point to a stream could be adversely affected if they need to provide a higher level of treatment or BMPs to meet the designated and existing uses of the stream. For example, these increased costs may take the form of higher engineering, construction or operating cost for point source discharges. Treatment costs and BMPs are site-specific and depend upon the size of the discharge in relation to the size of the stream and many other factors. It is therefore not possible to precisely predict the actual change in costs. Economic impacts would primarily involve the potential for higher treatment costs for new or expanded discharges to streams that are redesignated. The initial costs resulting from the installation of technologically advanced wastewater treatment processes and BMPs may be offset by potential savings from and increased value of improved water quality through more cost-effective and efficient treatment over time.

##### *Compliance Assistance Plan*

The amendments have been developed as part of an established program that has been implemented by the Department since the early 1980s. The amendments are consistent with and based on existing Department regulations. The amendments extend additional protection to selected waterbodies that exhibit exceptional water quality and are consistent with antidegradation requirements established by The Clean Water Act (33 U.S.C.A. §§ 1251—1387) and The Clean Streams Law (35 P. S.

§§ 691.1—691.1001). All surface waters in this Commonwealth are afforded a minimum level of protection through compliance with the water quality standards, which prevent pollution and protect existing water uses.

The redesignations will be implemented through the Department's permit and approval actions. For example, the National Pollutant Discharge Elimination System (NPDES) permitting program bases effluent limitations on the use designation of the stream. These permit conditions are established to assure water quality criteria are achieved and designated and existing uses are protected. New and expanded dischargers with water quality based effluent limitations are required to provide effluent treatment according to the water quality criteria associated with existing uses and revised designated water uses.

#### *Paperwork Requirements*

The final-form rulemaking should not have direct paperwork impact on the Commonwealth, local governments and political subdivisions or the private sector. These amendments are based on existing Department regulations and simply mirror the existing use protection that is already in place for these streams. There may be some indirect paperwork requirements for new or expanding dischargers to streams upgraded to HQ or EV. For example, NPDES general permits are not currently available for new or expanded discharges to these streams. Thus an individual permit, and its associated paperwork, would be required. Additionally, paperwork associated with demonstrating social and economic justification may be required for new or expanded discharges to certain HQ Waters and consideration of nondischarge alternatives is required for all new or expanded discharges to EV and HQ Waters.

#### *H. Pollution Prevention*

The water quality standards and antidegradation program are major pollution prevention tools because the objective is to prevent degradation by maintaining and protecting existing water quality and existing uses. Although the antidegradation program does not prohibit new or expanded wastewater discharges, nondischarge alternatives are encouraged and required when environmentally sound and cost effective. Nondischarge alternatives, when implemented, remove impacts to surface water and reduce the overall level of pollution to the environment by remediation of the effluent through the soil.

#### *I. Sunset Review*

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

#### *J. Regulatory Review*

Under section 5(a) of the Regulatory Review Act, on April 14, 2010, the Department submitted a copy of the proposed rulemaking, published at 40 Pa.B. 2122, to IRRC and the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided

with copies of the comments received during the public comment period, as well as other documentation. The Department has considered all public comments in preparing this final-form rulemaking. Comments were not received on the proposed rulemaking from IRRC or the House and Senate Committees.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on July 20, 2011, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 21, 2011, and approved the final-form rulemaking.

#### *K. Findings*

The Board finds that:

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

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

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 40 Pa.B. 2122.

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

(5) This final-form rulemaking does not contain standards or requirements that exceed requirements of the companion Federal regulations.

#### *L. Order*

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

(a) The regulations of the Department, 25 Pa. Code Chapter 93, are amended by amending §§ 93.9f, 93.9j, 93.9o and 93.9r to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) The Chairperson shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required under the Regulatory Review Act.

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

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

MICHAEL L. KRANCER,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 41 Pa.B. 4265 (August 6, 2011).)*

**Fiscal Note:** Fiscal Note 7-438 remains valid for the final adoption of the subject regulations.

Annex A  
**TITLE 25. ENVIRONMENTAL PROTECTION**  
**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Subpart C. PROTECTION OF NATURAL RESOURCES**  
**ARTICLE II. WATER RESOURCES**  
**CHAPTER 93. WATER QUALITY STANDARDS**  
**DESIGNATED WATER USES AND WATER QUALITY CRITERIA**

§ 93.9f. Drainage List F.

**Delaware River Basin in Pennsylvania**  
*Schuylkill River*

Stream	Zone	County					Water Uses Protected	Exceptions to Specific Criteria
		*	*	*	*	*		
5—Plum Creek	Basin, UNT at RM 0.45 to Mouth	Berks					CWF, MF	None
4—Cacoosing Creek	Basin, Source to Little Cacoosing Creek	Berks					CWF, MF	None
5—Little Cacoosing Creek	Basin	Berks					WWF, MF	None
4—Cacoosing Creek	Little Cacoosing Creek to Mouth	Berks					CWF, MF	None
3—Tulpehocken Creek	Basin, T 921 to Mouth	Berks					WWF, MF	None
		*	*	*	*	*		
3—Valley Creek	Basin	Montgomery— Chester					EV, MF	None
3—UNTs to Schuylkill River	Basins, Valley Creek to UNT 00926 at RM 18.9	Montgomery					WWF, MF	None
3—Trout Creek	Basin	Montgomery					WWF, MF	None
		*	*	*	*	*		
3—Arrowmink Creek	Basin	Montgomery					WWF, MF	None
3—UNT 00926 at RM 18.9 (locally Spring Mill Run)	Basin	Montgomery					CWF, MF	None
3—UNTs to Schuylkill River	Basins, UNT 00926 downstream to Head of Tide	Montgomery— Philadelphia					WWF, MF	None
3—Sawmill Run	Basin	Montgomery					WWF, MF	None
		*	*	*	*	*		

§ 93.9j. Drainage List J.

**Susquehanna River Basin in Pennsylvania**  
*Lackawanna River*

Stream	Zone	County					Water Uses Protected	Exceptions to Specific Criteria
		*	*	*	*	*		
2—Lackawanna River	Main Stem, Confluence East and West Branches to SR 0347 Bridge at Dickson City	Lackawanna					HQ-CWF, MF	None
3—UNTs to Lackawanna River	Basins, Confluence of East and West Branches to Clarks Creek	Susquehanna— Wayne					CWF, MF	None
3—Brace Brook	Basin	Susquehanna					CWF, MF	None
3—UNT 28600 at RM 35.54 (locally Clarks Creek)	Basin	Wayne					EV, MF	None

Stream	Zone	County	Water Uses Protected	Exceptions to Specific Criteria
3—UNTs to Lackawanna River	Basins, Clarks Creek to SR 0347 Bridge at Dickson City	Wayne—Lackawanna	CWF, MF	None
3—Wilson Creek	Basin	Lackawanna	CWF, MF	None
		* * * * *		

## § 93.9o. Drainage List O.

**Susquehanna River Basin in Pennsylvania**  
*Susquehanna River*

Stream	Zone	County	Water Uses Protected	Exceptions to Specific Criteria
		* * * * *		
2—Wilson Run	Basin	York	WWF, MF	None
2—Conestoga River	Basin, Source to UNT 07792 at RM 43.05	Lancaster	WWF, MF	None
3—UNT 07792 to Conestoga River at RM 43.05	Basin	Lancaster	CWF, MF	None
2—Conestoga River	Main Stem, UNT 07792 at RM 43.05 downstream to Mouth	Lancaster	WWF, MF	None
3—UNTs to Conestoga Rivers	Basins, UNT 07792 to Mouth	Berks—Lancaster	WWF, MF	None
3—Muddy Creek	Main Stem, Source to Little Muddy Creek	Lancaster	TSF, MF	None
		* * * * *		
4—Middle Creek	Basin, Furnace Run to Mouth	Lancaster	WWF, MF	None
4—Hammer Creek	Basin, Source to second Rexmont Road crossing (downstream of the two former water supply reservoirs)	Lebanon	HQ-CWF, MF	None
4—Hammer Creek	Basin, second Rexmont Road crossing to but not including UNT 07678 at RM 14.2	Lebanon	CWF, MF	None
4—Hammer Creek	Basin, from and including UNT 07678 downstream to Walnut Run	Lancaster	HQ-CWF, MF	None
5—Walnut Run	Basin	Lancaster	EV, MF	None
4—Hammer Creek	Basin, Walnut Run to inlet of Speedwell Forge Lake	Lancaster	HQ-CWF, MF	None
4—Hammer Creek	Basin, Inlet of Speedwell Forge Lake to UNT 07671 at RM 8.8	Lancaster	WWF, MF	None
5—UNT 07671	Basin	Lancaster	HQ-CWF, MF	None
4—Hammer Creek	Basin, UNT 07671 downstream to Speedwell Forge Lake Dam	Lancaster	WWF, MF	None
4—Hammer Creek	Basin, Speedwell Forge Lake Dam to Mouth	Lancaster	TSF, MF	None
		* * * * *		

§ 93.9r. Drainage List R.

Ohio River Basin in Pennsylvania  
Clarion River

Stream	Zone	County					Water Uses Protected	Exceptions to Specific Criteria
		*	*	*	*	*		
4—Henry Run	Basin						CWF	None
4—Toms Run	Basin, Source to Little Hefren Run						EV	None
5—Little Hefren Run	Basin						CWF	None
4—Toms Run	Basin, Little Hefren Run to Mouth						EV	None
4—Cather Run	Basin						HQ-CWF	None
		*	*	*	*	*		

[Pa.B. Doc. No. 11-1501. Filed for public inspection September 2, 2011, 9:00 a.m.]

**ENVIRONMENTAL QUALITY BOARD**  
[ 25 PA. CODE CHS. 121 AND 127 ]  
**New Source Review**

The Environmental Quality Board (Board) amends Chapters 121 and 127 (relating to general provisions; and construction, modification, reactivation and operation of sources) to read as set forth in Annex A.

This order was adopted by the Board at its meeting of May 18, 2011.

A. *Effective Date*

This final-form rulemaking is effective upon publication in the *Pennsylvania Bulletin*.

This final-form rulemaking will be submitted to the United States Environmental Protection Agency (EPA) as a revision to the Pennsylvania State Implementation Plan (SIP) upon publication.

B. *Contact Persons*

For further information, contact Krishnan Ramamurthy, Chief, Division of Permits, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 783-9476; or Robert “Bo” Reiley, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available electronically through the Department of Environmental Protection’s (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (Keyword: Public Participation).

C. *Statutory Authority*

This final-form rulemaking is being made under the authority of section 5(a)(1) of the Air Pollution Control Act (APCA) (35 P. S. § 4005(a)(1)), which grants to the Board the authority to adopt regulations for the prevention, control, reduction and abatement of air pollution.

D. *Background and Summary*

On July 18, 1997, the EPA revised the National Ambient Air Quality Standard (NAAQS) for particulate matter

(PM) to add a new standard for fine particles, using fine particulates equal to and less than 2.5 micrometers in diameter (PM<sub>2.5</sub>) as the indicator. The EPA set the health-based (primary) and welfare-based (secondary) PM<sub>2.5</sub> annual standard at a level of 15 micrograms per cubic meter (µg/m<sup>3</sup>) and the 24-hour standard at a level of 65 µg/m<sup>3</sup> at 62 FR 38652 (July 18, 1997). The health-based primary standard is designed to protect human health from elevated levels of PM<sub>2.5</sub>, which have been linked to premature mortality and other important health effects. The secondary standard is designed to protect against major environmental effects of PM<sub>2.5</sub> such as visibility impairment, soiling and materials damage. In December 2004, the EPA designated all or portions of the following counties in this Commonwealth as nonattainment areas for the 1997 fine PM annual NAAQS: Allegheny (partial), Armstrong (partial), Beaver, Berks, Bucks, Butler, Cambria, Chester, Cumberland, Dauphin, Delaware, Greene (partial), Indiana (partial), Lancaster, Lawrence (partial), Lebanon, Montgomery, Philadelphia, Pittsburgh/Liberty-Clairton (partial), Washington, Westmoreland and York. See 70 FR 944, 999 (January 5, 2005). No counties were designated nonattainment for the 1997 24-hour standard.

Subsequently, at 71 FR 61144 (October 17, 2006), the EPA lowered the primary and secondary 24-hour NAAQS for PM<sub>2.5</sub> to 35 µg/m<sup>3</sup> from 65 µg/m<sup>3</sup>. The following counties or portions thereof have been designated by the EPA as nonattainment for the 2006 fine PM 24-hour NAAQS: Allegheny (partial), Armstrong (partial), Beaver, Bucks, Butler, Cambria, Chester, Cumberland, Dauphin, Delaware, Greene (partial), Indiana (partial), Lancaster, Lawrence (partial), Lebanon, Lehigh, Montgomery, Northampton, Philadelphia, Pittsburgh/Liberty-Clairton (partial), Washington, Westmoreland and York. See 74 FR 58688, 58758 (November 13, 2009).

The EPA published its final rule for the “Implementation of the New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers (PM<sub>2.5</sub>)” at 73 FR 28321 (May 16, 2008). This Federal regulation requires states with PM<sub>2.5</sub> nonattainment areas to submit revised nonattainment NSR programs to the EPA for SIP approval within 3 years from the date of publication of the final rule or by May 16, 2011.

Scientific research has shown that various precursor pollutants participate in secondary particle formation and

contribute significantly to ambient  $PM_{2.5}$  concentrations, producing approximately half of the  $PM_{2.5}$  concentration Nationally. Precursor pollutants to particle formation include the following: sulfur dioxide ( $SO_2$ ); nitrogen oxides ( $NO_x$ ); volatile organic compounds (VOC); and ammonia. Given the complexity of PM formation processes, new information from the scientific community continues to emerge to improve our understanding of the relationship between sources of PM precursors and secondary particle formation. The final Federal rule requires that  $SO_2$  be regulated as a  $PM_{2.5}$  precursor;  $NO_x$  is presumed regulated; VOC and ammonia are presumed not regulated. See 73 FR 28321, 28325. This final-form State rulemaking is consistent with the Federal rule in how these pollutants are to be treated.

Section 173 of the Clean Air Act (CAA) (42 U.S.C.A. § 7503) subjects major stationary sources located in nonattainment areas to the NSR permit program, which the Commonwealth is responsible for implementing through its SIP. The NSR special permit requirements include emission offsets for proposed emission increases and a demonstration that the new source will comply with the "lowest achievable emission rate" (LAER) for each regulated pollutant.

The final-form rulemaking, which limits the emissions of  $PM_{2.5}$  and precursors including  $SO_2$  and  $NO_x$  for new or modified major sources in nonattainment areas, amends the existing nonattainment NSR requirements in Chapter 127, Subchapter E (relating to new source review) to incorporate the EPA's May 2008 requirements for  $PM_{2.5}$  and precursor emissions. Clarifying amendments for Chapter 127 are also made in the final-form rulemaking.

The final-form rulemaking applies to construction of major stationary sources and major modifications at major stationary sources. A stationary source is a "major source" if its actual emissions or its potential to emit (PTE) for a specific pollutant equals or exceeds the major source threshold for that pollutant. The  $PM_{2.5}$  threshold for new sources is 100 tons per year (TPY) of  $PM_{2.5}$ . The  $PM_{2.5}$  threshold for major modifications at existing sources is 10 TPY of  $PM_{2.5}$ .

The final-form rulemaking assures that the citizens and environment of this Commonwealth will benefit from reduced PM and precursor emissions from regulated sources. The health effects associated with exposure to elevated levels of  $PM_{2.5}$  are significant. Epidemiological studies have shown a significant correlation between elevated  $PM_{2.5}$  levels and premature mortality. Other important health effects associated with exposure to particle pollution include aggravation of respiratory and cardiovascular disease (as indicated by increased hospital admissions, emergency room visits, absences from school or work and restricted activity days), lung disease, decreased lung function, asthma attacks and certain cardiovascular problems. Individuals particularly sensitive to  $PM_{2.5}$  exposure include older adults, people with heart and lung disease and children. Environmental effects of particle pollution include visibility impairment, soiling and materials damage. Attaining and maintaining levels of  $PM_{2.5}$  below the health- and welfare-based NAAQS is important to reduce premature mortality and other health and environmental effects associated with  $PM_{2.5}$  exposure. This control measure is reasonably necessary to attain and maintain the 1997 annual and 2006 24-hour  $PM_{2.5}$  NAAQS.

The owners and operators of new or modified major facilities will be affected by the final-form rulemaking.

There are approximately 887 major facilities in this Commonwealth that may be subject to the existing NSR rules if major modifications to those facilities are proposed. The majority of those facilities affected by this final-form rulemaking are already subject to the existing NSR provisions in Chapter 127, Subchapter E and also to the requirements in 40 CFR Part 51, Appendix S (relating to emission offset interpretative ruling). This final-form rulemaking will provide increased flexibility for the owners and operators of affected facilities by allowing exchanges of interpollutant offsets.

Under section 4.2(b) of the APCA (35 P. S. § 4004.2(b)), control measures, in general, shall be no more stringent than those required under the CAA unless the Board determines that those measures are reasonably necessary to achieve or maintain ambient air quality standards. The final-form rulemaking is more stringent than Federal regulations since it includes fugitive emissions for certain pollutants, including  $PM_{2.5}$ , from all sources when determining whether a source is defined as a "major facility" under § 121.1.

The major facility definition was included in the final-form rulemaking published at 24 Pa.B. 443 (January 15, 1994). The 1994 final-form rulemaking was approved by the EPA as a revision to the SIP at 62 FR 64722 (December 9, 1997), and is codified in 40 CFR 52.2020 (relating to identification of plan), regarding the Pennsylvania SIP. The SIP-approved major facility provision includes fugitive emissions from all sources when determining the status of a major facility, rather than considering fugitives for just the 28 source categories listed in the Federal definition of "major stationary source" in 40 CFR 51.165(a)(1)(iv)(A) (relating to permit requirements).

Another area of difference between the existing EPA and Commonwealth nonattainment NSR programs relates to the treatment of projected actual emissions related to a project. Under the EPA's approach, owners or operators of a facility shall track their projected actual emissions against the facility's post-change emissions for 5 years following resumption of regular operations. The EPA presumes that any increases that occur after 5 years are not associated with the physical or operational changes. Under the Commonwealth's approach specified in § 127.203a(a)(5)(iii)(A) (relating to applicability determination) of the final-form NSR amendments published at 37 Pa.B. 2365 (May 19, 2007), the projected actual emissions for the regulated NSR pollutant, including  $PM_{2.5}$ , must be incorporated into the required plan approval or operating permit as an emission limit. According to the Board findings in the final-form rulemaking, the May 2007 NSR amendments are "necessary to achieve and maintain ambient air quality standards and to satisfy related CAA requirements." The Board also found that "the final-form rulemaking is necessary for the Commonwealth to avoid sanctions under the CAA."

To attain and maintain the NAAQS in this Commonwealth, as required under the CAA, the Board has relied on the 1994 and 2007 rulemakings. The only change being made in this final-form rulemaking is to include  $PM_{2.5}$  as a regulated NSR pollutant. Consequently, the "no more stringent than" provision under section 4.2(b) of the APCA is satisfied because the Board has determined that this approach is reasonably required to achieve or maintain the  $PM_{2.5}$  NAAQS. Moreover, these provisions must be maintained to satisfy the antibacksliding provisions in sections 110 and 193 of the CAA (42 U.S.C.A. §§ 7410 and 7515).

The Department met with the Air Quality Technical Advisory Committee (AQTAC) on September 15, 2010, and the Citizens Advisory Council (CAC) Air Committee on October 18, 2010, to discuss the final-form rulemaking. The AQTAC and CAC both concurred with the Department's recommendation to move the final-form rulemaking forward to the Board.

#### E. Summary of Comments and Responses

A commentator understands that the proposed rulemaking would amend the existing requirements in Chapter 127, Subchapter E to incorporate recently promulgated Federal requirements for  $PM_{2.5}$  and  $PM_{2.5}$  precursors and insists that the proposed changes mirror the new Federal requirements to the extent practicable. The Board agrees with the commentator that there should be consistency between the Federal requirements and the Commonwealth's regulations.

A commentator believes that a fundamental difficulty with the proposed NSR amendments is the Board's attempt to meet the requirements of the Federal NSR  $PM_{2.5}$  rule by applying the Commonwealth's existing NSR provisions to  $PM_{2.5}$ . Because the Commonwealth's existing NSR rules were developed specifically to address particular issues regarding the ozone nonattainment areas in this Commonwealth and have been amended many times over many years, the rules are not suited in many respects to also address  $PM_{2.5}$ . The Board clarifies that it did not propose amendments at 40 Pa.B. 703 (February 6, 2010) to many existing provisions of the NSR requirements in Chapter 127, Subchapter E, which were published at 24 Pa.B. 443. The 1994 final-form rulemaking was approved by the EPA as a revision to the SIP published at 62 FR 64722 and codified in 40 CFR 52.2020. Subsequent to the 1994 final-form rulemaking, the EPA initiated a number of changes to the Federal requirements for NSR which are discussed in the preamble to the Board's final-form rulemaking published at 37 Pa.B. 2365. Amendments to Chapter 127, Subchapter E published at 37 Pa.B. 2365 were effective May 19, 2007. The 2007 amendments were submitted to the EPA on August 9, 2007, as an equivalency demonstration and revision to the SIP. However, in light of the concerns raised during the public comment period about the aggregation of de minimis emissions for  $PM_{2.5}$  and  $PM_{2.5}$  precursors and the limited availability of  $PM_{2.5}$  emission reduction credits (ERCs) for emission offsets for new or modified major source projects, this final-form rulemaking does not require the aggregation of de minimis emissions for  $PM_{2.5}$  and  $PM_{2.5}$  precursors. Section 127.203a(a)(2) is revised in the final-form rulemaking to specifically exclude  $PM_{2.5}$  and  $PM_{2.5}$  precursors.

The Independent Regulatory Review Commission (IRRC) stated that there appears to be some inconsistency between the Regulatory Analysis Form and preamble of the proposed rulemaking as to whether the proposed regulation is consistent with or more stringent than Federal regulations. The Board clarifies that the proposed rulemaking is more stringent than Federal regulations in three ways—de minimis aggregation, fugitive emissions and the contemporaneous period provisions which were approved by the EPA as a revision to the SIP and implemented by the Department for at least 15 years. As a result, the preamble to the proposed rulemaking is correct. The final-form rulemaking deletes the de minimis aggregation provision for  $PM_{2.5}$  and precursor emissions.

IRRC commented further that the information in the preamble to the proposed rulemaking and the accompanying materials did not provide information on whether the

Department has identified areas where  $NO_x$  emissions are not a significant contributor to  $PM_{2.5}$  concentrations. IRRC requested that this information be provided with the final-form rulemaking. To this end, the Board responds that the final-form rulemaking definition of "regulated NSR pollutant" has been amended as follows: "Nitrogen oxides are presumed to be precursors to  $PM_{2.5}$  in  $PM_{2.5}$  nonattainment areas unless the Department demonstrates to the satisfaction of the Administrator of the EPA or the Administrator of the EPA determines that  $NO_x$  emissions from a source in a specific area are not a significant contributor to that area's ambient  $PM_{2.5}$  concentrations." The Department has not done a study to identify areas where  $NO_x$  emissions are not a significant contributor to  $PM_{2.5}$  concentrations.

IRRC is concerned about the impact the final rule will have on Commonwealth industry with respect to competitiveness with industry in neighboring states. The Board responds that the Department conferred with neighboring states in April and November, 2010 concerning the status of their NSR  $PM_{2.5}$  rulemakings. A number of neighboring states are still working on  $PM_{2.5}$  amendments to their NSR programs to meet the Federal  $PM_{2.5}$  requirements and develop SIP revisions by May 2011. West Virginia finalized NSR requirements for  $PM_{2.5}$  on June 1, 2010. Delaware expects to propose its rulemaking by May 1, 2011, and finalize its rulemaking by July 1, 2011. All states must submit SIP revisions that, at a minimum, will implement the EPA's  $PM_{2.5}$  requirements for nonattainment areas. It is not anticipated that the final-form rulemaking will place the owners of affected sources in this Commonwealth at a competitive disadvantage; the final-form rulemaking does not include  $PM_{2.5}$  de minimis aggregation requirements because of the limited availability of emission offsets.

A commentator questioned the testing procedures and listed offset ratio relationships and wondered how it was calculated, where the ratios came from and exact dates for early ERC credit calculations. The Board responds that EPA-established trading ratios for  $PM_{2.5}$  and  $PM_{2.5}$  precursors for nonattainment NSR  $PM_{2.5}$  emissions were specified in the proposed rulemaking and these ratios are retained in the final-form rulemaking. The Board did not propose to amend the existing requirements in § 127.207(1) (relating to creditable emissions decrease or ERC generation and creation).

A commentator stated that enactment of the proposed rulemaking would result in two distinct and different sets of definitions for some parameters of interest (for example, two different definitions for a "regulated NSR pollutant" and "significant," with the definitions depending on the attainment status of the pollutant of interest). The Board responds that the definitions and requirements for the state-specific NSR and prevention of significant deterioration (PSD) programs mirror the applicable Federal NSR and PSD regulations.

The commentator requested that the Department's definition of "significant" in § 121.1 (relating to definitions) be consistent and verbatim with the EPA's definition of the term in 40 CFR 52.21(b)(23) (relating to prevention of significant deterioration of air quality). The Board disagrees. The EPA's definition of "significant" in 40 CFR 52.21(b)(23) applies to PSD requirements for attainment and unclassifiable areas, not to nonattainment NSR, and is adopted by reference under Chapter 127, Subchapter D (relating to prevention of significant deterioration of air quality) to support the Department's PSD program. The definition of "significant" in § 121.1 supports existing

requirements in Chapter 127, Subchapter E for nonattainment NSR and is consistent with the EPA's definition of the term "significant" in 40 CFR 51.165(a)(1)(x)(A) for nonattainment NSR programs.

A commentator requested that the Department's definition of "regulated NSR pollutant" in § 121.1 be consistent and verbatim with the EPA's definition in 40 CFR 52.21(b)(50). The Board disagrees. The EPA's definition of "regulated NSR pollutant" in 40 CFR 52.21(b)(50) applies to PSD requirements for attainment and unclassifiable areas, not to nonattainment NSR, and is adopted by reference under Chapter 127, Subchapter D to support the Department's PSD program. The definition of "regulated NSR pollutant" in § 121.1 supports existing requirements in Chapter 127, Subchapter E for nonattainment NSR and is consistent with the EPA's definition of "regulated NSR pollutant" in 40 CFR 51.165(a)(1)(xxxvii) for nonattainment NSR programs.

A commentator stated that the proposed NSR amendments require clarification with respect to the manner in which NSR will be applied to PM<sub>2.5</sub> and its precursors. The Board clarifies that the definitions of the terms "major facility" and "net emissions increase" in § 121.1 are similar to the EPA's definition of the term "major stationary source" in 40 CFR 51.165(a)(1)(iv)(A). During the implementation of the NSR PM<sub>2.5</sub> provisions, the Department will follow the EPA's policies and interpretations provided for nonattainment NSR for regulating emissions of PM<sub>2.5</sub> and its precursors SO<sub>2</sub> and NO<sub>x</sub>.

A commentator stated that the definition of "maximum allowable emissions" should be verbatim with the definition of the term "allowable emissions" in 40 CFR 52.21(b)(16), regarding PSD of air quality. The Board proposed deletion of the term "maximum allowable emissions" and its definition, as denoted by bold brackets and text in the proposed rulemaking, since the term is no longer used to support existing regulations and this term is not used in the Federal NSR regulations under 40 CFR 51.165. This deletion is retained in the final-form rulemaking.

Several commentators stipulated that the aggregation of de minimis emission increases is inappropriate for PM<sub>2.5</sub>, indicating that the proposed amendments would make de minimis emissions of PM<sub>2.5</sub> subject to the 10-year aggregation provisions in § 127.203a and potentially to the provisions in § 127.203 (relating to facilities subject to special permit requirements). The final-form rulemaking does not require de minimis aggregation for PM<sub>2.5</sub> and precursor emissions.

A commentator stated that the rule should clearly indicate that offsets shall be provided only once for a particular pollutant. For example, a facility located in the Ozone Transport Region that triggers NSR for NO<sub>x</sub> and PM<sub>2.5</sub> should only provide offsets for either NO<sub>x</sub> or NO<sub>x</sub> as a precursor for PM<sub>2.5</sub>, but not for both. The Board agrees with the commentator. Emissions only need to be offset once. Therefore, if NO<sub>x</sub> emissions offsets are provided as an ozone precursor, these offsets can also serve as PM<sub>2.5</sub> precursor offsets.

A commentator expressed concern that § 127.210 (relating to offset ratios) does not recognize the interpollutant trading that has already been approved by the EPA for NO<sub>x</sub> and VOC ERCs in the five-county Philadelphia area. These NSR regulations should be amended to either include this interpollutant trading or as to not exclude this approved ERC trading mechanism. The Board is not changing the EPA's previously approved interpollutant

trading of VOC ERCs for NO<sub>x</sub> ERCs using a substitution ratio in the Philadelphia ozone nonattainment area. However, due to concerns raised by the commentators, the Board is clarifying § 127.206(o) (relating to ERC general requirements) in the final-form rulemaking as follows: "Except as provided under § 127.210 (relating to offset ratios), an ERC created for a regulated criteria pollutant shall only be used for offsetting or netting an emissions increase involving the same criteria pollutant unless approved in writing by the Department and the EPA."

Three commentators suggested that the proposed NSR amendments should be revised to exclude fugitive emissions in the context of major source determinations for PM<sub>2.5</sub>, except for source categories specifically listed in the Federal regulations. Further, the Department should follow the Federal rule (as it continues to be developed) with respect to the consideration of fugitive emissions in the evaluation of emission increases caused by modification projects. The Board did not propose amendments at 40 Pa.B. 703 to amend the aggregation of de minimis emissions of VOCs and NO<sub>x</sub> specified in § 127.203(b)(1). In January 1994, the Board adopted, at 24 Pa.B. 443, a major facility provision for new source review (NSR) purposes that includes fugitive emissions from all sources when determining NSR applicability for a major facility, rather than considering fugitives for just the 28 source categories listed in the Federal definition of "major stationary source" in 40 CFR 51.165(a)(1)(iv)(A). The more stringent than provisions were determined by the Board to be reasonably necessary to attain and maintain the NAAQS. To attain and maintain the NAAQS, the Department has relied since January 15, 1994, on these SIP-approved requirements for the inclusion of fugitive emissions of all criteria pollutants, including PM, CO and ozone and its precursors, VOC and NO<sub>x</sub>, from all sources for major facility determinations. These provisions shall be maintained to satisfy the anti-backsliding provisions of sections 110 and 193 of the CAA.

Two commentators indicated that the proposed language in § 127.203(b)(2) and (3) would add ambiguous language that could render these provisions more stringent than the present requirements. The Board agrees. The final-form rulemaking deletes the proposed clarifying language, "including the emissions from the proposed project," in § 127.203(b)(2) and (3). However, the emissions from the proposed project must be included with the existing facility PTE to determine whether the facility emissions are more than 100 TPY for consideration of the applicability of control technology requirements such as best available control technology or LAER under § 127.203(b)(2) and (3).

Two commentators stated that the proposed NSR amendments would add a sentence to § 127.203(b)(1)(i) stating that "the aggregated VOC or NO<sub>x</sub> emissions must meet the applicability requirements of paragraph (2) or (3)." The commentators indicated that when evaluated in the context of subparagraphs (2) and (3), use of the phrase "aggregated emissions" is ambiguous, especially in light of the language previously discussed regarding inclusion of the "emissions of the proposed project" in the source's PTE. The Board disagrees. This language clarifies that the applicant needs to use the provisions in § 127.203(b)(2) or (3) for a determination of control technology requirements when the net emissions increase is equal to or exceeds the applicable emissions rate that is significant (25 TPY of NO<sub>x</sub> or VOCs). Section 127.203(b)(2) and (3) does not require aggregation of emissions; therefore, there is no double-counting of emissions toward



the source's PTE as indicated by the commentators. The final-form rulemaking retains the proposed language.

A commentator stated that the Board should clarify the provisions in § 127.203(b)(1) that 5-year contemporaneous aggregation is required only for proposed emission increases that exceed the significant emission rate for a pollutant and that 10-year contemporaneous aggregation is required only for proposed emission increases that are de minimis. The Board disagrees. The Board did not propose amendments to § 127.203(b)(1) at 40 Pa.B. 703. The current requirements in § 127.203 were published at 37 Pa.B. 2365. The 2007 amendments were submitted to the EPA on August 9, 2007, as an equivalency demonstration and revision to the SIP. The requirements in § 127.203(b)(1)(i) and (ii) specify that the net emissions increase be calculated using 5-year and 10-year contemporaneous aggregation provisions. First, the owner or operator needs to calculate the net emissions increase using 5-year contemporaneous aggregation provisions in § 127.203(b)(1)(i). If the net emissions increase is equal to or exceeds the applicable emissions rate that is significant (25 TPY of NO<sub>x</sub> or VOCs), the owner or operator needs to use the provisions in § 127.203(b)(2) or (3) for the applicability of control technology requirements. If the emissions increase due to the project does not exceed the listed applicable rate, then the owner or operator needs to use the de minimis emissions increase calculation for the 10-year period aggregation of § 127.203(b)(1)(ii) to calculate the net emissions increase.

The commentator requested that the Department issue guidance or amend the language in § 127.203a(a)(5)(iii) that if the projected actual emissions for a regulated NSR pollutant are in excess of the baseline actual emissions and the project results in a net emissions increase which equals or exceeds the applicable significant emissions rate, then the projected actual emissions for the regulated NSR pollutant must be incorporated into the required plan approval or the operating permit as an emission limit. The Board clarifies in the final-form rulemaking that the projected actual emissions are incorporated as a permit limit when the projected actual emissions minus the excludable emissions (emissions following completion of the project that the existing unit could have accounted for prior to the change and that are also unrelated to the change) exceed the baseline actual emissions.

The commentator requested that § 127.201(g) (relating to general requirements) be deleted or suggested that the requirements be modified for consistency with the Federal regulation. The Board amended § 127.201(g) to include condensable emissions in determining whether a source is subject to the major source NSR program beginning January 1, 2011, or earlier date established by the EPA. After January 1, 2011, all sources need to include PM<sub>2.5</sub> condensable emissions in applicability determinations.

#### F. *Summary of Final-form Rulemaking and Changes from Proposed to Final-form Rulemaking*

##### *Summary of Final-form Rulemaking*

The final-form rulemaking amends § 121.1 to add a definition of "PM<sub>2.5</sub>" and amend the definitions of existing terms "regulated NSR pollutant" and "significant" to include the requirements for PM<sub>2.5</sub> to support the amendments to Chapter 127. The final-form rulemaking deletes the definition of "maximum allowable emissions" because this term is no longer needed to support the existing requirements in Chapter 127, Subchapter E and this term is not used in the Federal NSR rules under 40 CFR 51.165

Section 127.201 is amended to add subsection (g). Under subsection (g), gaseous emissions that condense to form PM at ambient temperatures will be included in PM<sub>2.5</sub> and PM-10 emissions in accordance with the following requirements: beginning January 1, 2011, or earlier date established by the Administrator, condensable PM shall be accounted for in applicability determinations for PM<sub>2.5</sub> and PM-10 emission limitations established in a plan approval or operating permit issued under this chapter; compliance with emissions limitations for PM<sub>2.5</sub> and PM-10 issued prior to January 1, 2011, or earlier date established by the Administrator, shall not be based on condensable PM unless required by the terms and conditions of a plan approval, operating permit or the SIP; and applicability determinations made prior to January 1, 2011, or earlier date established by the Administrator, without accounting for condensable PM shall not be considered in violation of this subchapter unless the applicable plan approval, operating permit or SIP includes requirements for condensable PM.

Section 127.201a (relating to measurements, abbreviations and acronyms) is amended to include "PM<sub>2.5</sub>" and "PM-10." In addition, other minor editorial changes are finalized for this section.

Section 127.202 (relating to effective date) is amended to include references to PM<sub>2.5</sub>.

Section 127.203(b)(1)(i) is amended to provide that the aggregated VOC or NO<sub>x</sub> emissions shall meet the applicability requirements in paragraph (2) or (3).

Section 127.203a is amended to include the following requirements under subsection (a): the owner or operator of the facility shall include in the plan approval application the estimate of an emissions increase in a regulated NSR pollutant from the project; the owner or operator shall calculate an emissions increase in a regulated NSR pollutant from a project in accordance with paragraph (1); if the emissions increase from a project equals or exceeds the applicable emissions rate that is significant, the owner or operator shall calculate a net emissions increase in accordance with paragraph (1)(ii); and if the emissions increase from a project does not exceed the listed applicable emissions rate that is significant, the owner or operator shall calculate the net emissions increase in accordance with paragraph (2). In addition, minor editorial changes are finalized for this section as well.

Section 127.204 (relating to emissions subject to this subchapter) is amended to include some minor editorial changes.

Section 127.206(o) is amended to provide that except as provided under § 127.210, an ERC created for a regulated criteria pollutant shall only be used for offsetting or netting an emissions increase involving the same criteria pollutant unless approved in writing by the Department and the EPA. The "amnesty period" dates under § 127.206(r) regarding when emission reductions may be used to generate ERCs are amended to specify that emission reductions occurring at a facility after April 5, 2005, but prior to September 3, 2011, may be used to generate ERCs in accordance with this subchapter, if a complete ERC registry application is submitted to the Department by September 3, 2012. In addition, minor editorial changes are finalized for this section.

Section 127.210 is amended to remove interpollutant trading for PM<sub>2.5</sub> and PM<sub>2.5</sub> precursors in the final-form rulemaking due to the EPA's reconsideration of specific provisions of the final rule published at 73 FR 28321. Among other things, the amended provision provides that

the Department may, based on a technical assessment, establish interpollutant trading ratios for offsetting PM<sub>2.5</sub> emissions or PM<sub>2.5</sub> precursor emissions in a specific nonattainment area or geographic area in this Commonwealth. The interpollutant trading ratios shall be subject to public review and comment for at least 30 days prior to submission to the EPA for approval as a SIP revision. Section 127.210 of the final-form rulemaking is further amended to provide that if the EPA promulgates PM<sub>2.5</sub> interpollutant trading ratios in 40 CFR Part 51 (relating to requirements for preparation, adoption, and submittal of implementation plans), the ratios shall be adopted and incorporated in the final-form regulation by reference.

#### *Changes from Proposed to Final-form Rulemaking*

In final-form § 121.1, the definition of “regulated NSR pollutant” has been modified between proposed and final-form rulemaking to add subparagraph (iii)(C) to provide that NO<sub>x</sub> are presumed to be precursors to PM<sub>2.5</sub> in PM<sub>2.5</sub> nonattainment areas unless the Department demonstrates to the satisfaction of the Administrator of the EPA or the Administrator of the EPA determines that NO<sub>x</sub> emissions from a source in a specific area are not a significant contributor to that area’s ambient PM<sub>2.5</sub> concentrations.

The definition of “significant” has been modified between proposed and final-form rulemaking under PM<sub>2.5</sub> emission rate to provide that 10 TPY of PM<sub>2.5</sub>, 40 TPY of SO<sub>2</sub> and 40 TPY of NO<sub>x</sub> are the applicable rates unless the Department demonstrates to the EPA’s satisfaction or the EPA determines that the NO<sub>x</sub> emissions are not a significant contributor to PM<sub>2.5</sub> nonattainment in the area.

Final-form § 127.201(g)(1) was modified between proposed and final-form rulemaking to provide that beginning January 1, 2011, or earlier date established by the Administrator, condensable PM shall be accounted for in applicability determinations for PM<sub>2.5</sub> and PM-10 emission limitations established in a plan approval or operating permit issued under Chapter 127.

Final-form §§ 127.201a and 127.202 were not changed between proposed and final-form rulemaking.

Final-form § 127.203 was modified between proposed and final-form rulemaking to delete the proposed phrase “including the emissions from the proposed project” in subsection (b)(2) and (3).

Final-form § 127.203a(a)(2) was modified between proposed and final-form rulemaking to provide that as part of the plan approval application for a proposed de minimis emission increase, the owner or operator of the facility shall use subparagraphs (i) and (ii) to calculate the net emissions increase for a regulated NSR pollutant except PM<sub>2.5</sub> and PM<sub>2.5</sub> precursors.

Final-form § 127.204 was not changed between proposed and final-form rulemaking.

Final-form § 127.206(o) was modified between proposed and final-form rulemaking to provide that except as provided under § 127.210, an ERC created for a regulated criteria pollutant shall only be used for offsetting or netting an emissions increase involving the same criteria pollutant unless approved in writing by the Department and the EPA.

Section 127.210 is amended to remove interpollutant trading for PM<sub>2.5</sub> and PM<sub>2.5</sub> precursors in the final-form rulemaking due to the EPA’s reconsideration of specific provisions of the final rule published at 73 FR 28321. On July 15, 2008, the Natural Resources Defense Council

and the Sierra Club petitioned the EPA to reconsider and administratively stay specific parts of the final rule, “Implementation of the New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers (PM<sub>2.5</sub>),” published at 73 FR 28321. The petition objected to four parts of the final rule, including allowing states to use EPA-recommended PM<sub>2.5</sub> precursor trading ratios to offset PM<sub>2.5</sub> emissions increases in PM<sub>2.5</sub> nonattainment areas. On January 16, 2009, the EPA denied the July 2008 petition. On February 10, 2009, the same petitioners submitted a second reconsideration request for the same four issues and another request for administrative stay. They also requested reconsideration of the January 16, 2009, denial letter.

The EPA granted the February 10, 2009, petition for reconsideration to allow for public comment on each of the four issues raised, including allowing states to use EPA-recommended PM<sub>2.5</sub> precursor trading ratios to offset PM<sub>2.5</sub> emissions increases in PM<sub>2.5</sub> nonattainment areas. The EPA agreed to reconsider the trading ratios and granted the reconsideration of this policy on the grounds that the EPA failed to propose for public comment the EPA-recommended offset ratios in the preamble to the final rule published at 73 FR 28321. As a result, the existing “preferred” precursor offset ratios will no longer be considered presumptively approvable. That is, any precursor offset ratio submitted as part of the NSR SIP for a PM<sub>2.5</sub> nonattainment area must be accompanied by a technical demonstration showing the suitability of the ratio for that particular nonattainment area. Therefore, the Board developed language for the final-form rulemaking that mirrors the EPA’s intent.

This language removes interpollutant trading for PM<sub>2.5</sub> and PM<sub>2.5</sub> precursors in the final-form rulemaking and amends § 127.210 to provide that the Department may, based on a technical assessment, establish interpollutant trading ratios for offsetting PM<sub>2.5</sub> emissions or PM<sub>2.5</sub> precursor emissions in a specific nonattainment area or geographic area in this Commonwealth. The interpollutant trading ratios shall be subject to public review and comment for at least 30 days prior to submission to the EPA for approval as a SIP revision. Section 127.210 of the final-form rulemaking is further amended to provide that if the EPA promulgates PM<sub>2.5</sub> interpollutant trading ratios in 40 CFR Part 51, the ratios shall be adopted and incorporated in the final-form regulation by reference.

#### *G. Benefits, Costs and Compliance*

##### *Benefits*

Overall, the citizens of this Commonwealth will benefit from this final-form rulemaking because it will help to reduce emissions of PM<sub>2.5</sub> from major stationary sources. Attaining and maintaining levels of PM<sub>2.5</sub> below the health- and welfare-based NAAQS are important to reduce premature mortality and other health effects associated with PM<sub>2.5</sub> exposure. Reductions in ambient levels of PM<sub>2.5</sub> will also promote improved animal health and welfare, improved visibility, decreased soiling and materials damage and decreased damage to plants and trees.

##### *Compliance Costs*

The final-form rulemaking should not impose additional costs on the regulated community. If a facility triggers NSR for a regulated pollutant or precursor, the owner or operator of the facility shall demonstrate compliance by procuring emission offsets and achieving the LAER. Compliance costs will vary depending on the type of controls installed to satisfy the control technology requirements and the cost of emission offsets.

*Compliance Assistance Plan*

The Department plans to educate and assist the public and regulated community in understanding the newly revised requirements and how to comply with them. This will be accomplished through the Department's ongoing compliance assistance program.

*Paperwork Requirements*

There are no additional paperwork requirements associated with this final-form rulemaking with which industry will need to comply.

*H. Pollution Prevention*

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. The final-form rulemaking does not directly promote a multimedia approach. The reduced levels of PM<sub>2.5</sub>, however, will benefit water quality through reduced soiling and quantities of sediment that may run off into waterways. Reduced levels of PM<sub>2.5</sub> will therefore promote improved aquatic life and biodiversity, as well as improved human, animal and plant life on land.

*I. Sunset Review*

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

*J. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on February 6, 2010, the Department submitted a copy of the notice of proposed rulemaking, published at 40 Pa.B. 703, to IRRC and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on July 20, 2011, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 21, 2011, and approved the final-form rulemaking.

*K. Findings*

The Board finds that:

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

(2) At least a 60-day public comment period was provided as required by law and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 40 Pa.B. 703.

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

(5) These regulations are reasonably necessary to attain and maintain the PM<sub>2.5</sub> NAAQS.

*L. Order*

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

(a) The regulations of the Department, 25 Pa. Code, Chapters 121 and 127 are amended by amending §§ 121.1, 127.201, 127.201a, 127.202, 127.203, 127.203a, 127.204, 127.206 and 127.210 to read as set forth in Annex A, with ellipses referring to existing text of the regulations.

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

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

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

(e) This final-form rulemaking will be submitted to the EPA as an amendment to the Pennsylvania SIP.

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

MICHAEL L. KRANCER,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 41 Pa.B. 4265 (August 6, 2011).)*

**Fiscal Note:** Fiscal Note 7-450 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART I. DEPARTMENT OF ENVIRONMENTAL  
PROTECTION**

**Subpart C. PROTECTION OF NATURAL  
RESOURCES**

**ARTICLE III. AIR RESOURCES**

**CHAPTER 121. GENERAL PROVISIONS**

**§ 121.1. Definitions.**

The definitions in section 3 of the act (35 P.S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Marine deck sealant* or *marine deck sealant primer*—A sealant or sealant primer labeled for application to wooden marine decks.

*Maximum heat input capacity*—The maximum steady state heat input under which a source may be operated as

determined by its physical design and characteristics. Maximum heat input capacity is expressed in millions of British Thermal Units (MMBtu) per unit of time.

\* \* \* \* \*

*PEMS—Predictive emissions monitoring system*—For purposes of Chapter 127, Subchapter E, all of the equipment necessary to monitor process and control device operational parameters including control device secondary voltages and electric currents, other information including gas flow rate, O<sub>2</sub> or CO<sub>2</sub> concentrations, and calculate and record the mass emissions rate in terms of mass per unit time, like lb/hr, on a continuous basis.

*PM<sub>2.5</sub>*—Particulate matter with an aerodynamic diameter of less than or equal to a nominal 2.5 micrometer body as measured by the applicable reference method or an equivalent method.

*PM-10*—Particulate matter with an effective aerodynamic diameter of less than or equal to a nominal 10 micrometer body as measured by the applicable reference method or an equal method.

\* \* \* \* \*

*Regulated NSR pollutant*—

- (i) NO<sub>x</sub> or VOCs.
- (ii) A pollutant for which the EPA has promulgated a NAAQS.
- (iii) A pollutant that is a constituent or precursor of a pollutant listed under subparagraph (i) or (ii), if the constituent or precursor pollutant may only be regulated under NSR as part of regulation of the pollutant listed under subparagraph (i) or (ii). Precursors identified by the Administrator of the EPA for purposes of NSR are the following:

(A) VOCs and NO<sub>x</sub> are precursors to ozone in all ozone nonattainment areas.

(B) SO<sub>2</sub> is a precursor to PM<sub>2.5</sub> in all PM<sub>2.5</sub> nonattainment areas.

(C) Nitrogen oxides are presumed to be precursors to PM<sub>2.5</sub> in PM<sub>2.5</sub> nonattainment areas unless the Department demonstrates to the satisfaction of the Administrator of the EPA or the Administrator of the EPA determines that NO<sub>x</sub> emissions from a source in a specific area are not a significant contributor to that area's ambient PM<sub>2.5</sub> concentrations.

(iv) PM<sub>2.5</sub> and PM-10 emissions, including gaseous emissions from a facility or activity that condense to form particulate matter at ambient temperatures, as specified in § 127.201(g) (relating to general requirements).

\* \* \* \* \*

*Significant*—

(i) In reference to a net emissions increase or the potential of a facility to emit one of the following pollutants at a rate of emissions that would equal or exceed the following emissions rates except as specified in subparagraphs (ii)—(v):

<i>Pollutant</i>	<i>Emissions Rate</i>
Carbon monoxide (CO):	100 TPY
Nitrogen oxides (NO <sub>x</sub> ):	40 TPY
Sulfur oxides (SO <sub>x</sub> ):	40 TPY
Ozone:	40 TPY of VOCs or 40 TPY of NO <sub>x</sub>

*Pollutant*

*Emissions Rate*

Lead:	0.6 TPY
PM-10:	15 TPY
PM <sub>2.5</sub> :	10 TPY of PM <sub>2.5</sub> ; 40 TPY of SO <sub>2</sub> ; 40 TPY of NO <sub>x</sub> , unless the Department demonstrates to the EPA's satisfaction or the EPA determines that the NO <sub>x</sub> emissions are not a significant contributor to PM <sub>2.5</sub> nonattainment in the area.

(ii) The emissions rate that is significant for VOCs in a serious or severe ozone nonattainment area is 25 TPY.

(iii) For purposes of applying Chapter 127, Subchapter E to the owner or operator of modifications at a major facility located in an ozone nonattainment area or in an ozone transport region that emits or has the potential to emit NO<sub>x</sub>, the emissions rate that is significant and other requirements for VOCs in subparagraphs (i) and (ii) apply to NO<sub>x</sub> emissions.

(iv) The emissions rate that is significant for CO in a serious nonattainment area is 50 TPY if the EPA has determined that the affected facility contributes significantly to CO levels in that area.

(v) The emissions rate that is significant for VOCs in an extreme nonattainment area for ozone is any amount above zero.

\* \* \* \* \*

**CHAPTER 127. CONSTRUCTION, MODIFICATION, REACTIVATION AND OPERATION OF SOURCES**

**Subchapter E. NEW SOURCE REVIEW**

**§ 127.201. General requirements.**

(a) A person may not cause or permit the construction or modification of an air contamination facility in a nonattainment area or having an impact on a nonattainment area unless the Department or an approved local air pollution control agency has determined that the requirements of this subchapter have been met.

(b) The nonattainment area classification that applies for offset trading and offset ratio selection shall be the highest classification designated by the EPA Administrator in 40 CFR 81.339 (relating to Pennsylvania) or by operation of law.

(c) The NSR requirements of this subchapter also apply to a facility located in an attainment area for ozone and within an ozone transport region that emits or has the potential to emit at least 50 TPY of VOC or 100 TPY of NO<sub>x</sub>. A facility within either an unclassifiable/attainment area for ozone or within a marginal or incomplete data nonattainment area for ozone or within a basic nonattainment area for ozone and located within an ozone transport region will be considered a major facility and shall be subject to the requirements applicable to a major facility located in a moderate nonattainment area.

(d) The NSR requirements of this subchapter apply to an owner or operator of a facility at which a net emissions increase that is significant would occur as determined in accordance with § 127.203a (relating to applicability determination). If an emissions increase meets or exceeds the applicable emissions rate that is significant as defined in § 121.1 (relating to definitions),

the facility is subject to the permitting requirements under § 127.205 (relating to special permit requirements). An emissions increase subject to this subchapter must also be offset through the use of ERCs at the offset ratios specified in § 127.210 (relating to offset ratios). The generation, use, transfer and registration requirements for ERCs are listed in § § 127.206—127.209.

(e) In the event of an inconsistency between this rule and any other rule promulgated by the Department, the inconsistency must be resolved by the application of the more stringent provision, term, condition, method or rule.

(f) A facility located in Bucks, Chester, Delaware, Montgomery or Philadelphia Counties that emits or has the potential to emit at least 25 TPY of VOC or NO<sub>x</sub> will be considered a major facility and shall be subject to the requirements applicable to a major facility located in a severe nonattainment area for ozone.

(g) PM<sub>2.5</sub> and PM-10 emissions include gaseous emissions from a facility or activity that condense to form PM at ambient temperatures, if present, in accordance with the following requirements:

(1) Beginning January 1, 2011, or an earlier date established by the Administrator of the EPA, condensable PM shall be accounted for in applicability determinations and for PM<sub>2.5</sub> and PM-10 emission limitations established in a plan approval or operating permit issued under this chapter.

(2) Compliance with emissions limitations for PM<sub>2.5</sub> and PM-10 issued prior to January 1, 2011, or an earlier date established by the Administrator, may not be based on condensable PM unless required by the terms and conditions of a plan approval, operating permit or the SIP.

(3) Applicability determinations made prior to January 1, 2011, or an earlier date established by the Administrator, without accounting for condensable PM may not be considered in violation of this subchapter unless the applicable plan approval, operating permit or SIP includes requirements for condensable PM.

**§ 127.201a. Measurements, abbreviations and acronyms.**

Measurements, abbreviations and acronyms used in this subchapter are defined as follows:

- BACT—Best available control technology
- BAT—Best available technology
- CEMS—Continuous emissions monitoring system
- CERMS—Continuous emissions rate monitoring system
- CO—Carbon monoxide

- CPMS—Continuous parametric monitoring system
- ERC—Emission reduction credit
- LAER—Lowest achievable emission rate
- lb—Pounds
- MACT—Maximum achievable control technology
- MERC—Mobile emission reduction credit
- µg/m<sup>3</sup>—Micrograms per cubic meter
- mg/m<sup>3</sup>—Milligrams per cubic meter
- NO<sub>x</sub>—Nitrogen oxides
- NSPS—New source performance standard
- NSR—New source review
- O<sub>2</sub>—Oxygen
- PAL—Plantwide Applicability Limit
- PEMS—Predictive emissions monitoring system
- PM—Particulate matter
- PM<sub>2.5</sub>—Particulate matter less than or equal to 2.5 micrometers
- PM-10—Particulate matter less than or equal to 10 micrometers
- RACT—Reasonably available control technology
- SO<sub>x</sub>—Sulfur oxides
- TPY—Tons per year
- VOC—Volatile organic compound

**§ 127.202. Effective date.**

(a) The special permit requirements in this subchapter apply to an owner or operator of a facility to which a plan approval will be issued by the Department after May 19, 2007, except for PM<sub>2.5</sub>, which will apply after September 3, 2011.

(b) For SO<sub>x</sub>, PM<sub>2.5</sub>, PM-10, lead and CO, this subchapter applies until a given nonattainment area is redesignated as an unclassifiable or attainment area. After a redesignation, special permit conditions remain effective until the Department approves a permit modification request and modifies the permit.

**§ 127.203. Facilities subject to special permit requirements.**

(a) This subchapter applies to the construction of a new major facility or modification at an existing major facility located in a nonattainment area, an ozone transport region or an attainment or unclassifiable area which impacts a nonattainment area in excess of the following significance levels:

Pollutant	Annual	
	Annual	24 (hours)
SO <sub>2</sub>	1.0 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>
PM-10	1.0 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>
CO	-	-
Lead	-	0.1 µg/m <sup>3</sup>

Averaging time	Averaging time		
	8 (hours)	3 (hours)	1 (hours)
-	-	25 µg/m <sup>3</sup>	-
-	-	-	-
0.5 mg/m <sup>3</sup>	-	-	2 mg/m <sup>3</sup>
-	-	-	-

(b) The following provisions apply to an owner or operator of a facility located in Bucks, Chester, Delaware, Montgomery or Philadelphia County or an area classified as a serious or severe ozone nonattainment area:

(1) The applicability requirements in § 127.203a (relating to applicability determination) apply except as pro-

vided by this subsection. The requirements of this subchapter apply if the aggregated emissions determined according to subparagraph (i) or (ii) exceed 25 TPY of NO<sub>x</sub> or VOCs.

(i) The proposed increases and decreases in emissions are aggregated with the other increases in net emissions

occurring over a consecutive 5 calendar-year period, which includes the calendar year of the modification or addition which results in the emissions increase. The aggregated VOC or NO<sub>x</sub> emissions must meet the applicability requirements in paragraph (2) or (3).

(ii) The proposed increases and decreases in emissions are aggregated with other increases and decreases which occurred within 10 years prior to the date of submission of a complete plan approval application. If the aggregated emissions increase calculated using this subparagraph meets or exceeds the emissions rate that is significant, only the emissions offset requirements in § 127.205(3) (relating to special permit requirements) apply to the aggregated emissions.

(2) An increase in emissions of VOCs or NO<sub>x</sub>, other than a de minimis emission increase, from a discrete operation, unit or other pollutant emitting activity at a facility with a potential to emit less than 100 TPY of VOCs or NO<sub>x</sub>, is considered a modification unless the owner or operator elects to offset the increase by a greater reduction in emissions of VOCs or NO<sub>x</sub> from other operations, units or activities within the facility at an internal offset ratio of at least 1.3 to 1. If the owner or operator does not elect to offset at the required ratio, the increase is considered a modification and the BACT requirement is substituted for LAER. The owner or operator of the facility shall comply with all applicable requirements including the BAT requirement.

(3) An increase in emissions of VOCs or NO<sub>x</sub>, other than a de minimis emission increase, from a discrete operation, unit or other pollutant emitting activity at a facility with a potential to emit of 100 TPY or more, is considered a modification unless the owner or operator elects to offset the increase by a greater reduction in emissions of VOCs or NO<sub>x</sub> from other operations, units or activities within the facility at an internal offset ratio of at least 1.3 to 1. If the owner or operator elects to offset at the required ratio, the LAER requirement does not apply. The owner or operator of the facility shall comply with the applicable requirements including the BAT requirement.

(c) The NSR requirements of this subchapter apply to an owner or operator of:

(1) A facility at which the net emissions increase as determined under this subchapter meets or exceeds the applicable emissions rate that is significant. A decrease in a facility's emissions will not qualify as a decrease for purposes of this subchapter unless the ERC provisions in § 127.207(1) and (3)—(7) (relating to creditable emissions decrease or ERC generation and creation) are met.

(2) A major facility subject to this subchapter which was deactivated for a period in excess of 1 year and is not in compliance with the reactivation requirements of § 127.215 (relating to reactivation).

(d) The requirements of this subchapter which apply to VOC emissions from major facilities and major modifications apply to NO<sub>x</sub> emissions from major facilities and major modifications in an ozone transport region or an ozone nonattainment area classified as marginal, basic, moderate, serious, severe or extreme, except in areas which the EPA has determined that additional reductions of NO<sub>x</sub> will not produce net air quality benefits.

(e) The following provisions apply to an owner or operator of a major facility subject to this subchapter:

(1) Approval to construct or modify an air contamination source or facility does not relieve an owner or

operator of the responsibility to comply fully with applicable provisions of the SIP and other requirements under local, State or Federal law.

(2) If a particular source or modification becomes a major facility or major modification solely by virtue of a relaxation in an enforcement limitation which was established after August 7, 1980, on the capacity of the source or modification to emit a pollutant including a restriction on hours of operation, the requirements of this subchapter also apply to the source or modification as though construction had not yet commenced on the source or modification.

(f) The NSR requirements of this subchapter do not apply to an owner or operator of a major facility at which:

(1) A physical change or change in the method of operation still maintains its total facility-wide emissions below the PAL, meets the requirements in § 127.218 (relating to PALs) and complies with the PAL permit.

(2) A project results in a net emissions increase which does not meet or exceed the applicable emissions rate that is significant.

(3) A proposed de minimis increase results in a net emissions increase calculated using emissions increases and decreases which occurred within 10 years prior to the date of submission of a complete plan approval application, which does not meet or exceed the emissions rate that is significant.

(4) Construction of a new facility or a project at an existing major facility located in an attainment or unclassifiable area does not impact a nonattainment area for the applicable pollutant in excess of the significance level specified in § 127.203a.

#### § 127.203a. Applicability determination.

(a) The Department will conduct an applicability determination during its review of a plan approval application for the construction of a new major facility or modification at an existing major facility under this section. The owner or operator of the facility shall include in the plan approval application the estimate of an emissions increase in a regulated NSR pollutant from the project. The owner or operator shall calculate an emissions increase in a regulated NSR pollutant from a project in accordance with paragraph (1). The owner or operator shall calculate a net emissions increase in accordance with paragraph (1)(ii), if the emissions increase from a project equals or exceeds the applicable emissions rate that is "significant" as defined in § 121.1 (relating to definitions). If the emissions increase from a project does not exceed the listed applicable emissions rate that is significant, the owner or operator shall calculate the net emissions increase in accordance with paragraph (2).

(1) As part of the plan approval application, the owner or operator of the facility shall calculate whether a significant emissions increase and a significant net emissions increase will occur as a result of a physical change or change in the method of operation. The owner or operator of the facility shall use the procedures in subparagraph (i) to calculate the emissions increase in a regulated NSR pollutant due to the project, and the procedures in subparagraph (ii) to calculate the net emissions increase in a regulated NSR pollutant. A project is a major modification for a regulated NSR pollutant if it causes two types of emissions increases—a significant emissions increase and a significant net emissions increase. If the project causes a significant emis-

sions increase, the project is a major modification if it also results in a significant net emissions increase.

(i) The emissions increase in a regulated NSR pollutant due to the project will be the sum of the following:

(A) For existing emissions units, an emissions increase of a regulated NSR pollutant is the difference between the projected actual emissions and the baseline actual emissions for each unit, as determined in paragraphs (4) and (5). When calculating an increase in emissions that results from the particular project, exclude that portion of the unit's emissions following completion of the project that existing units could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions and that is also unrelated to the particular project, including all increased utilization due to product demand growth as specified in paragraph (5)(i)(C).

(B) For new emissions units, the emissions increase of a regulated NSR pollutant will be the potential to emit from each new emissions unit.

(ii) The net emissions increase for a regulated NSR pollutant emitted by a major facility will be the amount by which the sum of the following exceeds zero:

(A) The increase in emissions from a physical change or change in the method of operation at a major facility as calculated under subparagraph (i).

(B) Other increases and decreases in actual emissions at the major facility that are contemporaneous with the project and are otherwise creditable.

(I) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date 5 years before construction on the project commences and the date that construction on the project is completed.

(II) Baseline actual emissions for calculating increases are determined as specified under paragraph (4), except that paragraph (4)(i)(D) does not apply.

(2) As part of the plan approval application for a proposed de minimis emission increase, the owner or operator of the facility shall use subparagraphs (i) and (ii) to calculate the net emissions increase for a regulated NSR pollutant except PM<sub>2.5</sub> and PM<sub>2.5</sub> precursors. For a proposed de minimis increase in which the net emissions increase calculated using subparagraphs (i) and (ii) meets or exceeds the emissions rate that is significant, only the emissions offset requirements in this subchapter apply to the net emissions increase.

(i) The net emissions increase is the sum of the proposed de minimis increase due to the project and the previously determined increases in potential emissions or actual emissions and decreases in actual emissions that are contemporaneous with the project.

(ii) An increase or decrease is contemporaneous if it occurred within 10 years prior to the date of the Department's receipt of a complete plan approval application.

\* \* \* \* \*

**§ 127.204. Emissions subject to this subchapter.**

(a) In determining whether a project exceeds the emission rate that is significant or the significance levels specified in § 127.203 (relating to facilities subject to special permit requirements), the potential to emit, actual emissions and actual emissions increase shall be determined by aggregating the emissions or emissions increases from contiguous or adjacent properties under the

common control of a person or entity. The aggregation must include emissions resulting from the following: flue emissions, stack and additional fugitive emissions, material transfer, use of parking lots and paved and unpaved roads on the facility property, storage piles and other emission generating activities resulting from operation of the new or modified facility.

(b) Secondary emissions may not be considered in determining whether a facility meets the requirements of this subchapter. If a facility is subject to this subchapter on the basis of the direct emissions from the facility, the conditions of § 127.205 (relating to special permit requirements) shall also be met for secondary emissions.

**§ 127.206. ERC general requirements.**

\* \* \* \* \*

(o) Except as provided under § 127.210 (relating to offset ratios), an ERC created for a regulated criteria pollutant shall only be used for offsetting or netting an emissions increase involving the same criteria pollutant unless approved in writing by the Department and the EPA.

(p) The owner or operator of a source or facility which has registered ERCs with the Department may not exceed the emissions limitation or violate other permit conditions established in generating the ERCs.

(q) ERCs may not be generated for emissions in excess of those previously identified in required emission statements and for which applicable emission fees have been paid.

(r) Emission reductions occurring at a facility after April 5, 2005, but prior to September 3, 2011, may be used to generate ERCs in accordance with this subchapter, if a complete ERC registry application is submitted to the Department by September 3, 2012.

**§ 127.210. Offset ratios.**

(a) The emissions offset ratios for NSR purposes and ERC transactions subject to the requirements of this subchapter must be in an amount equal to or greater than the ratios specified in the following table:

*Required Emission Offsets For Existing Sources, Expressed in Tons per Year*

<i>Pollutant / Area</i>	<i>Flue Emissions</i>	<i>Fugitive Emissions</i>
PM-10 and SO <sub>x</sub>	1.3:1	5:1
Volatile Organic Compounds		
Ozone Classification Areas		
Severe Areas	1.3:1	1.3:1
Serious Areas	1.2:1	1.3:1
Moderate Areas	1.15:1	1.3:1
Marginal/Incomplete Data Areas	1.15:1	1.3:1
Transport Region	1.15:1	1.3:1
NO <sub>x</sub>		
Ozone Classification Areas		
Severe Areas	1.3:1	1.3:1
Serious Areas	1.2:1	1.2:1
Moderate Areas	1.15:1	1.15:1
Marginal/Incomplete Data Areas	1.15:1	1.15:1
Transport Region	1.15:1	1.15:1
Carbon Monoxide		
Primary Nonattainment Areas	1.1:1	1.1:1

<i>Pollutant/Area</i>	<i>Flue Emissions</i>	<i>Fugitive Emissions</i>
Lead	1.1:1	1.1:1
PM <sub>2.5</sub> Nonattainment Area		
PM <sub>2.5</sub> Precursors	1:1	1:1
SO <sub>2</sub>	1:1	1:1
NO <sub>x</sub>	1:1	1:1

(b) In complying with the emissions offset requirements of this subchapter, the emission offsets obtained shall be of the same NSR regulated pollutant unless interpollutant offsetting is authorized for a particular pollutant in accordance with subsection (c).

(c) The Department may, based on a technical assessment, establish interpollutant trading ratios for offsetting PM<sub>2.5</sub> emissions or PM<sub>2.5</sub> precursor emissions in a specific nonattainment area or geographic area in this Commonwealth. The interpollutant trading ratios shall be subject to public review and comment for at least 30 days prior to submission to the EPA for approval as a SIP revision.

(d) If the EPA promulgates PM<sub>2.5</sub> interpollutant trading ratios in 40 CFR Part 51 (relating to requirements for preparation, adoption, and submittal of implementation plans), the ratios will be adopted and incorporated by reference.

[Pa.B. Doc. No. 11-1502. Filed for public inspection September 2, 2011, 9:00 a.m.]

## Title 67—TRANSPORTATION

### DEPARTMENT OF TRANSPORTATION

#### Address Updates

The Department of Transportation gives notice of administrative corrections needed in various sections of 67 Pa. Code. The addresses for several Department of Transportation offices as listed in 67 Pa. Code are no longer current. The following sections provide the correct contact information.

BARRY J. SCHOCH, P.E.,  
*Secretary*

*(Editor's Note: The editorial changes to the following sections of 67 Pa. Code do not substantively change the text. These sections will be updated in the November 2011 update to the Pennsylvania Code.)*

#### 67 Pa. Code § 179.1. Definitions.

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

\* \* \* \* \*

*Central Permit Office*—The office which administers this chapter, located at:

Department of Transportation  
Central Permit Office  
400 North Street, 6th Floor  
Harrisburg, Pennsylvania 17120-0041

\* \* \* \* \*

#### 67 Pa. Code § 179.8. Permit application procedure.

Except as otherwise specified in this chapter, a permit application shall be made to the district or county office

having jurisdiction over the point of origin or the point of destination in this Commonwealth. An application shall be submitted in the name of the responsible motor carrier and shall be properly completed.

\* \* \* \* \*

(6) The applicant may appeal a denial of a permit by the Department under 2 Pa.C.S. §§ 501—508 (relating to practice and procedure of Commonwealth agencies), by submitting a written request for a hearing within 30 days after service of the document containing the denial, to the Commonwealth of Pennsylvania, Department of Transportation, Administrative Docket Clerk, Commonwealth Keystone Building, 400 North Street, 9th Floor, Harrisburg, Pennsylvania 17120-0096. A filing fee, as prescribed under Chapter 491 (relating to administrative practice and procedure), made payable to the “Commonwealth of Pennsylvania,” shall accompany each request.

\* \* \* \* \*

#### 67 Pa. Code § 179.15. Telecommunications vendor services.

The Department will allow a person to install and maintain telecommunications equipment, such as telefacsimile, in the district offices, as specified in this section.

\* \* \* \* \*

TABLE 15-1

<i>District</i>	<i>Annual Fee</i>	<i>Number of Permits Annual Fee Represents</i>
1-0—Oil City	\$10,000	5,000
2-0—Clearfield	2,000	1,000
3-0—Montoursville	4,000	2,000
4-0—Dunmore	6,000	3,000
5-0—Allentown	6,000	3,000
6-0—King of Prussia	10,000	5,000
8-0—Harrisburg	14,000	7,000
9-0—Hollidaysburg	4,000	2,000
10-0—Indiana	4,000	2,000
11-0—Pittsburgh	6,000	3,000
12-0—Uniontown	6,000	3,000
Total—All Districts	\$72,000	36,000

#### 67 Pa. Code § 202.4. Appeal of denial of application.

If an application is denied, the applicant may appeal the decision of the Department of Transportation (Department) by submitting, within 20 days of the Department's decision, a written request for an administrative hearing to the Commonwealth of Pennsylvania, Department of Transportation, Administrative Docket Clerk, Commonwealth Keystone Building, 400 North Street, 9th Floor, Harrisburg, Pennsylvania 17120-0096. The applicant's written request shall be accompanied by a \$100 filing fee.

#### 67 Pa. Code § 441.1. Definitions.

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

\* \* \* \* \*

*Central Permit Office*—The office for the control of issuance of permits located at:

Department of Transportation  
Central Permit Office  
400 North Street, 6th Floor  
Harrisburg, Pennsylvania 17120-0041

\* \* \* \* \*



Chapter 447. Hazardous Walking Routes

APPENDIX A

<i>Engineering District</i>	<i>County</i>
Engineering District 1-0 255 Elm Street P. O. Box 398 Oil City, Pennsylvania 16301	Crawford Erie Forest Mercer Venango Warren
Engineering District 2-0 1924-30 Daisy Street P. O. Box 342 Clearfield, Pennsylvania 16830	Cameron Centre Clearfield Clinton Elk Juniata McKean Mifflin Potter
Engineering District 3-0 715 Jordan Avenue P. O. Box 218 Montoursville, Pennsylvania 17754	Bradford Columbia Lycoming Montour Northumberland Snyder Sullivan Tioga Union
Engineering District 4-0 55 Keystone Industrial Park Dunmore, Pennsylvania 18512	Lackawanna Luzerne Pike Susquehanna Wayne Wyoming
Engineering District 5-0 1002 Hamilton Street Allentown, Pennsylvania 18101	Berks Carbon Lehigh Monroe Northampton Schuylkill
Engineering District 6-0 7000 Geerdes Boulevard King of Prussia, Pennsylvania 19406	Bucks Chester Delaware Montgomery Philadelphia
Engineering District 8-0 2140 Herr Street Harrisburg, Pennsylvania 17103-1699	Adams Cumberland Dauphin Franklin Lancaster Lebanon Perry York
Engineering District 9-0 1620 North Juniata Street Hollidaysburg, Pennsylvania 16648	Bedford Blair Cambria Fulton Huntingdon Somerset
Engineering District 10-0 2550 Oakland Avenue P. O. Box 429 Indiana, Pennsylvania 15701-0429	Armstrong Butler Clarion Indiana Jefferson

<i>Engineering District</i>	<i>County</i>
Engineering District 11-0 45 Thoms Run Road Bridgeville, Pennsylvania 15017	Allegheny Beaver Lawrence
Engineering District 12-0 825 N. Gallatin Avenue Extension P. O. Box 459 Uniontown, Pennsylvania 15401	Fayette Green Washington Westmoreland

**67 Pa. Code § 457.6. Classification appeals procedure.**

The following procedures apply to classification appeals:

\* \* \* \* \*

(4) Classification hearings will be held in conformity with 1 Pa. Code Part II (relating to general rules of administrative practice and procedure) as supplemented by Chapter 491 (relating to administrative practice and procedure). As set forth in § 491.4 (relating to institution of proceedings), requests for classification hearings, and all other papers relating to the case, shall be filed with the Administrative Docket Clerk at the following address:

Commonwealth of Pennsylvania, Department of Transportation, Administrative Docket Clerk, Commonwealth Keystone Building, 400 North Street, 9th Floor, Harrisburg, Pennsylvania 17120-0096.

\* \* \* \* \*

**67 Pa. Code § 457.14. Debarment appeals procedure.**

\* \* \* \* \*

(b) *Conformity with administrative practice and procedures; requests for hearing.* Debarment hearings will be in conformity with 1 Pa. Code Part II (relating to general rules of administrative practice and procedure), as supplemented by Chapter 491 (relating to administrative practice and procedure). A filing fee is not required for a debarment hearing. In § 491.3 (relating to request for hearing), requests for debarment hearings and all other papers relating to the case shall be filed with the Department's Administrative Docket Clerk at the following address:

Commonwealth of Pennsylvania, Department of Transportation, Administrative Docket Clerk, Commonwealth Keystone Building, 400 North Street, 9th Floor, Harrisburg, Pennsylvania 17120-0096.

\* \* \* \* \*

**67 Pa. Code § 459.1. Definitions.**

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

\* \* \* \* \*

*Central permit office*—The office which administers this chapter, located at: Department of Transportation, Central Permit Office, 400 North Street, 6th Floor, Harrisburg, Pennsylvania 17120-0041.

\* \* \* \* \*

**67 Pa. Code § 459.3. Permit application procedure.**

\* \* \* \* \*

(k) *Right of appeal.* The applicant may appeal an adjudication of the Department under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), by submitting a written request for a hearing within 30 days after service of the document containing

the adjudication, to the Commonwealth of Pennsylvania, Department of Transportation, Administrative Docket Clerk, Commonwealth Keystone Building, 400 North Street, 9th Floor, Harrisburg, Pennsylvania 17120-0096. A filing fee of \$50, made payable to the "Commonwealth of Pennsylvania," shall accompany each request.

\* \* \* \* \*

**67 Pa. Code § 493.3. Service of legal process and legal pleadings.**

(a) Legal process in a matter involving the Secretary of Transportation or the Department of Transportation shall be served only upon, and accepted only by, a staff attorney at one of the following Department Legal Offices:

\* \* \* \* \*

(2) Office of Chief Counsel  
Pennsylvania Department of Transportation  
Western Region  
301 Fifth Avenue, Suite 210  
Pittsburgh, PA 15222  
Phone: (412) 565-7555

\* \* \* \* \*

[Pa.B. Doc. No. 11-1503. Filed for public inspection September 2, 2011, 9:00 a.m.]

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# STATEMENTS OF POLICY

## Title 101—GENERAL ASSEMBLY

LEGISLATIVE REFERENCE BUREAU

[ 101 PA. CODE CH. 31 ]

### Right-to-Know Law; Statement of Policy

Under section 502(a)(2) of the Right-to-Know Law (65 P. S. § 67.502(a)(2)), as enacted February 14, 2008 (P. L. 6, No. 3), the Legislative Reference Bureau (Bureau) is charged with designating the open-records officer of each legislative service agency other than the Senate and the House of Representatives. On August 17, 2011, the Legislative Reapportionment Commission (Commission) adopted Resolution No. 2 D—8-17-11 appointing the Executive Director of the Legislative Data Processing Center as the open-records officer for the Commission. The Bureau, under section 504(a) of the Right-to-Know Law (65 P. S. § 67.504(a)), amends § 31.2(a)(3) (relating to open-records officers) to read as set forth in Annex A.

#### Effective Date

This statement of policy is effective upon publication.

ROBERT W. ZECH, Jr.,  
*Director*

*(Editor's Note: Title 101 of the Pennsylvania Code is amended by amending the statement of policy in § 31.2 to read as set forth in Annex A, with ellipses referring to the existing text.)*

#### Annex A

#### TITLE 101. GENERAL ASSEMBLY

#### PART I. LEGISLATIVE REFERENCE BUREAU

#### Subpart E. STATEMENTS OF POLICY

#### CHAPTER 31. RIGHT-TO-KNOW LAW

#### Subchapter A. PRELIMINARY PROVISIONS

#### § 31.2. Open-records officers.

(a) *Designation.*

\* \* \* \* \*

(3) The Legislative Reapportionment Commission:

Open-Records Officer  
Legislative Data Processing Center  
G-27 North Office Building  
Harrisburg, PA 17120  
Fax: (717) 772-1652  
Email: lrc@redistricting.state.pa.us

\* \* \* \* \*

[Pa.B. Doc. No. 11-1504. Filed for public inspection September 2, 2011, 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 August 16, 2011.

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

### BANKING INSTITUTIONS

#### Branch Applications

##### De Novo Branches

##### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
8-7-2011	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 822 Welsh Road Maple Glen Montgomery County  <i>From:</i> 874 Welsh Road Maple Glen Montgomery County	Effective

#### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
8-11-2011	Northwest Savings Bank Warren Warren County	104 North Centre Street Pottsville Schuylkill County	Filed

### SAVINGS INSTITUTIONS

No activity.

### CREDIT UNIONS

#### Change of Principal Place of Business

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Address</i>	<i>Action</i>
8-5-2011	Moonlight Credit Union Worthington Armstrong County	<i>To:</i> 101 Deer Park Road Worthington Armstrong County  <i>From:</i> 218 East Main Street Worthington Armstrong County	Approved and Effective

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

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 11-1505. Filed for public inspection September 2, 2011, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, actions and special notices

## APPLICATIONS

### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

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

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

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

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

#### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0034088 (Sewage)	UMH of PA, Inc. Oakwood Lake Village MHP 29 Oakwood Lane Tunkhannock, PA 18657	Wyoming County Tunkhannock Township	Swale Brook Cold Water Fishes (4-F)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0087378— (GWCU)	Letterkenny Army Depot 1 Overcash Avenue Chambersburg, PA 17201	Franklin County / Greene Township	Conodoguinet Creek / 7-B	Y
PA0082651 (Sew)	Landisburg Municipal Authority 202 East Main Street PO Box 213 Landisburg, PA 17040	Perry County / Tyrone Township	Montour Creek / 7-A	Y
PA0259781 (CAFO)	Jeffrey & Tracy Rohrer Penn Valley Pork CAFO 275 Naftzinger Road Mohrsville, PA 19541	Berks County / Upper Bern Township	Leshner Run / 3-B	Y
PA0080209 (Sew)	Hoffman Homes Inc. 815 Orphanage Road Littletown, PA 17340	Adams County / Cumberland Township	UNT Lousy Run / 13-D	Y
PA0032051 (Sew)	Granville Township Supervisors 100 Helen Street Lewistown, PA 17044-2437	Granville Township / Adams County	Juniata River / 12-A	Y
PA0080519 (Sew)	Antrim Township 10655 Antrim Church Road Greencastle, PA 17225-0130	Antrim Township / Franklin County	Conococheague Creek / 13-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0113051 (Industrial Waste)	Water Treatment Plant— City of DuBois Home Camp Road Dubois, PA 15801	Clearfield County Sandy Township	Laborde Branch (17-C)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0104558 (Sewage)	Ebberts Laundromat 3880 Sandy Lake Road Cochranon, PA 16314	Crawford County Fairfield Township	Unnamed tributary to French Creek 16-D	Y
PA0210617	Evergreen MHP RD No. 1 Matthews Road Edinburg, PA 16116	Lawrence County Mahoning Township	Unnamed tributary to Shenango River 20-A	Y
PA0104043- Amendment No. 1 (Sewage)	Grandview Acres MHP 1 Grandview Drive Hadley, PA 16130	Mercer County Perry Township	Unnamed Tributary to Little Shenango River 20-A	Y
PA0093131 (Sewage)	Oakview Golf Club 160 Ralston Road Slippery Rock, PA 16057	Butler County Slippery Rock Township	Unnamed tributary to Slippery Rock Creek 20-C	Y
PA0005053 (Industrial Waste)	GenOn REMA Suite 200 121 Champion Way Canonsburg, PA 15317	Warren County Conewango Twp	Unnamed tributary to Allegheny River (Outfall 005) 16-B	Y
PA0263893 (Sewage)	Hawthorn Redbank Redbank Municipal WWTP PO Box 241 Hawthorn, PA 16230	Clarion County Hawthorn Twp	Redbank Creek 17-C	Y
PA0000809 (Industrial Waste)	Aqua Pennsylvania 644 N. Water Avenue Sharon, PA 16146	Mercer County Sharon City	Shenango River 20-A	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0220817 (Industrial Waste)	TA Operating, LLC 24601 Center Ridge Road Westlake, OH 44145	Venango County Barkeyville Boro	Unnamed Tributary to East Branch Wolf Creek 20-C	Y
PA0000183	General Electric 2901 E Lake Road Bldg 9 2nd Floor Erie, PA 16531	Erie County Lawrence Park Township	Unnamed Tributaries to Lake Erie	Y

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

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

**PA0055123**, Industrial Waste, SIC Code 9999, **American Household Inc.**, 2381 Executive Center Drive, Boca Raton, FL 33431. Facility Name: Bally Municipal Well 3 Air Stripper System WTP. This existing facility is located in Bally Borough, **Berks County**.

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

The receiving streams, West Branch Perkiomen Creek or Unnamed Tributary of the West Branch Perkiomen Creek, are located in State Water Plan watershed 3-E and are classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.317 MGD.

Unnamed Tributary of the West Branch Perkiomen Creek

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	Report	Report	XXX	Report	Report	XXX
1,4-Dioxane (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	0.013	0.026	XXX	0.005	0.01	0.013
1,1,1-Trichloroethane	Report	Report	XXX	Report	Report	XXX
Chloroform	0.005	0.010	XXX	0.002	0.004	0.005
Methylene Chloride	Report	Report	XXX	Report	Report	XXX
Tetrachloroethylene	0.002	0.004	XXX	0.0007	0.0014	0.0017
Trichloroethylene	0.008	0.016	XXX	0.003	0.006	0.007

The proposed effluent limits for Outfall 002 are based on a design flow of 0.317 MGD.

West Branch Perkiomen Creek

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	Report	Report	XXX	Report	Report	XXX
1,4-Dioxane	0.29	0.0581	XXX	0.110	0.22	0.275
1,1,1-Trichloroethane	Report	Report	XXX	Report	Report	XXX
Chloroform	0.555	1.11	XXX	0.21	0.42	0.525
Methylene Chloride	Report	Report	XXX	Report	Report	XXX
Tetrachloroethylene	0.066	0.132	XXX	0.025	0.050	0.063
Trichloroethylene	0.243	0.486	XXX	0.092	0.184	0.230

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

The EPA Waiver is in effect.

**PA0261718**, Sewage, SIC Code 6552, **Winter Greenes Homeowners Association**, 13520 Chads Terrace, Hagerstown, MD 21740. Facility Name: Winter Greenes STP. This proposed facility is located in Montgomery Township, **Franklin County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated Sewage.

The receiving stream(s), Little Conococheague Creek, is located in State Water Plan watershed 13-C and is classified for High Quality—Cold Water Fishes, Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.02495 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD5	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Geo Mean						
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4.0
Nov 1 - Apr 30	XXX	XXX	XXX	6.0	XXX	12
Total Nitrogen	XXX	XXX	XXX	5.0	XXX	10
Total Phosphorus	XXX	XXX	XXX	0.5	XXX	1.0

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

<i>Parameters</i>	<i>Mass (lbs)</i>			<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	0		Report	
Net Total Phosphorus	Report	0			

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

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

The EPA Waiver is not in effect.

**PA0026484 A-1**, Sewage, SIC Code 4952, **Derry Township Municipal Authority Dauphin County**, 670 Clearwater Road, Hershey, PA 17033-2453. Facility Name: Derry Township Clearwater STP. This existing facility is located in Derry Township, **Dauphin County**.

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

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

The permit is amended to include the following condition:

Offsets Granted for Accepting Septage

Offsets for accepting septage at the permittee's facility shall be authorized on the basis of three pounds of Nitrogen per 1,000 gallons of septage accepted and processed at the facility. These offsets shall be authorized for the acceptance of septage only.

For the purpose of these offsets, septage is defined as material removed from a septic tank by pumping. No other hauled in wastes shall be considered for the purposes of these offsets. Specifically, holding tank wastes that are either domestic or commercial/industrial, and solids and sludges generated at other facilities may not be used toward offsets.

Such offsets shall be reported on the Monthly Nitrogen Budget form (3800-FM-WSFR0445). The "Source" must be listed as "Septage" and the "Amount" in lbs must be reported as determined using the formula, (total monthly septage accepted and processed (gallons) / 1,000) x 3.



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

The EPA Waiver is not in effect.

**PA0261670**, Sewage, SIC Code 4952, **Fredericksburg Sewer & Water Authority**, P O Box 161, Fredericksburg, PA 17026. Facility Name: Fredericksburg STP. This proposed facility is located in Bethel Township, **Lebanon County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated Sewage.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.433 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>	90	145	XXX	25	40	50
		Wkly Avg				
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	108	163	XXX	30	45	60
		Wkly Avg				
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2000	XXX	10,000
				Geo Mean		
Copper, Total	Report	XXX	XXX	Report	XXX	Report
Zinc, Total	Report	XXX	XXX	Report	XXX	Report

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

Parameters	Mass (lbs)			Concentration (mg/l)	
	Monthly	Annual	Minimum	Monthly Average	Maximum
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen	Report	7.306	XXX	XXX	XXX
Net Total Phosphorus	Report	974	XXX	XXX	XXX

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

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

The EPA Waiver is not in effect.

**PA0026441**, Sewage, SIC Code 4952, **Lemoyne Borough Municipal Authority**, 3 Lowther Street, Lemoyne, PA 17043. Facility Name: Lemoyne Borough STP. This existing facility is located in Lemoyne Borough, **Cumberland County**.

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

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

The proposed effluent limits for Outfall 001 are based on design flows of 2.088 MGD, 1.838 MGD, and 1.30 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>						
(Interim)	383	613	XXX	25	40	50
(Interim)	435	Wkly Avg 697	XXX	25	40	50
(Final)	271	Wkly Avg 433	XXX	25	40	50
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
(Interim)	459	689	XXX	30	45	60
(Interim)	522	Wkly Avg 784	XXX	30	45	60
(Final)	325	Wkly Avg 487	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	XXX
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000 Geo Mean	XXX	XXX
Ammonia-Nitrogen						
(Interim)	291	XXX	XXX	19	XXX	XXX
(Interim)	330	XXX	XXX	19	XXX	XXX
Total Phosphorus						
(Interim)	30	XXX	XXX	2.0	XXX	4.0
(Interim)	35	XXX	XXX	2.0	XXX	4.0
(Final)	21	XXX	XXX	2.0	XXX	4.0

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

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

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

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2015. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2016. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2015.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

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

The EPA Waiver is not in effect.

Northcentral Regional Office: Regional Water Management Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.3664.

**PA0028461**, Sewage, SIC Code 4952, **Mifflinburg Borough**, 120 N 3rd Street, Mifflinburg, PA 17844-1134. Facility Name: Mifflinburg Borough Wastewater Treatment Plant. This existing facility is located in Mifflinburg Borough, **Union County**.

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

The receiving stream(s), Buffalo Creek, is located in State Water Plan watershed 10-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.4 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly Report	Weekly Average Report Daily Max	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
CBOD <sub>5</sub>						
May 1 - Oct 31	99	140	XXX	8.5	12	17
Nov 1 - Apr 30	292	467	XXX	25	40	50
Total Suspended Solids	350	525	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
UV Intensity (%) (Interim)	XXX	XXX	Report	Geo Mean XXX	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	30	45	XXX	2.6	3.9	5.2
Nov 1 - Apr 30	91	128	XXX	7.8	11	15
UV Dosage (mjoules/cm <sup>2</sup> ) (Final)	XXX	XXX	Report	XXX	XXX	XXX
Chronic toxicity (Ceriodaphnia) (TUc)						
(Interim)	XXX	XXX	XXX	XXX	Report Max	XXX
(Final)	XXX	XXX	XXX	XXX	2.21 Max	XXX
Chronic toxicity (Pimephales) (TUc)						
(Interim)	XXX	XXX	XXX	XXX	Report Max	XXX
(Final)	XXX	XXX	XXX	XXX	2.21 Max	XXX

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

Parameters	Mass (lbs)		Minimum	Concentration (mg/l)	
	Monthly	Annual		Monthly Average	Maximum
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	25,570			
Net Total Phosphorus	Report	3,409			

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

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2011. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2012.

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

The EPA Waiver is not in effect.

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


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

**WQM Permit No. 2211402**, Sewage, **Hummelstown Borough**, 136 South Hanover Street, Hummelstown, PA 17036.

This proposed facility is located in Hummelstown Borough, **Dauphin County**.

Description of Proposed Action/Activity: Upgrade to the pump station Number 1 including replacement of existing pumps, flow meter and flow recorder.

**WQM Permit No. 2211403**, Sewage, **Hummelstown Borough**, 136 South Hanover Street, Hummelstown, PA 17036.

This proposed facility is located in Hummelstown Borough, **Dauphin County**.

Description of Proposed Action/Activity: Upgrade to the pump station Number 2 including replacement of existing pumps, installing by pass pump piping, a flow meter and a flow recorder.

**WQM Permit No. 2211404**, Sewage, **Hummelstown Borough**, 136 South Hanover Street, Hummelstown, PA 17036.

This proposed facility is located in Hummelstown Borough, **Dauphin County**.

Description of Proposed Action/Activity: Upgrade to the pump station Number 3 including installation of by pass pump piping, a flow meter and a flow recorder.

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

**WQM Permit No. 6311403**, Sewerage, **Chartiers Township**, 2 Buccaneer Drive, Houston, PA 15342

This proposed facility is located in Chartiers Township, **Washington County**

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

The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

**WQM Permit No. 1111402**, Sewerage, **Johnstown Redevelopment Authority**, 4th Floor, Public Safety Building, 401 Washington Street, Johnstown, PA 15901-2874

This proposed facility is located in the City of Johnstown, **Cambria County**

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

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

**WQM Permit No. WQG018814**, Sewage, **Cottage Hill Wesleyan Methodist Church**, 236 Olean Trail, New Bethlehem, PA 16242.

This proposed facility is located in Porter Township, **Clarion County**.

Description of Proposed Action/Activity: Issuance of a new permit for a Single Residence Sewage Treatment Plant.

**WQM Permit No. WQG018812**, Sewage, **Joshua Lentz**, 284 Donation Road, Greenville, PA 16125.

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

Description of Proposed Action/Activity: Issuance of a new permit for a Single Residence Sewage Treatment Plant.

**WQM Permit No. WQG018815**, Sewage, **W. Kirby Bench**, 513 East Jamestown Road, Greenville, PA 16125.

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

Description of Proposed Action/Activity: Issuance of a new permit for a Single Residence Sewage Treatment Plant.

**WQM Permit No. WQG018811**, Sewage, **Lyle Williams**, 22421 Kebort Road, Meadville, PA 16335.

This proposed facility is located in East Fairfield Township, **Crawford County**.

Description of Proposed Action/Activity: Issuance of a new permit for a Single Residence Sewage Treatment Plant.

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**IV. NPDES Applications for Stormwater Discharges from MS4**


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**V. Applications for NPDES Waiver Stormwater Discharges from MS4**


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


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

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030610013	Mr. Thomas B. Richey Cedar-Kutztown, LLC. (Maxatawny Market Place) 44 South Bayles Avenue Port Washington, NY 11050-3765	Berks	Maxatawny Township	UNT to the Moselem Creek (HQ-CWF)
PAI032211002	Daniel Jorich Jorich Land Development, Inc. (Autumn Glen) 1620 Mountain Road Dauphin, PA 17018	Dauphin	Middle Paxton Township	UNT Clarks Creek (HQ-CWF)
PAI032111006	Mark L. Horst 174 Fire House Road Shippensburg, PA 17257	Cumberland	North Newton Township	Big Spring Creek (EV) & Green Spring Creek (CWF)

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


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PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

## STATE CONSERVATION COMMISSION

### NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

#### NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal / New</i>
David W. Sweigart III 189 Ridge View Rd South Elizabethtown, PA 17022	Lancaster	614	981	Dairy/Swine	NA	R

## PUBLIC WATER SUPPLY (PWS) PERMITS

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

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act

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

**Operations Permit** issued to: **Aqua PA, Inc., PWSID# 6430054**, Farrell Borough, **Mercer County** on August 15, 2011 for the operation of the Carnegie View Booster Station. This permit is issued in response to an operation inspection conducted by Department personnel, on August 6, 2011 and in accordance with construction permit #4310501 issued August 10, 2010.

**Operations Permit** issued to: **Autumn Grove Care Center, PWSID# 510045**, Harrisville Borough, **Butler County** on August 4, 2011 for the operation a 6000 gal. contact tank, ten (10) Pressure sand filters, four (4) softeners, booster pump station, NaCLO disinfection. This permit is issued in response to an operation inspection conducted by Department personnel, on July 6, 2011 and in accordance with construction permit #4310501 issued February 22, 2011.

**Operations Permit** issued to: **Leesburg Community Water Cooperative Association, PWSID# 6430999**, Springfield Township, **Mercer County** on August 9, 2011 for spring house upgrades, chlorine contact piping and NaCLO upgrades. This permit is issued in response to an operation inspection conducted by Department personnel, on July 22, 2011 and in accordance with construction permit #4310504 issued July 1, 2010.

**Operations Permit** issued to: **Erie City Water Authority d/b/a/Erie Water Works, PWSID# 6250028**, McKean Township, **Erie County** on August 19, 2011 for installation of chlorine booster equipment at the Reichert Road metering vault that services McKean Township and McKean Borough. This permit is issued in response to an operation inspection conducted by Department personnel, on August 16, 2011 and in accordance with construction permit #2509501 issued August 10, 2009.

**Operations Permit** issued to: **Erie City Water Authority d/b/a/Erie Water Works, PWSID# 6250028**, Harborcreek Township **Erie County** on August 19, 2011 for a bulk sodium hypochlorite disinfection feed system at the East Lake Hydropillar. This permit is issued in response to an operation inspection conducted by Department personnel, on August 16, 2011 and in accordance with construction permit #2510504 issued March 8, 2011.

### MINOR AMENDMENT

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

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

##### Application No. 2450080

Applicant	<b>Tri Valley Water Supply, Inc.</b>
[Township or Borough]	Polk Township <b>Monroe County</b>
Responsible Official	Gregory A Sander, President Tri Valley Water Supply, Inc. R.D. 3, Box 170 Palmerton, PA 18071
Type of Facility	Community Water System
Consulting Engineer	NA
Application Received Date	June 24, 2011
Description of Action	Application to transfer the PWS operation permit for El-Do Lake Community from Elwood Beers to Tri Valley Water Supply, Inc.

##### Application No. 4011506MA

Applicant	<b>Borough of Freeland Municipal Authority</b>
[Township or Borough]	Freeland Borough
Responsible Official	Joseph Wizda, Chairman Borough of Freeland Municipal Auth. 711 Birkbeck Street Freeland, PA 18824-1501
Type of Facility	Community Water System
Consulting Engineer	Christopher D. McCue, PE Borton-Lawson 613 Baltimore Drive, Suite 300 Wilkes-Barre, PA 18702 570-821-1994
Application Received Date	July 5, 2011
Description of Action	Application for installation of larger diameter conveyance line at the Well No. 17 facility to meet 4-log inactivation of viruses.

**Application No. 4011505MA**

Applicant **Borough of Freeland  
Municipal Authority**

[Township or Borough] Freeland Borough

Responsible Official Joseph Wizda, Chairman  
Borough of Freeland  
Municipal Auth.  
711 Birkbeck Street  
Freeland, PA 18824-1501

Type of Facility Community Water System

Consulting Engineer Christopher D. McCue, PE  
Borton-Lawson  
613 Baltimore Drive, Suite 300  
Wilkes-Barre, PA 18702  
570-821-1994

Application Received Date July 5, 2011

Description of Action Application for installation of larger diameter conveyance line at the Well No. 10 facility to meet 4-log inactivation of viruses.

**Application No. 6411501MA**

Applicant **Aqua Pennsylvania, Inc.**

[Township or Borough] Canaan Township  
**Wayne County**

Responsible Official Roswell S. McMullen, PE  
Manager, Projects &  
Development Aqua  
Pennsylvania, Inc.  
1775 North Main Street  
Honesdale, PA 18431

Type of Facility Community Water System

Consulting Engineer Douglas E. Berg, PE  
Entech Engineering, Inc.  
4 South 4th Street  
Reading, PA 19603 610-373-6667

Application Received Date July 8, 2011

Description of Action Application for repainting the 150,000 gallon elevated storage tank serving Waymart.

**Application No. 4011505MA**

Applicant **Borough of Freeland  
Municipal Authority**

[Township or Borough] Freeland Borough

Responsible Official Joseph Wizda, Chairman  
Borough of Freeland  
Municipal Auth.  
711 Birkbeck Street  
Freeland, PA 18824-1501

Type of Facility Community Water System

Consulting Engineer Christopher D. McCue, PE  
Borton-Lawson  
613 Baltimore Drive, Suite 300  
Wilkes-Barre, PA 18702  
570-821-1994

Application Received Date July 5, 2011

Description of Action Application for installation of larger diameter conveyance line at the Well No. 10 facility to meet 4-log inactivation of viruses.

**Application No. 4011506MA**

Applicant **Borough of Freeland  
Municipal Authority**

[Township or Borough] Freeland Borough

Responsible Official Joseph Wizda, Chairman  
Borough of Freeland  
Municipal Auth.  
711 Birkbeck Street  
Freeland, PA 18824-1501

Type of Facility Community Water System

Consulting Engineer Christopher D. McCue, PE  
Borton-Lawson  
613 Baltimore Drive, Suite 300  
Wilkes-Barre, PA 18702  
570-821-1994

Application Received Date July 5, 2011

Description of Action Application for installation of larger diameter conveyance line at the Well No. 17 facility to meet 4-log inactivation of viruses.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

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

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

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

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

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

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

**Marsh Run Park/ New Cumberland Army Depot Landfill**, Mifflin Avenue and Marsh Run Road, New Cumberland, PA 17070, Fairview Township, **York County**. EA Engineering, Science and Technology, 1 Marketway West, Suite 4C, York, PA 17401, on behalf of U.S. Army Corps of Engineers, PO Box 1715, Baltimore, MD, 21203, submitted a revised Notice of Intent to Remediate site soils and groundwater contaminated with chlorinated solvents. The site will be remediated to the Site Specific and Statewide Health Standards. Future use of the site is unknown.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745*

**Sowinski Property**, City of Pittsburgh, **Allegheny County**. Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 on behalf of Yvonne Sowinski, 1800 Whited Street, Clover Trailer Park, Lot # 50, Pittsburgh PA 15210 has submitted a Notice of Intent to Remediate. A home heating oil tank released approximately 25 gallons of home heating oil. The contaminated soil was excavated and disposed of. The site is seeking to attain a residential statewide health standard.

#### RESIDUAL WASTE GENERAL PERMITS

**Application(s) Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

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

**General Permit Application No. WMGR131. P.H. Glatfelter Co.**, 228 S. Main, St., Spring Grove, PA 17362.

General Permit Numbered WMGR131 is for the beneficial use of circulating fluidized bed (CFB) boiler ash generated at the P.H. Glatfelter facility that is located in the Borough of Spring Grove, **York County**. The boiler ash is proposed for beneficial use as a soil additive or soil substitute material at mine sites for mine reclamation purposes. Central Office received the application on April 11, 2011 and determined it administratively complete on June 10, 2011.

Comments concerning the application should be directed to C. D. Vu, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in obtaining more information about the general permit application may contact the Division at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

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

**Application(s) received Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

**Permit Application No. 101247. Keystone Environmental Landfill, Inc.**, Keystone Sanitary Landfill, 249 Dunham Drive, Dunmore, PA 18512-0249. A Major Permit modification to increase the current operating permit limits of their average daily volume from 4750 tons/day to 7250 tons/day and the maximum daily volume from 5000 tons/day to 7500 tons/day for this facility located in Throop and Dunmore Borough, **Lackawanna County**. The application was received in the Regional Office on May 27, 2011, with the Local Municipal Involvement Process Meeting (LMIP) conducted on July 26, 2011. The application was deemed to be administratively complete.

Comments concerning the application should be directed to William Tomayko, Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

#### AIR QUALITY

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

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



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

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

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

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

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

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

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

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

**46-0032G: SPS Technologies, Inc.** (301 Highland Avenue, Jenkintown, PA 19046) for installation of a vapor degreaser that uses n-propyl bromide as a cleaning agent, at an aerospace parts manufacturing facility at Highland Avenue Abington Township, **Montgomery County**. Based on the information provided by the applicant and DEP's own analysis, the degreaser may emit: 11.32 tons per year of n-propyl bromide (nPB). N-propyl bromide is a Volatile Organic Compound. Emissions of nPB will be controlled by a working mode cover, a freeboard refrigeration device and a superheated vapor. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit No. 46-00032. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with

25 Pa. Code Section 127.450. Further details on the conditions are available upon request.

**09-0013A: Wheelabrator Falls, Inc.** (1201 New Ford Mill Road, Morrisville, PA 19067) to construct and install a wet scrubber for use in an existing ash load out building in **Bucks County**. The ash load out building is enclosed and houses several covered conveyors to transfer the wetted ash. The combination of the hot ash and water results in a high moisture environment which leads to poor equipment performance. Potential emissions are anticipated to be less than 0.2 lbs/hr and 0.83 tpy for PM/PM10 and 1.42 lbs/hr and 0.42 tpy for PM 2.5. Appropriate monitoring and recordkeeping requirements have been incorporated into this plan approval.

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

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

**45-318-034: Tobyhanna Army Depot** (11 Hap Arnold Boulevard, Tobyhanna, PA 18466) for installation and operation of two (2) new blasting booths with dust collectors and two (2) new paint booths with panel filters and dryers for their facility in Coolbaugh Township, **Monroe County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Tobyhanna Army Depot (11 Hap Arnold Blvd., Tobyhanna, PA 18466) for their facility located in Coolbaugh Twp, Monroe County. This Plan Approval No. 45-318-034 will be incorporated into the company's Synthetic Minor Permit #45-00004 through an administrative amendment at a later date.

Plan Approval No. 45-318-034 is for the installation and operation of two new blasting booths with dust collectors and two new paint booths with panel filters and dryers at the facility located in Coolbaugh Twp., Monroe County. The TYAD will use high volumes low-pressure (HVLP) spray system to spray the paint inside each booth manually. All paints and coatings are code-compliant with the VOC limits of § 129.52, Table I. TYAD will maintain actual VOC emissions from the facility below 49.9 TPY on a 12 month rolling sum basis. The company will operate the facility and maintain the sources in accordance with the good engineering practices to assure proper operation of sources. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

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

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

Identification of the proposed permit No. 45-318-034

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

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone # 570-826-2511 within 30 days after publication date.

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

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

**16-132I: Clarion Boards, Inc.** (143 Fiberboard Road, Shippensburg, PA 16254) for a modification of the short term NOx emission limitation from the RTO while maintaining the current annual limit in Paint Township, **Clarion County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code §§ 127.450 or 127.505, be incorporated into the Title V operating permit at a later date.

This modification will result in no annual emission increase but the short term NOx limit will be increased. This Plan Approval will contain conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source including, but are not limited to, the following:

- The emissions from the outlet of the RTO shall not exceed the following:
  - PM: 8.0 #/hr and 33.1 tpy based on a consecutive 12-month period
  - CO: 44.0 #/hr and 182.2 tpy based on a consecutive 12-month period
  - NOx: 46.0 #/hr based on a 24-hour rolling basis [replaced NOx: 27.5 #/hr based on a rolling 24-hour average]
  - NOx: 35.0 #/hr based on a 30-day rolling basis [replaced NOx: 27.5 #/hr based on a rolling 24-hour average]
  - NOx: 113.9 tpy based on a consecutive 12-month period

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

In accordance with 25 PA Code § 127.44(e)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the following:

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

- Identification of the proposed plan approval [16-131I]
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to H. Thomas Flaherty, 230 Chestnut St., Meadville, PA 16335; Phone # (814) 332-6940.

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

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

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

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

**AMS 11170: RR Donnelly Baum**—(9985 Gantry Rd, Philadelphia, PA 19115) for installation of one (1) non-heatset, sheet-feed lithographic printing presses in the City of Philadelphia, **Philadelphia County**. There will be a potential annual emission increase of 2.8 tons for Volatile Organic Compounds and a potential annual emission increase of 0.64 tons for Hazardous Air Pollutants. The plan approval will contain operating, testing, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements.

**AMS 11201: Lannett Company, Inc.**—(9000 State Rd/9001 Torresdale Ave, Philadelphia, PA 19136) for installation of four (4) dust collectors in the City of Philadelphia, **Philadelphia County**. There will be a potential annual emission increase of less than 0.5 tons of Particulate Matter. The plan approval will contain operating, testing, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements.

#### OPERATING PERMITS

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

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

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

**23-00043: Sunoco Partners Marketing and Terminals, LP—Hog Island Wharf** (4 Atlantic Highway, Essington, PA 19029) for renewal of the Title V Operating Permit which was initially issued on April 12, 2000 for their facility which is a marine cargo-handling terminal in Tinicum Township, **Delaware County**. No changes have taken place at this facility that were not previously permitted. The renewal contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**54-00041: Silberline Manufacturing Co., Inc.** (130 Lincoln Drive, P. O. Box B, Tamaqua, PA 18252) for operation of an aluminum pigment manufacturing and boilers operation in Rush Township, **Schuylkill County**. This action is a renewal of the Title V Operating Permit issued in 2005. These sources have the potential to emit major quantities of regulated pollutants (VOC) above Title V emission thresholds. The proposed Title V Operating Permit contains applicable requirements for emissions limitations, monitoring, record keeping, reporting, and work practice standards used to maintain facility compliance with Federal and State air pollution regulations.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**41-00010: Andritz, Inc.** (35 Sherman Street, PA 17756) for renewal of the Title V operating permit for their facility in Muncy Borough, **Lycoming County**. The facility's sources include four natural gas-fired boilers with heat input ratings ranging from 4.19 million Btu per hour to 12.0 million Btu per hour, four natural gas-fired, 3.46 million Btu per hour air make-up units, twenty-seven natural gas-fired air make-up units and heaters with heat input ratings of less than 2.5 million Btu per hour, a natural gas-fired, 3.36 million Btu per hour scrap dryer, an endothermic generator, a surface coating operation, a foam packaging operation, a pattern shop, nine parts washers, seven ladle torches, seven induction furnaces with melt capacities ranging from 1,000 pounds to 4,000 pounds, a refiner plate molding line, a no-bake floor molding line, a general castings operation, five propane-fired emergency generators, a casting grinding operation and a plate finishing operation. The facility has the potential to emit particulate matter (PM/PM10) and volatile organic compounds (VOC) above the major emission thresholds. The potential emission of nitrogen oxides (NO<sub>x</sub>), carbon monoxide, sulfur oxides (SO<sub>x</sub>) and hazardous air pollutants (HAP) are below their respective major emission thresholds. The proposed Title V operating permit renewal contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

**24-00167: E Carbon America, LLC—St. Marys Plant** (806 Theresia Street, St. Marys, PA 15857) to issue a Title V Operating Permit to this carbon and graphite manufacturing facility in the City of St. Marys, **Elk County**. This facility is classified as a major source due to its potential to emit VOC emissions.

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

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

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

**15-00060: Southeastern Chester County Refuse Authority—SECCRA** (PO Box 221, Kennett Square, PA 19348) for renewal of the State Only Operating Permit for a municipal solid waste landfill and its landfill gas collection and control system, in London Grove Township, **Chester County**. The renewal will include the incorporation of Plan Approval PA-15-0060C for a landfill gas fired engine and Request for Determination 15-A01-1130 for the de minimis emissions increases due to the landfill re-grade. The renewed Operating Permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The facility shall remain a minor facility with this renewal. The renewed Operating Permit contains all applicable requirements including monitoring, recordkeeping and reporting.

**46-00267: GlaxoSmithKline LLC** (1250 S Collegeville Rd) for an operating permit for a non-Title V (State only) facility for a Data Center in Upper Providence Township, **Montgomery County**. The initial operating permit is for a non-Title V (State only) facility. The source of emissions are eight, identical diesel/No. 2 fuel oil fired generator engines used to provide emergency power for the Data Center operations and for peak shaving purposes. The permit contains emission restrictions on visible emissions, nitrogen oxides (NO<sub>x</sub>), volatile organic compounds (VOC), carbon monoxide (CO), particulate matter (PM), formaldehyde and fuel limitations on sulfur content and usage. The conditions of Plan Approvals 46-0267 and 46-0267A form the basis of this initial operating permit. GlaxoSmithKline will follow good air pollution control practices, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This facility was formerly known as SmithKline Beecham Research Company dba GlaxoSmithKline.

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

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

**25-00911: Humane Society of Northwestern Pennsylvania** (2407 Zimmerly Road, Erie, PA 16506-4905) for a renewal of the Natural Minor Operating Permit to operate a pet shelter and crematory in Millcreek Township, **Erie County**. The emitting sources included, 1) Incinerator and, 2) Secondary chamber. The emission of pollutants from the facility is less than the Title V threshold-limits. Thus, the facility is natural minor.

**43-00034: Dunbar Asphalt Products, Inc. Wheatland Plant** (300, Ohio Street, Wheatland, PA 16161), for renewal of the Synthetic Minor Permit to operate asphalt paving mixtures and blocks manufacturing facility. The facility's emitting sources include, Rotary dryer Barber Greene plant 2 BMA plant, Miscellaneous asphalt handling plant 2, Asphalt cement storage & heating plant 2, Raw material handling equipment plant 2, Rotary dryer, McCarter plant 4 BMA plant, Miscellaneous asphalt handling plant 4, Asphalt cement storage & heating plant 4, Stockpile & cold aggregate bins plant 4, Raw material handling equipment plant 4, RAP storage hopper and Horizontal rotary mixing drum. The facility is located in Wheatland Borough, **Mercer County**. The facility has taken a production restriction of 495,000 tons product per year based on 12-month rolling total to stay below the emission threshold of Title V (less than 100 TPY of Carbon Monoxide). Thus, the facility becomes Synthetic Minor.

### PLAN APPROVALS

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

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

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

**39-302-198: Kraft Foods Global, Inc.** (3 Lakes Drive, Northfield, IL, 60093) for installation of a new 31.2 MMBTU natural gas fired boiler and for the modification to the facility's existing emission limits and fuel usage from their existing boilers at their facility in Upper Macungie Township, **Lehigh County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Kraft Foods Global, Inc (3 Lakes Drive, Northfield, IL, 60093) for their facility located in Upper Macungie Twp., Lehigh County. This Plan Approval No. 39-302-198 will be incorporated into the companies Synthetic Minor Permit #39-00013 through an administrative amendment at a later date.

Plan Approval No. 39-302-198 is for the installation of a new 31.2 MMBTU natural gas fired boiler and for the modification to the facilities existing emission limits and fuel usage from their existing boilers. The company shall be subject to and comply with 25 PA Code § 123.41 for Visible emissions. The company shall be subject to and comply with 25 PA Code § 123.22 for Sulfur Compound Emissions. The company is subject to NSPS Subpart Dc requirements. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

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

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

Identification of the proposed permit No. 39-302-198.

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

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa,

Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

**58-399-023: Laser Northeast Gathering Company LLC** (333 Clay Street, STE 4500, Houston, TX 77002-4102) for their facility to be in Dimock Township, **Susquehanna County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Laser Northeast Gathering Company LLC (333 Clay Street, Ste. 4500, Houston, TX 77002-4102) for their facility to be located in Dimock Township, Susquehanna County. This Plan Approval No. 58-399-023 will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 58-399-023 is for the construction of a natural gas compressor station at the Shields Compressor Station. The station will consist of four CAT G3616 engines and three dehydrators with reboilers. The VOC emissions from the facility will not equal or exceed 50 TPY, based on a 12-month rolling sum. The NOx emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. Total PM, SOx, and CO emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum. The Plan approval and Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

The facility is subject to MACT 40 CFR Part 63 Subparts ZZZZ and HH, NSPS Subpart JJJJ and 25 PA Code § 127.12(a)(5) Best Available Technology (BAT) requirements. The visible emission opacity shall not be equal to or greater than 20% at any time. The company shall be subject to and comply with 25 PA Code § 123.31 for malodorous emissions.

Emissions from the engines will meet MACT Subpart ZZZZ, MACT Subpart HH, BAT & NSPS Subpart JJJJ requirements. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

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

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

Identification of the proposed permit No.: 58-399-023.

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

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting

a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone # 570-826-2511 within 30 days after publication date.

### COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

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

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

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

#### *Coal Applications Received*

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

**30841316 and NPDES No. PA 0213535, Consol Pennsylvania Coal Company, LLC**, (1525 Pleasant

Grove Road, P. O. Box J, Claysville, PA 15323), to revise the permit for the Bailey Mine & Prep Plant in Richhill and Morris Townships, **Greene County** and East Finley Township, **Washington County** to add acreage for development mining only for Underground Training Center II. Underground Acres Proposed 1024.0, Subsidence Control Plan Acres Proposed 1024.0. No additional discharges. The application was considered administratively complete on August 16, 2011. Application received: June 21, 2011.

**63101601 and NPDES No. PA 0236063, Penn Ridge Coal, LLC**, (2596 Battle Run Road, Triadelphia, WV 26059-1200), to operate Penn Ridge in Independence Township, **Washington County** a new coal preparation plant with a related NPDES permit. Surface Acres Proposed 55.5. Receiving stream: Unnamed Tributary to Cross Creek, classified for the following use(s): WWF. The application was considered administratively complete on August 18, 2011. Application received: September 9, 2010.

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

**56060102 and NPDES No. PA0249912. Mountaineer Mining Corporation**, 1010 Garrett Shortcut Road, Berlin, PA 15530, permit renewal for reclamation only of a bituminous surface mine in Stonycreek Township, **Somerset County**, affecting 83.7 acres. Receiving stream(s): unnamed tributaries to and Schrock Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 5, 2011.

**56110107 and NPDES No. PA0263338. Rosebud Mining Company**, 1117 Shaw Mines Road, Meyersdale, PA 15552, commencement, operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 170.5 acres. Receiving stream(s): unnamed tributaries to Buffalo Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. The application includes a stream encroachment to within 100 feet of unnamed tributary 'B' to construct ponds and ditches and coal removal within the barrier area of unnamed tributary 'B' to Buffalo Creek. Application received: August 18, 2011.

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

**03830116 and NPDES Permit No. PA0599727. Bedrock Mines, LP** (111 Freeport Road, Pittsburgh, PA 15215). Revision application to add a sedimentation pond that will discharge into an unnamed tributary to Mill Run for the existing bituminous/auger surface mine, located in Kittanning Township, **Armstrong County**, affecting 830 acres. Receiving streams: unnamed tributaries to Mill Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: August 12, 2011.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**33980110. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) Renewal of an existing bituminous surface mine in Perry Township, **Jefferson County** affecting 137.0 acres. Receiving streams: Unnamed tributaries to Mahoning Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. This renewal is for reclamation only. Application received: August 15, 2011.

**10060101. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Renewal of an existing bituminous surface mine in Clay Township, **Butler County** affecting 89.9 acres. Receiving streams: Unnamed tributary to South Branch Findley Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. This renewal is for reclamation only. Application received: August 17, 2011.

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

**17814000 and NPDES No. PA0608769. Rob Holland Enterprises** (52 Holland Lane, Curwensville, PA 16833). Transfer of an existing bituminous surface/auger mine from TDK Coal Sales, Inc. located in Penn and Brady Townships, **Clearfield County** affecting 204.2 acres. Receiving streams: unnamed tributaries to Irish Run and Irish Run classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: August 8, 2011.

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

**54733020C3 and NPDES Permit No. PA0012360. BET Associates IV, LLC**, (P. O. Box 150, Tamaqua, PA 18252), correction to an existing anthracite surface mine, coal refuse reprocessing, refuse disposal and preparation plant operation to add discharge points to the NPDES Permit for discharge of treated mine drainage in Tamaqua, Coaldale, Lansford, Nesquehoning and Summit Hill Boroughs, **Schuylkill and Carbon Counties** affecting 7596.4 acres, receiving streams: Little Schuylkill River and Panther Creek, classified for the following use: cold water fishes. Application received: July 5, 2011.

**54733020C4 and NPDES Permit No. PA0012360. BET Associates IV, LLC**, (P. O. Box 150, Tamaqua, PA 18252), correction add an E&S pond discharge point to an existing anthracite surface mine, coal refuse reprocessing, refuse disposal and preparation plant operation Tamaqua, Coaldale, Lansford, Nesquehoning and Summit Hill Boroughs, **Schuylkill and Carbon Counties** affecting 7596.4 acres, receiving streams: Little Schuylkill River and Panther Creek, classified for the following use: cold water fishes. Application received: July 5, 2011.

**54850108T and NPDES Permit No. PA0225053. Locust Valley Culm Co., LLC**, (P. O. Box 279, St. Clair, PA 17970), transfer of an existing anthracite surface mine, refuse reprocessing and refuse disposal operation from Jett Contracting Company in Blythe Township and New Philadelphia Borough, **Schuylkill County** affecting 36.6 acres and the addition of NPDES permit for discharge of treated mine drainage, receiving stream: Schuylkill River, classified for the following uses: cold water fishes and migratory fishes. Application received: August 2, 2011.

**54870101C2 and NPDES Permit No. PA0593842. Kuperavage Enterprises, Inc.**, (P. O. Box 99, Middleport, PA 17935), correction to an existing anthracite surface mine operation to include refuse reprocessing and a stream variance in Blythe Township, **Schuylkill County** affecting 638.0 acres, receiving stream: unnamed tributary to Schuylkill River, classified for the following uses: cold water fishes and migratory fishes. Application received: August 12, 2011.

**54040102C4. Neumeister Coal Company**, (23 Frank Lane, Ashland, PA 17921), incidental correction of an

existing anthracite surface mine operation in Foster and Reilly Townships, **Schuylkill County** affecting 23.68 acres, receiving stream: Laurel Run to Swatara Creek, classified for the following use: cold water fishes. Application received: August 12, 2011.

*Noncoal Applications Received*

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

**21050301. JR Zimmerman Enterprises, LLC**, 35 Ridge Road, Newville, PA 17241, revision of an existing surface mine to change land use in North Newton Township, **Cumberland County**, affecting 33.3 acres. Receiving stream(s): unnamed tributary to Green Spring Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 4, 2011.

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

**26950401 and NPDES Permit No. PA0201294. Amerikohl Aggregates, Inc.** (202 Sunset Drive, Butler, PA 16001). Revision application to add 70 acres for the Phase 7 of an existing large noncoal surface mine, located in Springfield Township, **Fayette County**, affecting 640 acres. Receiving streams: unnamed tributaries to Clay Run and Buck Run, classified for the following use: HQ-CWF. The potable water supply intake within 10 miles downstream from the point of discharge: Municipal Authority of Westmoreland County. Revision application received: August 10, 2011.

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

**67960301C9 and NPDES Permit No. PA0223701. Codorus Stone & Supply Co., Inc.**, (135 Mundis Race Road, York, PA 17402), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Manchester Township, **York County**, receiving stream: Codorus Creek, classified for the following use: warm water fishes and migratory fishes. Application received: August 8, 2011.

#### MINING ACTIVITY NPDES DRAFT PERMITS

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

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

#### *Effluent Limits for Coal Mining Activities*

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

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

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

\* The parameter is applicable at all times.

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

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

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

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

*Effluent Limits for Noncoal Mining Activities*

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

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

\* The parameter is applicable at all times.

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

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

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

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

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

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

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

*Coal NPDES Draft Permits*

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

**NPDES No. PA0119296 (Mining permit no. 56793091), Hardrock Coal Company**, 275 Saddle Ridge Road, Berlin, PA 15530, revised NPDES permit for surface mining, augering and blasting, in Brothersvalley Township, **Somerset County**, affecting 559.9 acres. Receiving stream(s): Unnamed Tributaries to/and Tubs Run and Unnamed Tributary to Millers Run, classified for the

following use(s): cold water fishery. This receiving stream is included in the Casselman River TMDL. Application received: April 27, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to Unnamed Tributaries to/and Tubs Run and Unnamed Tributaries to Millers Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001, 002, 012, 014, 015, 025 & 030 (Unnamed Tributary to Millers Run)	N
003, 005, 006, 007, 008, 009, 013, 016, 018, 019, 020, 021, 022, 024, 027, 028, 029 (Unnamed Tributary to Tubs Run)	N
011 & 026 (Tubs Run)	N
031 (Unnamed Tributary to Tubs Run)	Y

**NPDES No. PA0263141 (Mining permit no. 11110101), K. B. Coal, Inc.**, 158 Account Lane, Hastings, PA 16646, new NPDES permit for bituminous surface mining in Clearfield Township, **Cambria County**, affecting 28.0 acres. Receiving stream(s): Unts to Clearfield Creek, classified for the following use(s): cold water fishery. This receiving stream is included in the Clearfield Creek TMDL. Application received: January 18, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to Unts to Clearfield Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (Same as Sediment Pond 1)	Yes
002 (Same as Treatment Pond 1)	Yes
003 (Same as Treatment Pond 2)	Yes

**NPDES No. PA0263214 (Mining permit no. 32110102), Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, new NPDES permit for bituminous surface mining in Burrell Township, **Indiana County**, affecting 33.8 acres. Receiving stream(s): Unts to Tom's Run, classified for the following use(s): cold water fishery. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: April 11, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to Unts to Tom's Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (Same as Sediment Pond 1)	Yes
002 (Same as Treatment Pond 1)	Yes

The proposed effluent limits for the above listed outfall(s) are as follows:

*Outfalls: 001 (Same as Sediment Pond 1)*

*002 (Same as Treatment Pond 1)*

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35	70	90
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

*Noncoal NPDES Draft Permits*

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**NPDES No. PA0242250 (Permit No. 10020306)**, Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201) Renewal of an existing NPDES permit for a large industrial minerals surface mine in Worth Township, **Butler County**, affecting 241.2 acres. Receiving streams: Unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek, classified for the following uses: CWF. TMDL: None. Application received: May 5, 2011.



Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to Unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
AB	N
CB	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Aluminum (mg/l)				
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Sulfates (mg/l)				
Osmotic Pressure (milliosmoles/kg)				50

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

The outfall(s) listed below discharge to Unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	N
B	N
C	N
H	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request

are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E15-821. East Whiteland Township**, 209 Conestoga Road, Frazer, PA 19355, East Whiteland Township, Chester County, ACOE Philadelphia District.

To remove the existing pump station, and to construct and maintain a new station at the same location in and along the 100-year floodplain of Valley Creek. The site is located northwest of the intersection of Conestoga Road and Mill Lane, (Malvern, PA USGS Quadrangle, N: 9.2 inches; W: 7.8 inches).

**E15-818. Kennett Square Realty, LP**, 649 W. South Street, Kennett Square, PA 19348, Kennett Square Borough, Chester County, ACOE Philadelphia District.

To construct and maintain a mixed use commercial and residential development on former scrap yard and brownfields site known as Magnolia Place, impacting approximately 0.11 acre of wetlands. The site is located near the intersection of West Cypress Street and South Mill Road (Kennett Square, PA USGS Quadrangle N: 9.1 inches; W: 6.33 inches).

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

**E11-343. Municipal Authority of the Borough of Cresson**, 631 Second Street, Cresson, PA 16630. The applicant proposes to operate and maintain 0.29 acres of existing wetland fill and 187' of re-located channel, to restore existing disturbed area and to provide remediation for the existing impacts, all for the purpose of constructing improvements to a sewage treatment plant. The project is located on the headwaters of the Little Conemaugh River (CWF) in Cresson Township, **Cambria County**. (Pittsburgh ACOE District, Latitude 40 27' 30"; Longitude 78 35' 50" Cresson, Pa quadrangle, N 15.1" W 13.5")

**E32-496. Pennsylvania Department of Transportation Engineering District 10-0**, 2550 Oakland Avenue, Indiana, PA 15701. The applicant proposes to

1. remove the existing SR 259 two lane, 19.5-foot wide, single span bridge having a total length of 67 feet, and having an underclearance of 5.5 feet; construct and maintain a two lane 15-foot wide by 6-foot high opening 85-foot long box culvert, depressed an additional 1 foot into the stream bed; construct and remove a temporary crossing and stream diversion; and construct and maintain associated stream bank stabilization and stormwater outfalls over and in West Branch Richards Run (CWF) with a drainage area of 2.1 square miles. Construct and remove a temporary crossing in Richards Run (CWF) with a drainage area of 6.1 square miles just downstream of the confluence of the east and west branches of Richards Run (New Florence, PA Quadrangle; N 7.5 inches, W 16 inches; Latitude 40° 24' 58" and Longitude -79° 6' 54").

2. remove and replace in kind the existing SR 2011 two lane, 20-foot wide, single span bridge superstructure having a total length of 43 feet, and having an underclearance of 5.9 feet over East Branch of Richards Run (CWF) with a drainage area of 4 square miles. This bridge is located approximately 100 feet east of the above SR259 crossing and approximately 2.25 miles northeast of the confluence with the Conemaugh River (New Florence, PA Quadrangle, N 7.5 inches, W 16 inches; Latitude 40° 24' 58" and Longitude -79° 6' 54"). Use of the above noted temporary crossing is to be coordinated for the construction of the two crossings.

## 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 has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0034304 (IW)	Cambridge-Lee Industries, Inc. PO Box 14026 Reading, PA 19612-4026	Berks County/ Ontelaunee Township	Schuylkill River/3-C	Y
PA0087131 (Sew)	Northern Lancaster County Authority—Gehman School Road 983 Beam Road Denver, PA 17517-8946	Lancaster County/ Brecknock Township	Little Muddy Creek/7-J	Y
PA0020711 (Sew)	Borough of Topton 205 South Callowhill Street Topton, PA 19562-1750	Berks County/ Topton Borough	Toad Creek/2-C	Y
PA0082023 (Sew)	Upper Leacock Township 36 Hillcrest Avenue Leola, PA 17540-1823	Lancaster County/ Upper Leacock Township	UNT Conestoga River (001) & UNT Mill Creek (002)/7-J	Y
PA0032051 (Sew)	Granville Township 100 Helen Street Lewistown, PA 17044-2437	Mifflin County/ Granville Township	Juniata River/12-A	Y
PA0080519 (Sew)	Antrim Township 10655 Antrim Church Road Greencastle, PA 17225-0130	Franklin County/ Antrim Township	Conococheague Creek/13-C	Y
PA0033553 (Sew)	Gehmans Mennonite School 650 Gehman School Road Denver, PA 17517-8921	Lancaster County/ Brecknock Township	Little Muddy Creek/7-J	Y
PA0087718 (IW)	Crystal Spring Hardwood, Inc. PO Box 34 Crystal Spring, PA 15536-0034	Fulton County/ Brush Creek Township	Little Brush Creek/ 11-C	Y
PA0014648 (IW)	United Water PA, Inc.— Hummelstown Plant 4211 East Park Circle Harrisburg, PA 17111-2806	Dauphin County/ Hummelstown Borough	Swatara Creek/7-D	Y
PA0082694 (Sew)	East St. Clair Township Municipal Authority—Fishertown PO Box 55 Fishertown, PA 15539-0055	Bedford County/ East St. Clair Township	Dunning Creek/ 11-C	Y
PA0082732 (Sew)	East St. Clair Township Municipal Authority—Stone Creek PO Box 55 Fishertown, PA 15539-0055	Bedford County/ East St. Clair Township	Dunning Creek/ 11-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0238651 (Industrial Waste)	SMS Millcraft LLC 671 Colbert Avenue Oil City, PA 16301	Venango City of Oil City	Allegheny River 16-E	Y
PA0093378	Assoc. Ceramics & Technology 400 North Pike Road Sarver, PA 16055	Butler Winfield Township	Unnamed tributary to Sarver Run 18-F	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0221627 (Sewage)	Tri Lane Estates 4004 Wynnwood Drive Sharpsville, PA 16150	Mercer Lackawannock Township	Unnamed tributary to Little Neshannock Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0033456 Sewage	Sunny Acres 272 Nicole Lane Somerset, PA 15501	Somerset County Somerset Township	UNT to E. Branch Coxes Creek	Y

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

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

**NPDES Permit No. PA0065323**, Sewage, SIC Code 4952, **Jacob A. Schray**, 322 East Laurel Street, Bethlehem, PA 18018-2939.

This proposed facility is located at 109 East Mountain Road, Wind Gap, PA 18091-9729, in Bushkill Township, **Northampton County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated sewage from a proposed single residence sewage treatment plant.

**NPDES Permit No. PA0047325**, SIC Code 4911, **PPL Susquehanna LLC**, 769 Salem Boulevard (Nuca3), Berwick, PA 18603-6828.

This existing facility is located in Salem Township, **Luzerne County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated industrial wastewater.

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

**NPDES Permit No. PA0246999**, Sewage, **David R. Marshall**, 7886 Lincoln Highway West, Saint Thomas, PA 17252.

This proposed facility is located in Saint Thomas Township, **Franklin County**.

Description of Proposed Action/Activity: Transfer of Permit.

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

**NPDES Permit No. PA0228851**, CAFO 0213, **Van Blarcom Farms**, 934 Besley Road, Columbia Cross Roads 16914-7895, Country View Family Farms, LLC, 1301 Fulling Mill Road, Suite 3000, Middletown PA 17057.

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

Description of Size and Scope of Proposed Operation/Activity: Sow facility includes breeding and gestation barns, farrowing barns, gilt grower barns and manure storage ponds.

The receiving stream, Wolfe Creek—North Branch Sugar Creek, is in the State Water Plan Sugar and Towanda Creeks watershed 4C and is classified for: (TSF) Trout Stocking Fishery.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

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

**NPDES Permit No. PA0254096**, Industrial Waste, **Evans Machining Service**, 314 State Street, Clairton, PA 15025-1914

This proposed facility is located in Clairton Borough, **Allegheny County**

Description of Proposed Action/Activity: Permit issuance for industrial waste discharge.

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

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

**WQM Permit No. 4811403**, Sewage, SIC Code 4952, **Jacob A. Schray**, 322 East Laurel Street, Bethlehem, PA 18018-2939.

This proposed facility is located in Bushkill Township, **Northampton County**.

Description of Proposed Action/Activity: Construction/operation of a new single residence sewage treatment plant to replace a malfunctioning on-lot sewage system, located at 189 East Mountain Road, Wind Gap, PA 18091-9729.

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

**WQM Permit No. 0690411 Amendment 11-1**, Sewage, **Joint Municipal Authority of Wyomissing Valley**, 701 Old Wyomissing Road, Reading, PA 19611.

This proposed facility is located in Reading City, **Berks County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewerage facilities consisting of a new ultraviolet disinfection system, hydraulic changes and equipment repairs and replacements. The 14 inch bypass line from the primary clarifiers to the effluent manhole will be abandoned and capped.

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

**WQM Permit No. 0211201**, Industrial Waste, **Evans Machining Service**, 314 State Street, Clairton, PA 15025-1914

This proposed facility is located in Clairton Borough, **Allegheny County**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a Manganese/Phosphate coating line.

**WQM Permit No. 0311402**, Sewerage, **Township of Mahoning**, 987 State Route 1025, New Bethlehem, PA 16242

This proposed facility is located in Mahoning Township, **Armstrong County**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of sewers, force main and pump station.

#### 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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032111008	Niraj R. Parekh RAYS Hospitality, LLC One Foxfield Court Mechanicsburg, PA 17050	Cumberland	Middlesex Twp.	Letort Spring Run (HQ-CWF)
PAI033610010	Fiorino Grande (The Terrace of Sinking Spring) 2213 Quarry Road West Lawn, PA 19609	Berks	Sinking Spring Township	Cacoosing Creek (CWF-MF) (EV Wetland)

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

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

#### List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage

PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-02**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lower Swatara Township, Dauphin County	PAG02002211010	KGH Properties, LP PO Box 25945 Philadelphia, PA 19106	Swatara Creek/WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018
Lower Swatara Township, Dauphin County	PAG02002211005	John Christensen PA Turnpike Commission PO Box 67676 Harrisburg, PA 17106-7676	Susquehanna River/WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018
Williams Twp Dauphin County	PAG02002211022	Robert Gage GBT Realty Corp 201 Summit View Dr Suite 110 Brentwood, TN 37027	Wiconisco Creek/WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018
Swatara Township Dauphin County	PAG02002211014	Dauphin Co. Courthouse PO Box 1295 Harrisburg, PA 17108-1295	Spring Creek/CWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018
Pequea Township Lancaster County	PAG02003610052	Nathan & Lynarte Pipitone 1 Whipporwill Dr Lancaster PA 17603	Goods Run/TSF	Lancaster Co Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5
West Donegal Township Lancaster County	PAG02003611043	Yarrum LP PO Box 332 Lemoyne PA 17043	UNT Conewago Creek/TSF; MF	Lancaster Co Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5
Mount Joy Twp. Lancaster County	PAG02003611053	Glenn Esbenshade 220 Eby Chiques Rd Mount Joy PA 17552	UNT Donegal Creek/CWF	Lancaster Co Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5
Mount Joy Twp. Lancaster County	PAG02003611054	Bob Kettering Ketterline Bldrs 3121 A Mount Joy Rd Mount Joy PA 17552	UNT Donegal Creek/CWF	Lancaster Co Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5

## NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
East Hempfield Township Lancaster County	PAG02003611057	Genesys Controls Corp PO Box 5771 Lancaster PA 17606	Swarr Run/TSF; MF	Lancaster Co Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5
West Donegal Twp Lancaster County	PAG02003611058	Ketterline Inc 3121 Mount Joy Rd Mount Joy PA 17552	UNT Conewago Creek/TSF	Lancaster Co Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5
East Hempfield Twp Lancaster County	PAG02003611059	Kirby Agri Inc 500 Running Pump Rd Lancaster PA 17607	Brubaker Run/WWF; MF	Lancaster Co Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5
Warwick Twp Lancaster County	PAG02003611060	Hurst/Beiler Partners 154 E Farmersville Rd Ephrata PA 17522	Lititz Run/WWF; MF	Lancaster Co Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5
West Earl Twp Lancaster County	PAG02003611063	Fairmount Homes 333 Wheat Ridge Dr Ephrata PA 17522	Conestoga River/Groff Creek/WWF	Lancaster Co Conservation District 1383 Arcadia Rd Rm 200 Lancaster PA 17601 717-299-5361 Ext. 5
City of Erie Erie County	PAG02 0025 11 025	12th Street Partners LLC 2601 West 26th Street Erie PA 16506	West Branch Cascade Creek WWF; MF	Erie Conservation District 814-825-6403
Borough of Jamestown Mercer County	PAG02 0043 11 007	GBT Realty Corporation 201 Summit View Drive Suite 110 Brentwood TN 37027	Shenango River WWF	Mercer Conservation District 724-662-2242
<i>General Permit Type—PAG-3</i>				
<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
York County York City	PAR803727	C & S Wholesale Grocers, Inc. 7 Corporate Drive Kenne, NH 03431-5042	Little Conewago Creek / TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Bedford County Saint Clair Township	PAR203506	Lane Enterprises, Inc. 3905 Hartzdale Drive, Ste 514 Camp Hill, PA 17011	Dunning Creek / WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Clinton Township Lycoming County	PAR324802	Construction Specialties, Inc. PO Box 380 6696 Route 405 Highway Muncy, PA 17756-0380	Turkey Run—10-C	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Bradford Township Clearfield County	PAR214817	Glen-Gery Corporation 433 S. Pottsville Pike Shoemakersville, PA 19555	Roaring Run—8-C	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
City of Williamsport Lycoming County	PAR224839	Danzeer Veneer Americas Inc. 240 North Reach Road PO Box 3455 Williamsport, PA 17701	Fox Hollow Stream to West Branch Susquehanna River—10-A	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
South Huntingdon Township Westmoreland County	PAR606121	Flowers Auto Wreckers, Inc. 176 Fitz Henry Road Smithton, PA 15479	UNT of Youghioghney River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
East Deer Township Allegheny County	PAR236112	Air Products & Chemical, Inc. 357 Marian Avenue Tamaqua, PA 18252	Allegheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Warren City Warren County	PAR808312	Crossett Inc. 201 S. Carver St. Warren, PA 16365	Allegheny River 16-B	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Washington Township Erie County	PAR608304	Jay's Auto Wrecking 11610 Hamilton Rd. Edinboro, PA 16412	Unnamed tributary to Conneauttee Creek & Unnamed Tributary to Little Conneauttee Creek 16-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Penn Township Butler County	PAR808353	Butler County Airport 475 Airport Rd Butler, PA 16001	Unnamed tributary to Thorn Creek & Unnamed tributary to Glade Run 20-C	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942



*General Permit Type—PAG-4**Facility Location:  
Municipality &  
County*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Porter Township Clarion County	PAG041049 Cottage Hill Wesleyan Methodist Church 236 Olean Trail New Bethlehem, PA 16242	Leisure Run 17-C	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Hempfield Township Mercer County	PAG041047 Joshua Lentz 284 Donation Road Greenville, PA 16125	Saul Run 20-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Greene Township Mercer County	PAG041051 W. Kirby Bench 513 East Jamestown Rd Greenville, PA 16125	Unnamed tributary to Shenango River 20-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
East Fairfield Township Crawford County	PAG041046 Lyle Williams 22421 Kebort Road Meadville, PA 16335	Unnamed tributary to French Creek 16-D	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-9**Facility Location:  
Municipality &  
County*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Mifflin County / Bratton Township	PAG093544 Renno's Custom Spreading & Septic Services 23 Mountain Lane McVeytown, PA 17051	John Renno Farm 645 SR 103N Lewistown, PA 17044	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

**PUBLIC WATER SUPPLY PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to

the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**SAFE DRINKING WATER****Actions taken under the Pennsylvania Safe Drinking Water Act**

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

**Permit No. 0711502 MA, Minor Amendment, Public Water Supply.**

Applicant **Altoona Water Authority**  
 Municipality Altoona City  
 County **Blair**  
 Responsible Official Mark A. Perry, General Manager  
 900 Chestnut Avenue  
 Altoona, PA 16601  
 Type of Facility Permit for repairs to existing  
 Fairview finished water storage  
 tank.  
 Consulting Engineer Michael V. Sinisi, P.E.  
 Altoona Water Authority  
 900 Chestnut Avenue  
 Altoona, PA 16601  
 Permit to Construct 8/12/2011  
 Issued:

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

**Permit No. Minor Amendment—Operation Public Water Supply.**

Applicant **Williamsport Municipal Water Authority**  
 [Township or Borough] South Williamsport Borough  
 County **Lycoming**  
 Responsible Official Charles A. Hauser, P.E.  
 Director of Engineering  
 Williamsport Municipal Water Authority  
 253 West Fourth Street  
 Williamsport, PA 17701  
 Type of Facility Public Water Supply  
 Consulting Engineer N/A  
 Application Received August 19, 2011  
 Description of Action Operation of the 1.0 MG Hill Street finished water storage tank that has been sandblasted, repainted, disinfected and tested for coliforms and VOCs in accordance with the minor permit amendment for construction issued 12/7/10.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Beale Township	573 Cider Press Road, Port Royal, PA 17082	Juniata

*Plan Description:* The approved plan provides for serving the sewage disposal needs of the Village of Walnut with a 12,075 GPD average annual large volume community on-lot system consisting of septic tanks and sand mound beds. The Department’s review of the sewage facilities update revision has not identified any significant

environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West Pennsboro Township	2150 Newville Road, Carlisle PA, 17015	Cumberland

*Plan Description:* The approved plan provides for an expansion of the existing sewer service area in order to meet the long term planning objectives of the Township. The Department’s review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

**HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988**

**Notice of Interim Response Reeders TCE Site**

**Jackson Township, Monroe County**

The Commonwealth of Pennsylvania, Department of Environmental Protection (“Department”), under the authority of the Hazardous Sites Cleanup Act, 35 P. S. § 6020.101 et seq. (“HSCA”), has initiated a prompt interim response action at the Reeders TCE Site (“Site”). This response has been undertaken pursuant to Sections 505(b) & (c) of HSCA, 35 P. S. § 6020.505(b) & (c). The Site is located along Route 715 in the Village of Reeders, Jackson Township, Monroe County, Pennsylvania.

In December 1991, a residential property near the intersection of Church Road and Route 715 detected trichloroethene (TCE) in their well water supply as high as 8,700 parts per billion (ppb). The Department conducted further well water supply sampling of surrounding residential properties and found three additional residents had detections of TCE above the state maximum contaminant level (MCL) or drinking water standard of 5 ppb.

In January 1992, the Environmental Protection Agency (EPA) installed carbon filtration systems for the four home water supplies that exceeded the MCL for TCE.

In February 1992, the Department performed a soil gas survey in the village of Reeders to determine the source of the TCE. The highest soil gas concentration (1,147 parts per billion volume or ppbv) was detected adjacent to a shed on the property identified as P-1. However, surface soil samples collected near the shed detected no TCE or any other volatile organic compound (VOC). The results of the soil gas investigation did not reveal the source of the TCE. EPA performed a Screening Site Inspection (SSI) in 1995 and issued the report in March 1996. The report documented high concentrations of TCE in residential wells, but TCE was not detected in soil or surface water samples. A definitive source of the TCE impacts was not identified.

In 2003, public water was extended to the Church Road area of Reeders. All residents who were affected by the TCE groundwater contamination are connected to the public water supply line maintained by the Jackson Township Water Authority.

From May 2010 to March 2011, the Department conducted a vapor intrusion study that included soil gas, subsurface and indoor air sampling to determine if there is a risk associated with the TCE-contaminated groundwater plume. In February 2011, TCE was detected in the air in the basement of a residential property at a concentration of 21 micrograms per cubic meter (ug/m<sup>3</sup>), which is above the Act 2 Statewide Health Standard screening level for TCE in indoor air of 12 ug/m<sup>3</sup> (DEP Residential MSC).

The Department has determined that TCE, a hazardous substance as defined by HSCA, has been released at the Site.

Based upon the fact that a release of a hazardous substance as defined by HSCA has occurred and that an ongoing release is likely if no actions are taken, the Department is authorized to undertake a response action at this Site under Section 501(a) of HSCA, 35 P.S. § 6020.501(a).

Due to the fluctuations of the TCE in the contaminated groundwater, indoor air TCE concentrations have also been measured at times to be above the Act 2 Statewide Health Standard screening level for TCE in indoor air. For the vapor intrusion study that was conducted, TCE was detected at a residential property with concentration ranging from 1.5 ug/m<sup>3</sup> (lowest) to 21 ug/m<sup>3</sup> (highest). The source of the TCE is unknown and therefore, removal of the source area is not an option.

This prompt interim response will cost less than \$2 million and take less than 1 year to implement.

The Department is undertaking a prompt interim response at the Site pursuant to its authority under Section 501(a) of HSCA, 35 P.S. § 6020.501(a). Prompt action is necessary to protect the public health, safety, and the environment from the release and threat of release of hazardous substances from the Site. The Department evaluated alternatives for this proposed interim response which included:

- 1) No Action
- 2) Monitored Natural Attenuation
- 3) Installation of a Soil Vapor Intrusion Mitigation System

Based upon an evaluation of the Alternatives using criteria including protection of human health and the environment, compliance with applicable and relevant and appropriate requirements (ARARs), feasibility, permanence, and cost-effectiveness, the Department has selected Alternative 3 as the interim response for the Site. A soil vapor intrusion mitigation system which is similar to a radon removal system will be installed by the Department in the residence with the TCE concentrations greater than the State-wide Health Standard screening level.

This notice is being provided pursuant to Section 506(b) of HSCA, 35 P.S. § 6020.501(b). The administrative record, which contains the information that forms the basis and documents the selection of the response action, is available for public review and comment. The administrative record is located at the Jackson Township Municipal Building, 2162 Route 715, Reeders, Pennsylvania 18352 and is available for review Monday through Friday from 8 am to 4 p.m. The administrative record will be open for comment from September 3, 2011 through December 2, 2011. Persons may submit written comments into the record during this time only, by sending them to Ronald Schock, Project Officer, at the Department's

Bethlehem District Office at 4530 Bath Pike, Bethlehem, PA 18017, or by delivering them to that office in person.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing. The Department has scheduled the hearing for October 19, 2011 at 10:30 AM at the Jackson Township Municipal Building. The testimony at the public hearing will be limited to the prompt interim response, which involves the installation of a soil vapor intrusion mitigation system. An informal public meeting will be held after the public hearing is concluded.

Persons with a disability who wish to attend the October 19, 2011 hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should contact Ronald Schock at (610) 861-2155 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

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**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).**

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Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Goss Gas Products Wolff's Head** (Goss Gas Products Company—Property of the Former Wolff's Head Refinery), Borough of Sugar creek, **Venango County**. URS Corporation, Foster Plaza 4, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 on behalf of Pennzoil-Quaker State Company dba Shell Oil Products US, One Shell Plaza, Room 687, 910 Louisiana, Houston, TX 77002 has submitted a Remedial Investigation/Risk Assessment/Final Report concerning remediation of site soils contaminated with Acetone, Benzene, Ethylbenzene, Isopropylbenzene, Methylene Chloride, n-Propylbenzene, p-Isopropyltoluene, sec-Butylbenzene, tert-Butylbenzene, Toluene, m,p,o-Xylenes, Trichloroethene, Vinyl Chloride, 1,2,4-TMB, 1,3,5-TMB, 2-Butanone, Acenaphthene, Acenaphthylene, Anthracene, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[g,h,i]perylene, Benzo[k]fluoranthene, Benzyl Butyl Phthalate, Bis[2-ethylhexyl]phthalate, Carbazole, Chrysene, Dibenz[a,h]anthracene, Dibenzofuran, Fluoranthene, Fluorene, Indeno[1,2,3-cd]pyrene, Isophorone, Naphthalene, Phenanthrene, Phenol, Pyrene, 2,6-Dinitrotoluene, 2-Methylnaphthalene, Arsenic, Barium, Cadmium, Lead, Mercury, Selenium, Silver, Chromium and site groundwater contaminated with Benzene, Cyclohexane, Ethylbenzene, Isopropylbenzene, n-Butylbenzene, n-Propylbenzene, sec-Butylbenzene, tert-Butylbenzene, Toluene, m,p,o-Xylenes, 1,2,4-TMB, 1,3,5-TMB, 1,2,3-Trichlorobenzene, Acenaphthene, Anthracene, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[k]fluoranthene, Bis[2-ethylhexyl]phthalate, Chrysene, Di-n-butyl phthalate, Di-n-octyl phthalate, Fluoranthene, Fluorene, Isophorene, Naphthalene, Phenanthrene, Phenol, Pyrene, Pyridine, 1-Methylnaphthalene, 2-Methylnaphthalene, Arsenic, Barium, Boron, Beryllium, Chromium, Iron, Lead, Manganese, Selenium, and Zinc. The report is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a

remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Railroad Associates Corporation**, US Route 15S Supplee Mill Road, East Buffalo Township, **Union County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Railroad Associates Corporation, 4910 Simpson Ferry Road, Mechanicsburg, PA 17050 has submitted a Final Report within 90 days concerning the remediation of site soil contaminated with diesel fuel and unleaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 16, 2011.

**Eugene Weaver Accident**, Pleasant Grove Road, West of Rand Road, West Buffalo Township, **Union County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857, on behalf of Eugene Weaver, 4695 Pleasant Grove Road, Mifflinburg, PA 17844 has submitted a Final Report within 90 days concerning the remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 16, 2011.

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

**Foster Brook Facility South & Crude Tank Farm**, City of Bradford, **McKean County**. MACTEC Engineering & Consulting, Inc., 800 N. Bell Avenue, Suite 200, Pittsburgh, PA 15106 on behalf of American Refining Group, 77 North Kendall Avenue, Bradford, PA 16701 has submitted a Revised Cleanup Plan concerning the remediation of site groundwater contaminated with Separate Phase Liquids. The Revised Cleanup Plan for Foster Brook Facility South was approved by the Department on

August 10, 2011. The Revised Cleanup Plan for the Crude Tank Farm was disapproved by the Department on August 10, 2011.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Owl Cleaners, Inc. Wexford Plaza**, Town of McCandless, **Allegheny County**. CummingsRiter Consultants, Inc., 300 Penn Center Blvd, Suite 800, Pittsburgh, PA on behalf of Reed Smith, LLP (legal counsel for Wexford Plaza Associates, a Pa Limited Partnership), 435 Sixth Avenue, Pittsburgh, PA 15219 and Joseph Ziccarelli, Owl Cleaners, Inc., 165 Northgate Drive, Warrendale, PA 15086 has submitted a revised Cleanup Plan concerning remediation of site soil and groundwater contaminated with VOCs, primary chlorinated solvents and their degradation products. The revised Cleanup Plan was approved on August 16, 2011.

**Mairdale Avenue Site**, City of Pittsburgh, **Allegheny County**. D'Appolonia Engineering, 275 Center Road, Monroeville, PA 15146 on behalf of the City of Pittsburgh, 414 Grant Street, City County Building, Pittsburgh, PA 15219 has submitted a Remedial Investigation, Risk Assessment, and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with asphalt millings, lead arsenic and PAH's. The combined report was approved on August 10, 2011.

**Former Pittsburgh Flatroll**, City of Pittsburgh, **Allegheny County**. KU Resources Inc., 22 South Linden Street, Duquesne PA 15110 on behalf of Industrial Business Brokers, 102 Lakeland Drive, Mars PA 16046 has submitted a revised Remedial Investigation Report concerning the remediation of site soils and groundwater contaminated with semi-volatile organics. The revised Remedial Investigation Report was approved on August 11, 2011.

#### RESIDUAL WASTE GENERAL PERMITS

**Applications Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

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

**General Permit Application No. WMGR097019. E & E Metal Fabrications Inc.**, 110 North 16th Street, Lebanon Pa 17046-3958. This permit is for beneficial use involving the demonstration of a Combined Heat and Power (CHP) unit, to be used to generate clean, point-of-use power using a variety of low-grade feedstocks such as: municipal green wastes, forestry industry wastes, food processing wastes, agricultural wastes and biosolids wastes.

This residual waste general permit was issued on August 20, 2011.

Comments concerning the application should be directed to Persons interested in obtaining more information about the general permit application may contact Scott Walters, Chief, General Permits and 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 through the Pennsylvania 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

**Permit Issued Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

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

**Permit No. 301220. Clean Earth Of Philadelphia Inc.**, 3201 South 61st Street, Philadelphia PA 19153-3502, City of Philadelphia, **Philadelphia County**. This solid waste permit is being issued to allow for the short-term, continued operation under previously permitted terms and conditions at the Clean Earth of Philadelphia, Inc., facility, an existing residual waste processing facility, during the review of the facility's 10-year renewal application. The permit was issued by the Southeast Regional Office on August 22, 2011.

#### AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

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

**58-399-021GP5: UGI Energy Services, Inc.** (One Meridian Blvd., Suite 2C01, Wyomissing, PA 19610) on August 15, 2011, to construct and operate four (4) CAT Natural Gas Compressor engines at the Auburn Compressor Station in Auburn Township, **Susquehanna County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**GP9-17-508: EOG Resources, Inc.** (Southpointe Plaza 1—400 Southpointe Boulevard, Suite 300, Canonsburg, PA 15317) on August 16, 2011, to construct and operate two Magnum model MMG405 generators each powered by a John Deere model RG6135HF485 diesel-fired engine each rated 489 bhp each equipped with a Johnson Matthey model SINOxSW55 selective catalytic reduction unit and one Goodwin Pumps model CD150M pump powered by a John Deere model 4045TF280 rated 80 bhp diesel-fired engine pursuant to the General Plan Approval and /or General Operating Permit BAQ-GPA/GP-9: Diesel or #2 fuel-fired Internal Combustion Engines, at their Clearfield County Tank Farm located in Lawrence Township, **Clearfield County**.

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

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**GP5-26-00589A: Burnett Oil Co., Inc.** (Point Plaza Suite 120, 601 Technology Drive, Canonsburg, PA 15317) on August 18, 2011, to construct and operate sources and controls associated with a natural gas production facility at the West Summit Compressor Station Springhill Township, **Fayette County**.

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

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

**GP5-43-345A: Vista Resources, Inc.—Fairview Compressor Site** (2051 A Perry Highway, Fredonia, PA 16124) on August 18, 2011, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Fairview Township, **Mercer County**.

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**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

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

**54-308-027: SAPA Extrusions, Inc.** (53 Pottsville Road, Cressona, PA 17929) on August 2, 2011, to install a new holding furnace and inline fluxer at the facility located in Cressona Borough, **Schuylkill County**.

**58-329-037: Tennessee Gas Pipeline Co.** (PO Box 2511, S1102A, Houston, TX 77252-2511) on August 2, 2011, to construct a new gas turbine at their facility in Clifford Township, **Susquehanna County**.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**23-0113: AT&T Communications of PA, LLC.** (1458 Bluebell Drive, Livermore, CA 94551) on August 16, 2011, to operate turbine generators in Radnor Township, **Delaware County**.

**09-0206: Samax Enterprises/Morrisville** (1001 New Ford Mill Road, Morrisville, PA 19067) on August 18, 2011, to operate a tank installation in Falls Township, **Bucks County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**19-00006C: Del Monte Corp.** (6670 Low Street, Bloomsburg, PA 17815) on July 27, 2011, to authorize the construction and operation of a pet food manufacturing line to January 12, 2012, in Bloomsburg, **Columbia County**. The plan approval has been extended.

**14-00002A: Graymont (PA) Inc.** (965 E. College Avenue, Pleasant Gap, PA 16823) located in Spring Township, **Centre County**, on August 16, 2011 to extend the temporary period of operation of kilns 6 and 7 to March 1,

2012. The plan approval contains monitoring, recordkeeping and reporting requirements for compliance with State and Federal regulatory requirements.

**14-00002J: Graymont (PA) Inc.** (965 E. College Avenue, Pleasant Gap, PA 16823) located in Spring Township, **Centre County**, on August 16, 2011 to extend the period of construction for the mine optimization system to March 7, 2012. The plan approval contains monitoring, recordkeeping and reporting requirements for compliance with State and Federal regulatory requirements.

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

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

**42-223A: Tennessee Gas Pipeline Company, Compressor Station 310** (Off of State Route 146, Tax Map 29-002-300-02, Clermont, PA 16740) on August 13, 2011, for the construction of a compressor turbine, emergency generator, hot water boiler, and fuel preheater in Sergeant Township, **McKean County**. This is a State Only facility.

**61-218A: Tennessee Gas Pipeline Company, Compressor Station 303** (Meadow Church Road, Map AS 08-15 Lot 71, Seneca, PA 16346) on August 13, 2011, for the construction of a compressor turbine, emergency generator, hot water boiler, and fuel preheater in Cranberry Township, **Venango County**. This is a State Only facility.

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**Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

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

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

**06-05085: New Morgan Landfill Company, Inc.** (420 Quarry Road, PO Box 128, Morgantown, PA 19543-0128) on August 2, 2011, for the New Morgan Landfill located in New Morgan Borough, **Berks County**. The Title V permit was renewed.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

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

**15-00138: Aqua Pennsylvania, Inc.** (762 West Lancaster Avenue, Bryn Mawr, PA 19010) on August 18, 2011, for operation of seven (7) units of diesel-fired emergency generators and one (1) unit of natural gas-fired boiler at their Pickering Water Treatment Plants in Schuylkill Township, **Chester County**. Nitrogen Oxide emissions (NOx) are the main air pollutants produced by consumption of fuels. The facility took operating hour limitations for the generators and the potential-to-emit of Nitrogen Oxides is less than 25 tons per year; therefore, the facility is a non-Title V (State-only) facility. The proposed operating permit contains monitoring, record-keeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-00164: H & K Materials—a division of Haines & Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) on August 19, 2011, for a non-Title V Facility, State-Only, Natural Minor Operating Permit on Skunk Hallow Road in Hilltown Township (Chalfont), **Bucks County**. The permit is for the operation of an aggregate processing plant (quarry). This action is a renewal of the State Only Operating Permit. The initial permit was issued on 6-30-2006. The permit will include monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

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

**59-00020: Carleton Funeral Home, Inc.** (11470 Route 6, Wellsboro, PA 16901) on August 16, 2011, issued a state only operating permit for their facility located in Charleston Township, **Tioga County**. The facility's sources include a crematory incinerator for human remains. The potential emission of all air contaminants are below their respective major emission thresholds. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**17-00043: Kitko Wood Products, Inc.** (PO Box 3, Glen Hope, PA 16645-0003) on August 16, 2011, issued a state only operating permit for their facility located in Glen Hope Borough, **Clearfield County**. The facility's sources include a 20 million Btu per hour wood-fired boiler and fifteen wood drying kilns. The potential emission of all air contaminants are below their respective major emission thresholds. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

**56-00241: Rockwood Area School District** (439 Somerset Ave., Rockwood, PA, 15557-1030). On August 19, 2011, for a Synthetic Minor Operating Permit renewal for the Rockwood Junior/Senior High School located in Rockwood Boro, **Somerset County**. Equipment at this facility includes two 4.3 mmbtu/hr tri-fuel boilers and some small emergency electric generators, hot water boilers, and radiant heaters. Potential emissions from the facility are based on a limit of burning 2,070 tons of coal per consecutive 12 month period and are estimated to be 9.8 tons NOx, 1.3 tons VOCs, 11.4 tons CO, 4.7 tons particulate matter and 77.0 tons SOx. Actual emissions from the facility are much lower. The facility is subject to the applicable requirements of Pa Code Title 25 Chapters 121 through 145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

**56-00159: Somerset County Technology Center** (281 Technology Drive, Somerset, PA 15501) on August 19, 2011, for a Synthetic Minor Operating Permit renewal for their facility located in Somerset Township, **Somerset County**. Equipment at this facility includes one 8.5 mmbtu/hr tri-fuel boiler. Potential emissions from the facility are based on a limit of burning 2,000 tons of coal

per consecutive 12 month period and are estimated to be 9.1 tons NOx, 1.3 tons VOCs, 11.0 tons CO, 15.0 tons particulate matter and 71.3 tons SOx. Actual emissions from the facility are much lower. The facility is subject to the applicable requirements of Pa Code Title 25 Chapters 121 through 145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

**56-00199: Shade City School District** (PO Box 7, 203 McGregor Ave., Cairnbrook, PA 15924). On August 19, 2011, for Synthetic Minor Operating Permit renewal for the Shad-Central City High School located in Shade Township, **Somerset County**. Equipment at this facility includes one 6.4 mmbtu/hr tri-fuel boiler, one 8.4 mmbtu/hr No. 2 fuel oil fired boiler, and two small emergency electric generators. Potential emissions from the facility are based on a limit of burning 1,900 tons of coal per consecutive 12 month period and are estimated to be 9.0 tons NOx, 1.2 tons VOCs, 10.5 tons CO, 4.3 tons particulate matter and 70.7 tons SOx. Actual emissions from the facility are much lower. The facility is subject to the applicable requirements of Pa Code Title 25 Chapters 121 through 145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

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

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

**S05-016: University of the Sciences in Philadelphia** (600 South 43rd Street, Philadelphia PA 19104) for the operation of university in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) boilers each 20 MMBTU/hr burning No. 2 or natural gas, one (1) boiler 5 MMBTU/hr burning No. 2 or natural gas, thirty-eight (38) combustion units each less 5 MMBTU/hr burning natural gas, one (1) boiler 0.80 MMBTU/hr burning No.2 fuel oil, three (3) emergency generators, and one (1) particulate source with mills, tablet presses, and extruders.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).**

*Coal Permits Actions*

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

**32990103 and NPDES No. PA0212687. TLH Coal Company**, 4401 Pollock Road, Marion Center, PA 15759, permit renewal for reclamation only of a bituminous surface mine in Grant Township, **Indiana County**, affecting 30.1 acres. Receiving stream(s): unnamed tributaries to/and East Run classified for the following use(s): high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: April 14, 2011. Permit issued: August 16, 2011.

**56000101 and NPDES No. PA0235229. Cooney Brothers Coal Company**, P. O. Box 246, Cresson, PA 16630, permit renewal for reclamation only of a bituminous surface and auger mine in Paint Township, **Somerset County**, affecting 119.2 acres. Receiving stream(s): Shade Creek and Stonycreek River classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria-Somerset Authority Border Dam Intake on Stonycreek River. Application received: June 16, 2011. Permit issued: August 16, 2011.

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

**04010101 and NPDES Permit No. PA0252026. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Permit issued for commencement, operation, and reclamation of a bituminous surface/auger mining site located in North Sewickley Township, **Beaver County**, affecting 102.2 acres. Receiving streams: Thompson Run and unnamed tributary to Beaver River. Application received: October 22, 2010. Permit issued: August 15, 2011.

**26773025 and NPDES Permit No. PA0079031. Charles L. Swenglish & Sons Coal Co., Inc.** (2 Swenglish Lane, Smithfield, PA 15478). Permit revised to allow a land use change from pastureland to industrial/commercial or residential for portions of the affected area at an existing bituminous surface mining site located in German Township, **Fayette County**, affecting 166.2 acres. Receiving stream: unnamed tributary to South Branch of Browns Run. Revision application received: June 6, 2011. Revised permit issued: August 19, 2011.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**33950102 and NPDES Permit No. PA0226904. Leonard W. Yenzi** (P. O. Box 62, Anita, PA 15711) Renewal of an existing bituminous surface and sandstone mine in Knox Township, **Jefferson County** affecting 68.0 acres. Receiving streams: Sandy Lick Creek. Application received: January 26, 2011. Permit Issued: August 16, 2011.

*Noncoal Applications Returned*

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

**53102801. Kelly W. Crosby** (307 East Oak Street, Coudersport, PA 16915) commencement, operation, and restoration of small noncoal (flagstone) permit located in Eulalia Township, **Potter County**, affecting 1.0 total acre. Receiving stream(s): South Hollow to Mill Creek to Allegheny River. Application received: April 13, 2010. Application returned: August 17, 2011.

**17102801. Gargasz Excavating, Inc.** (471 Shiloh Road, Woodland, PA 16681). commencement, operation, and restoration of small noncoal (sandstone) permit located in Bradford, Township, **Clearfield County**, affecting 13.4 total acre(s). Receiving stream(s): Unnamed Tributary to Moravian Run to West Branch Susquehanna River. Application received: November 2, 2010. Application returned: August 9, 2011.

*Noncoal Permits Actions*

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

**65950401 and NPDES Permit No. PA0201162. Derry International, Ltd.** (P. O. Box 529, New Alexandria, PA 15670). NPDES renewal issued for continued mining and reclamation of a large noncoal surface mine (sandstone quarry) located in Loyalhanna and Derry Townships, **Westmoreland County**, affecting 52 acres. Receiving stream: unnamed tributary to Loyalhanna Creek. Renewal application received: January 19, 2011. NPDES Renewal issued: August 15, 2011.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**10091002. Gregori Construction & Engineering, Inc.** (736 Ekastown Road, Sarver, PA 16055) Final bond release for a small industrial minerals mine in Summit Township, **Butler County**. Restoration of 1.5 acres completed. Receiving streams: Bonnie Brook. Application received: April 2, 2011. Final bond release approved: August 8, 2011.

**25111001 and NPDES Permit No. PA0259128. Groundwork Resources, LLC** (8870 Baron Road, McKean, PA 16426) Authorization to extract noncoal (industrial minerals) in McKean Township, **Erie County** to supply fill material for the Erie Airport Extension project. Receiving streams: Unnamed tributary to Walnut Creek. Application received: June 20, 2011. Permit Issued: August 17, 2011.

**42082805 and NPDES Permit No. PA0259136. HRI, Inc.** (1750 West College Avenue, State College, PA 16801) Commencement, operation and restoration of a small industrial minerals mine in Lafayette Township, **McKean County** affecting 5.0 acres. Receiving streams: Unnamed tributary to Camp Run. Application received: April 11, 2011. Permit Issued: August 17, 2011.

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

**08111002. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16803), authorization to extract sandstone in Canton Township, **Bradford County** to construct Talisman Energy USA Inc. well pads receiving stream Unnamed Tributary to Towanda Creek, Towanda Creek. Authorization approved: August 2, 2011.

**08111002GP-104. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16803), hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater associated with NPDES Permit to the following surface water(s) in Canton Township, **Bradford County**. Receiving stream(s) Unnamed Tributary to Towanda Creek, Towanda Creek. Application received: May 17, 2011. Permit issued: August 2, 2011.



**ACTIONS ON BLASTING ACTIVITY  
APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Blasting Permits Actions*

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

**11114001. Dynamic Drilling LLC**, 10373 Taylor Hawks Road, Herron, MI 49744, blasting activity permit issued for seismic exploration project in Dean Township, **Cambria County**. Blasting activity permit end date is October 1, 2011. Permit issued: August 18, 2011.

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

**39114104. Schlouch, Inc.**, (P. O. Box 69, Blandon, PA 19510), construction blasting for Hamilton Court in South Whitehall Township, **Lehigh County** with an expiration date of August 8, 2012. Permit issued: August 16, 2011.

**36114151. Abel Construction Co., Inc.**, (P. O. Box 476, Mountville, PA 17554), construction blasting for Southern Village in Lancaster Township, **Lancaster County** with an expiration date of August 16, 2012. Permit issued: August 17, 2011.

**58114127. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Unit 32 Pad in New Milford Township, **Susquehanna County** with an expiration date of August 8, 2012. Permit issued: August 17, 2011.

**64114111. Holbert Explosives, Inc.**, (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Turano Residence in Cherry Ridge Township, **Wayne County** with an expiration date of August 15, 2012. Permit issued: August 17, 2011.

**13114103. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting at Jack Frost Ski Area in Kidder Township, **Carbon County** with an expiration date of August 14, 2012. Permit issued: August 18, 2011.

**58114129. Holbert Explosives, Inc.**, (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Cabot & Williams Pipeline in Dimock, Auburn and Forest Lake Townships, **Susquehanna County** with an expiration date of August 8, 2012. Permit issued: August 18, 2011.

**58114130. Meshoppen Blasting, Inc.**, (P. O. Box 127, Meshoppen, PA 18630), construction blasting for GB Location Bomboy Road in Rush Township, **Susquehanna County** with an expiration date of November 30, 2011. Permit issued: August 18, 2011.

**64114110. Holbert Explosives, Inc.**, (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting at 275 Bear Swamp Road in Texas Township, **Wayne County** with an expiration date of August 8, 2012. Permit issued: August 18, 2011.

**58114027. John Brainard**, (3978 SR 2073, Kingsley, PA 18826), construction blasting for the Neubert-Price (DD Pad) in Lenox Township, **Susquehanna County** with an expiration date of December 31, 2011. Permit issued: August 19, 2011.

**EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Southwest Region: Oil & Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA*

6/23/2011

ESCGP-1 No.: ESX11-125-0055

Applicant Name: CNX Gas Company, LLC

CONTACT: Daniel Bitz

Address: 200 Evergreene Drive

City: Waynesburg State: PA Zip Code: 15370

County: Washington Township(s): South Franklin

Receiving Stream(s) And Classifications: UNT to Chartiers Creek & UNT to Tenmile Creek, Tenmile Creek

8/9/2011

ESCGP-1 No.: ESX09-059-0064 Major Revision

Applicant Name: EQT Gathering

Contact Person: Brian Clauto

Address: 455 Racetrack Road

City: Washington State: PA Zip Code: 15301

County: Greene Township(s): Morgan

Receiving Stream(s) and Classifications: UNT to Poverty Run, Ruff Creek; UNT to Hull, Ruff Creek HQ

7/18/2011

ESCGP-1 No.: ESX11-125-0062

Applicant Name: Range Resources—Appalachia LLC

Contact Person: Carla Suszkowski

Address: 380 Southpointe Boulevard

City: Canonsburg State: PA Zip Code: 15317

County: Washington Township(s): Smith

Receiving Stream(s) and Classifications: UNT's to Raccoon Creek, Raccoon Creek Watershed

6/21/2011

ESCGP-1 No.: ESX11-125-0053

Applicant Name: MarkWest Liberty Midstream & Resources, LLC

Contact Person: Robert McHale

Address: 601 Technology Drive Suite 130

City: Canonsburg State: PA Zip Code: 15137  
 County: Washington Township(s): Amwell  
 Receiving Stream(s) and Classifications: Horne Run TSF  
 and UNT to Bane Creek TSF, Other

7/8/2011

ESCGP-1 No.: ESX11-125-0059  
 Applicant Name: Chesapeake Appalachia LLC  
 Contact Person: Eric Haskins  
 Address: 101 North Main St  
 City: Athens State: PA Zip Code: 18810  
 COUNTY Washington Township(s): Carroll  
 Receiving Stream(s) and Classifications: UNT WWF  
 Monongahela River WWF Monongahela. Other

7/19/2011

ESCGP-1 No.: ESX11-129-0022  
 Applicant Name: Chevron Appalachia LLC  
 Contact Person: Jeremy Hirtz  
 Address: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Westmoreland Township(s): South Huntingdon  
 Receiving Stream(s) and Classifications: UNTs to  
 Youghioghney River and Painters Run/Lower  
 Youghioghney River, Other

4/18/11

ESCGP-1 No.: ESX11-005-0007  
 Applicant Name: EXCO Resources (PA) LLC  
 Contact Person: Larry Sanders  
 Address: 3000 Ericsson Drive Suite 200  
 City: Warrendale State: PA Zip Code 15086  
 County: Armstrong Township(s): Rayburn  
 Receiving Stream(s) and Classifications: UNT to  
 Cowanshannock Creek, Other

7/12/2011

ESCGP-1 No.: ESX11-059-0044  
 Applicant Name: Appalachia Midstream Services LLC  
 Contact Person: Eric Stewart  
 Address: 179 Chesapeake Drive  
 City: Jane Lew State: WV Zip Code: 26378-8601  
 County: Greene Township(s): Aleppo and Springhill  
 Receiving Stream(s) and Classifications: Harts Run,  
 Pennsylvania Fork Fish Creek, Other

7/8/11

ESCGP-1 No.: ESX11-007-0006  
 Applicant Name: Chesapeake Appalachia LLC  
 Contact Person: Eric Haskins  
 Address: 101 North Main Street  
 City: Athens State: PA Zip Code: 18810  
 County: Beaver Township(s): Ohioville  
 Receiving Stream(s) and Classifications: Wolf Run WWF,  
 Ohio River Basin, Other

07/27/2011

ESCGP-1 NO.: ESX11-125-0066  
 Applicant Name: Rice Drilling B LLC  
 CONTACT PERSON: Toby Rice  
 ADDRESS: 171 Hillpointe Drive  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): North Bethlehem  
 Receiving Stream(s) and Classifications: UNT to South  
 Branch Pigeon Creek, Other

7/28/11

ESCGP-1 NO.: ESX11-059-0023  
 Applicant Name: Chief Oil & Gas LLC  
 CONTACT: Michael Hritz  
 ADDRESS: 6051 Wallace Road Ext. Suite 210  
 City: Wexford State: Pa Zip Code: 15090  
 County: Greene Township(s): Gilmore  
 Receiving Stream(s) and Classifications: Clawson Run  
 WWF, Pennsylvania Fork Dunkard Creek WWF

8/18/11

ESCGP-1 NO.: ESX11-129-0025  
 Applicant Name: Chevron Appalachia, LLC  
 CONTACT: Jeremy Hirtz  
 ADDRESS: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Westmoreland Township(s): Sewickley  
 Receiving Stream(s) and Classifications: UNT of  
 Youghioghney River & "Possum Hollow"/Lower  
 Youghioghney River Watershed, Other

8/19/11

ESCGP-1 NO.: ESX09-005-0004 Major Revision  
 Applicant Name: EQT Production Company  
 CONTACT: Todd Klaner  
 ADDRESS: 455 Racetrack Road  
 City: Washington State: PA Zip Code: 15301  
 County: Armstrong Township(s): Plumcreek  
 Receiving Stream(s) and Classifications: Secondary Water  
 Cherry Run—CWF, Other

8/19/11

ESCGP-1 NO.: ESX11-125-0065  
 Applicant Name: Chevron Appalachia, LLC  
 CONTACT: Jeremy Hirtz  
 ADDRESS: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Washington Township(s): West Bethlehem  
 Receiving Stream(s) and Classifications: UNT to Horn  
 Run/Ten Mile Creek Watershed, Other

8/19/11

ESCGP-1 NO.: ESX11-051-0027  
 Applicant Name: Chevron Appalachia, LLC  
 CONTACT: Jeremy Hirtz  
 ADDRESS: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Fayette Township(s): Washington, Jefferson,  
 Perry  
 Receiving Stream(s) and Classifications: UNT's to Little  
 Redstone Creek/Middle Monongahela River Watershed,  
 Other

*Northwest Region: Oil and Gas Program Manager 230  
 Chestnut St. Meadville, PA 16335*

ESCGP-1 #ESX11-019-0082—Talarico to Bluestone Pipe-  
 line  
 Applicant Keystone Midstream Services, LLC  
 Contact Mike Brinkmeyer  
 Address 11400 Westmoor Circle, Suite 325  
 City Westminster State CO Zip Code 80021  
 County Butler Township(s) Jackson(s)  
 Receiving Stream(s) and Classification(s) Connoqueness-  
 ing Creek (WWF)

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**STORAGE TANKS**


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**SITE-SPECTIFIC INSTALLATION PERMITS**


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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—1102) and under 25 Pa Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, Director, PO Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
11-35-007	Baker Hughes Oilfield Operations 17021 Aldine Westfield Road Houston, TX 77073 Attn: Joshua Morrisette	Lackawanna	Fell Township	13 ASTs storing base oil and drilling fluids	252,000 gallons total
11-23-011	Sunoco Partners Marketing & Terminals, L.P. 1818 Market Street, Suite 1500 Philadelphia, PA 19103-3616 Attn: Kelly M. Wright	Delaware	Upper Chichester Township	1 AST storing transmix	814,800 gallons
11-02-031	Penn Glenn Oil Works P. O. Box 4127 New Kensington, PA 15038 Attn: Joseph Downey	Allegheny	Plum Borough	2 ASTs storing ethylene glycol	126,000 gallons total

[Pa.B. Doc. No. 11-1506. Filed for public inspection September 2, 2011, 9:00 a.m.]

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**Availability of Technical Guidance**

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.eLibrary.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

**Ordering Paper Copies of Department Technical Guidance**

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

**Changes to Technical Guidance Documents**

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

**Final Technical Guidance—Substantive Revision**

DEP ID: 562-2112-503. Title: Blasting Near Utility Lines on Mining and Construction Sites and Bituminous Coal Mining Within the Right-of-Way or Easement of Utility Lines. Description: This guidance is being revised to provide better protection to underground or overhead utility lines from the effects of blasting. These revisions result in guidance that more clearly follows the regulatory language in limiting blasting's effect on utility lines

than the guidance it replaces and includes guidance on the regulation of blasting near underground utility lines in anthracite coal mining, noncoal mining and on construction sites. Contact: Questions regarding this technical guidance document should be directed to Richard Lamkie at [rlamkie@pa.gov](mailto:rlamkie@pa.gov) or (717) 783-9892.

*Effective Date:* September 3, 2011.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-1507. Filed for public inspection September 2, 2011, 9:00 a.m.]

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**Modifications and Consolidation of Residual Waste General Permits WMGR119, WMGR121 and WMGR123; Extension of Comment Period**

*Permit Modification Proposed 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 Numbers WMGR119, WMGR121 and WMGR123.** A notice of proposed consolidation of the three general permits and modification of the conditions was published at 41 Pa.B. 4256 (August 6, 2011). The Department of Environmental Protection (Department) is extending the public comment period by 30 days. Comments will be accepted through October 5, 2011.

The proposed permit modifications are available on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) under the Public Participation Center, select "Proposals Currently Open for Comment." Comments concerning the application should be directed to Scott E. Walters, 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 through the Pennsylvania AT&T Relay Service (800) 654-5984. Public comments must be submitted by October 5, 2011, and may recommend revisions to and approval or denial of the application.

Persons with questions concerning the general permit modifications may contact Scott E. Walters at [scwalters@pa.gov](mailto:scwalters@pa.gov) or at the telephone number listed previously.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-1508. Filed for public inspection September 2, 2011, 9:00 a.m.]

### Pennsylvania Sewage Advisory Committee Meeting Cancellation

The Pennsylvania Sewage Advisory Committee meeting scheduled for Wednesday, September 14, 2011, has been canceled. The next meeting is scheduled for Wednesday, November 9, 2011, in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, at 10:30 a.m. For information, contact John Diehl at (717) 787-8184 or e-mail [jdiehl@pa.gov](mailto:jdiehl@pa.gov).

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-1509. Filed for public inspection September 2, 2011, 9:00 a.m.]

### Storage Tank Advisory Committee Meeting Cancellation

The September 13, 2011, meeting of the Storage Tank Advisory Committee (Committee) is cancelled. The next meeting is scheduled for December 6, 2011, at 10 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg PA 17105.

Questions concerning the next scheduled meeting of the Committee can be directed to Charles M. Swokel at (717) 772-5806 or e-mail [cswokel@pa.gov](mailto:cswokel@pa.gov). The agenda and meeting materials for the December 6, 2011, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.pa.us> (DEP Keywords: "Public Participation, Participate").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-5551 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-1510. Filed for public inspection September 2, 2011, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Albert Einstein Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Albert Einstein Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.12-3.2.2.1 (relating to treatment areas/therapy room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-1511. Filed for public inspection September 2, 2011, 9:00 a.m.]

### Applications for Exception to 28 Pa. Code § 569.35

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 569.35 (relating to general safety precautions).

New Britain Surgery Center  
Radiance Surgery Center

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov).

The facilities are requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Services at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-1512. Filed for public inspection September 2, 2011, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.18(e) (relating to management):

Nugent Convalescent Home  
500 Clarksdale Road  
Hermitage, PA 16148  
FAC ID 140702

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.6(a) and 205.67(j)(k) (relating to function of building; and electric requirements for existing and new construction).

Chapel Pointe at Carlisle  
770 South Hanover Street  
Carlisle, PA 17013

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-1513. Filed for public inspection September 2, 2011, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Liquefied Petroleum Gas Facility; Notice of Application

The Department of Labor and Industry (Department) publishes this notice of application under section 10 of the Propane and Liquefied Petroleum Gas Act (35 P.S. § 1329.10). The Department received two applications for plan approval and permit from the following liquefied

petroleum gas (LPG) facility: Markwest Energy Partners, LLC, 800 Western Avenue, Washington, PA 15301.

The applications are for the expansion of an existing LPG facility that currently operates as a processing and bulk storage facility through the use of 9 30,000-gallon, 23 60,000-gallon and 2 70,000-gallon propane storage tanks and associated necessary equipment.

The first application is for the proposed Pad No. 2 expansion which will include the installation and operation of 18 90,000-gallon y-grade and propane storage tanks and associated necessary equipment, increasing the total site storage capacity to 3,410,000 gallons.

The second application is for the proposed Pad No. 3 expansion which will include the installation and operation of four 105,000-gallon and four 167,000-gallon n-Butane storage tanks and associated equipment, increasing the total site storage capacity to 4,498,000 gallons.

The due date for protests or comments concerning these applications is 45 days after the date of publication of this notice. A party that fails to file a timely protest will be barred from any participation in the application process. In lieu of a protest, a municipality or county may submit written comments on the applications within 45 days after the date of publication of this notice. If a municipality or county fails to file a protest or comments on a timely basis, the municipality or county will be deemed to have waived its status as a party in any subsequent administrative process or appeal.

Written protests or written comments may be sent to Edward L. Leister, Director, Bureau of Occupational and Industrial Safety, Department of Labor and Industry, 651 Boas Street, Room 1613, Harrisburg, PA 17121.

JULIA K. HEARTHWAY,  
*Secretary*

[Pa.B. Doc. No. 11-1514. Filed for public inspection September 2, 2011, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Pharmacy Prior Authorization

The Department of Public Welfare (Department) announces it will be requiring prior authorization of refills of prescriptions when more than 15% of an earlier-dispensed medication would remain when taken in compliance with directions and quantity prescribed. The Department currently requires prior authorization of refills when more than 25% of an earlier-dispensed medication would remain when taken in compliance with the directions and quantity prescribed. See 38 Pa.B. 4038 (July 26, 2008).

Section 443.6(b)(7) of the Public Welfare Code (62 P.S. § 443.6(b)(7)) authorizes the Department to add items and services to the list of services requiring prior authorization by publication of notice in the *Pennsylvania Bulletin*.

The Medical Assistance (MA) Program will require prior authorization for all refills dispensed on or after September 12, 2011, when more than 15% of an earlier-dispensed medication would remain when taken in compliance with the directions and quantity prescribed. For a

30-day supply of a medication, more than 15% remaining when taken in compliance with the directions and quantity prescribed equals a 5-day supply or more remaining.

The Department will issue an MA Bulletin to providers enrolled in the MA Program specifying the procedures for obtaining prior authorization of early refills of prescriptions.

#### *Fiscal Impact*

These changes are estimated to result in savings totaling \$0.594 million (\$0.269 million in State funds) in the MA Outpatient Program in Fiscal Year (FY) 2011-2012. Savings are estimated \$1.019 million (\$0.464 million in State funds) for FY 2012-2013.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revisions to these prior authorization requirements.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-712. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 11-1515. Filed for public inspection September 2, 2011, 9:00 a.m.]

## Readmission Payment Policy for Inpatient Hospitals

The Department of Public Welfare (Department) is announcing revisions to the Medical Assistance (MA) payment policy for inpatient acute care general hospital readmissions consistent with the statutory amendments to the Public Welfare Code (62 P. S. §§ 101—1503) as set forth in the act of June 30, 2011 (P. L. 89, No. 22) (Act 22).

Act 22 amends section 443.9 of the Public Welfare Code (62 P. S. § 443.9), regarding payments for readmission to a hospital paid through diagnosis—related groups, by increasing the time period for review of readmissions from 14 days to 30 days from the date of discharge. All other requirements relating to readmissions continue to apply. These requirements are as follows:

1. If the readmission is for the treatment of conditions that could or should have been treated during the previous admission, the Department shall make no payment in addition to the hospital's original payment. If the combined hospital stay qualifies as an outlier, an outlier payment shall be made.

2. If the readmission is due to complications of the original diagnosis and the result is a different diagnosis related group (DRG) with a higher payment, the Department shall pay the higher DRG payment rather than the original DRG payment.

3. If the readmission is due to conditions unrelated to the previous admission, the Department shall consider the readmission as a new admission for payment purposes.

The Department will review inpatient hospital admissions occurring within 30 days of the date of discharge of a prior admission as previously detailed.

The Department intends to promulgate regulations to amend 55 Pa. Code § 1163.57 (relating to payment policy for readmissions) to reflect the statutory changes to section 443.9 of the Public Welfare Code.

#### *Fiscal Impact*

The Fiscal Year 2011-2012 fiscal impact, as a result of this change to the MA Program payment policy for readmissions, is a savings of \$0.826 million (\$0.371 million in State General Funds and \$0.455 million in Federal Funds upon approval by the Centers for Medicare and Medicaid Services).

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision to this notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,  
*Secretary*

**Fiscal Note:** 14-NOT-713. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 11-1516. Filed for public inspection September 2, 2011, 9:00 a.m.]

## DEPARTMENT OF REVENUE

[Correction]

### Method of Filing; Pennsylvania Corporate Tax Report, RCT-101

An error occurred in the notice which appeared at 41 Pa.B. 4725 (August 27, 2011). The mailing date for a request for a waiver in the last paragraph was stated incorrectly. The correct version of the notice is as follows:

The Secretary of the Department of Revenue (Department) issues this notice under the provisions of section 10 of the Fiscal Code (72 P. S. § 10) (Act 2009-50). This notice is effective immediately and applies to reports filed for tax years beginning on or after January 1, 2011, during calendar years beginning on or after January 1, 2012.

#### *Filing Mandate—Pennsylvania Corporate Tax Report, RCT-101*

For all calendar years following a calendar year in which a third party preparer prepares 50 or more Pennsylvania Corporate Tax Reports, the third party preparer is required to electronically file (e-file) in the manner prescribed by Departmental instructions all such Pennsylvania Corporate Tax Reports. Once a third party preparer is subject to this filing mandate, the third party preparer shall continue to be subject to the mandate regardless of

how many Pennsylvania Corporate Tax Reports he or she prepares during a calendar year.

A third party preparer who is subject to this filing mandate must have tax software that is compatible with Department e-filing requirements.

*Rules Applicable to the Filing Mandate*

(a) *Third Party Preparer.* For purposes of this notice, the phrase “third party preparer” means any natural person, fiduciary, corporation or other entity who or that prepares for remuneration, or who employs one or more persons to prepare for remuneration, any return for a tax administered by the Department or is assigned a Preparer Tax Identification Number (PTIN) by the Internal Revenue Service. None of the following, however, are considered third party preparers for remuneration: (1) Tax return preparers who voluntarily prepare the returns of others for no pecuniary benefit. (2) Persons who merely provide mechanical assistance such as typing. (3) Regular employees of an employer who prepare returns for other regular employees of the employer or the employer’s officers and regular employees. (4) Fiduciaries who prepare returns for the trusts or estates that they serve.

(b) *50 Report Threshold.* A third party preparer must include all Pennsylvania Corporate Tax Reports that the third party preparer, or his or her members, or employees prepare and submit to the Department. This amount includes all original and amended, resident or non-resident, full-year or part-year reports to the extent that such report can be e-filed with the Department. If a third party preparer has multiple business locations, the combined total of all the reports for all locations are included.

*Penalty*

A third party preparer who fails to file Pennsylvania Corporate Tax Reports by the method required under this notice shall be subject to a penalty of one percent of the tax due on the improperly filed report up to a maximum of five hundred dollars (\$500), but not less than ten dollars (\$10).

*Penalty Waiver*

(a) The Department will waive the penalty applicable to a report that is not filed pursuant to this filing mandate in the following situations:

(1) The taxpayer has specifically directed the third party preparer to file the report pursuant to a different filing method than mandated in this notice. This directive must be in a written form, signed by an officer of the corporation, and provided to the Department upon request.

(2) The preparer’s tax software does not support e-filing of a required attachment to the report.

(b) The Department, at its discretion, may waive the penalties applicable to reports that are not filed as prescribed in this notice if the Department determines the filing mandate of this notice constitutes undue hardship on the third party preparer. The third party preparer must submit a written request for the waiver for every calendar year. The request must clearly explain why the filing method causes an undue hardship. A request for a waiver shall be mailed to the Department at the following address by November 1st of the preceding calendar year for which the waiver is requested:

Department of Revenue  
Bureau of Corporation Taxes  
Director’s Office  
P. O. Box 280700  
Harrisburg, PA 17128-0700

DANIEL MEUSER,  
*Secretary*

[Pa.B. Doc. No. 11-1476. Filed for public inspection August 26, 2011, 9:00 a.m.]

[Correction]

**Method of Filing; Pennsylvania Personal Income Tax Return, PA-40**

An error occurred in the notice which appeared at 41 Pa.B. 4726 (August 27, 2011). The mailing date for a request for a waiver in the last paragraph was stated incorrectly. The correct version of the notice is as follows:

The Secretary of the Department of Revenue (Department) issues this notice under the provisions of section 10 of the Fiscal Code (72 P.S. § 10) (Act 2009-50). This notice is effective immediately and applies to returns filed in calendar years beginning on or after January 1, 2012.

*Filing Mandate—Pennsylvania Personal Income Tax Return, PA-40*

For all calendar years following a calendar year in which a third party preparer prepares 50 or more Pennsylvania Personal Income Tax Returns, the third party preparer is required to electronically file (e-file) in the manner prescribed by Departmental instructions all such Pennsylvania Personal Income Tax Returns. Once a third party preparer is subject to this filing mandate, the third party preparer shall continue to be subject to the mandate regardless of how many Pennsylvania Personal Income Tax Returns he or she prepares during a calendar year.

A third party preparer who is subject to this filing mandate must have tax software that is compatible with Department e-filing requirements.

*Rules Applicable to the Filing Mandate*

(a) *Third Party Preparer.* For purposes of this notice, the phrase “third party preparer” means any natural person, fiduciary, corporation or other entity who or that prepares for remuneration, or who employs one or more persons to prepare for remuneration, any return for a tax administered by the Department or is assigned a Preparer Tax Identification Number (PTIN) by the Internal Revenue Service. None of the following, however, are considered third party preparers for remuneration: (1) Tax return preparers who voluntarily prepare the returns of others for no pecuniary benefit; (2) Persons who merely provide mechanical assistance such as typing; (3) Regular employees of an employer who prepare returns for other regular employees of the employer or the employer’s officers and regular employees; (4) Fiduciaries who prepare returns for the trusts or estates that they serve.

(b) *50 Return Threshold.* A third party preparer must include all Pennsylvania Personal Income Tax Returns that the third party preparer or his or her members, or employees prepare and submit to the Department. This amount includes all original and amended, resident or non-resident, full-year or part-year returns to the extent that such return can be e-filed with the Department. If a

third party preparer has multiple business locations, the combined total of all the returns for all locations are included.

#### *Penalty*

A third party preparer who fails to file a Pennsylvania Personal Income Tax Return by the method required under this notice shall be subject to a penalty of one percent of the tax due on the improperly filed return up to a maximum of five hundred dollars (\$500), but not less than ten dollars (\$10).

#### *Penalty Waiver*

(a) The Department will waive the penalty applicable to a return that is not filed pursuant to this filing mandate in the following situations:

(1) The taxpayer has specifically directed the third party preparer to file the return pursuant to a different filing method than mandated in this notice. The taxpayer's directive must be indicated on the return.

(2) The preparer's tax software does not support e-filing of a required attachment to the return.

(b) The Department, at its discretion, may waive the penalties applicable to returns that are not filed as prescribed in this notice, if the Department determines the filing mandate of this notice constitutes undue hardship on the third party preparer. The third party preparer must submit a written request for the waiver for every calendar year. The request must clearly explain why the filing method causes an undue hardship. A request for a waiver shall be mailed to the Department at the following address by November 1st of the preceding calendar year for which the waiver is requested.

Department of Revenue  
Bureau of Individual Taxes  
Director's Office  
DEPT 280605  
Harrisburg, PA 17128-0605

DANIEL MEUSER,  
*Secretary*

[Pa.B. Doc. No. 11-1477. Filed for public inspection August 26, 2011, 9:00 a.m.]

### **Pennsylvania Jack O'Lantern Jackpot '11 Instant Lottery Game**

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Jack O'Lantern Jackpot '11.

2. *Price:* The price of a Pennsylvania Jack O'Lantern Jackpot '11 instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Jack O'Lantern Jackpot '11 instant lottery game ticket will contain one play area. The play symbols and their captions printed in black ink and located in the play area are: Bat (BAT) symbol, Black Cat (BLKCAT) symbol, Candelabra (CNDLBR) symbol, Cauldron (CAULDRN) symbol, Frog (FROG) symbol, Ghost (GHOST) symbol, Hat (HAT) symbol, 13 (THRTN) symbol, Money Bag (\$BAG) symbol, Moon (MOON) symbol, Monster (MONSTER) symbol, Owl (OWL) symbol, Snake (SNAKE) symbol, Skull (SKULL)

symbol, Spider (SPIDER) symbol and a Candy Corn (CANDY) symbol. The play symbols and their captions printed in orange ink and located in the play area are: Bat (BAT) symbol, Black Cat (BLKCAT) symbol, Candelabra (CNDLBR) symbol, Cauldron (CAULDRN) symbol, Frog (FROG) symbol, Ghost (GHOST) symbol, Hat (HAT) symbol, 13 (THRTN) symbol, Money Bag (\$BAG) symbol, Moon (MOON) symbol, Monster (MONSTER) symbol, Owl (OWL) symbol, Snake (SNAKE) symbol, Skull (SKULL) symbol, Spider (SPIDER) symbol and a Pumpkin (PUMPKIN) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$8<sup>00</sup> (EGT DOL), \$9<sup>00</sup> (NIN DOL), \$13<sup>00</sup> (THRTN), \$20<sup>00</sup> (TWENTY), \$27<sup>00</sup> (TWY SVN), \$31<sup>00</sup> (TRY ONE), \$45<sup>00</sup> (FRY FIV), \$100 (ONE HUN), \$300 (THR HUN), \$900 (NIN HUN), \$3,000 (THR THO) and \$31,000 (TRYONETHO).

5. *Prizes:* The prizes that can be won in this game are: \$1, Free \$2 Ticket, \$2, \$3, \$4, \$5, \$8, \$9, \$13, \$20, \$27, \$31, \$45, \$100, \$300, \$900, \$3,000 and \$31,000. The player can win up to 10 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,240,000 tickets will be printed for the Pennsylvania Jack O'Lantern Jackpot '11 instant lottery game.

#### *7. Determination of Prize Winners:*

(a) Holders of tickets with a Candy Corn (CANDY) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$31,000 (TRYONETHO) appears in the "prize" area under that Candy Corn (CANDY) symbol, on a single ticket, shall be entitled to a prize of \$31,000.

(b) Holders of tickets with a Candy Corn (CANDY) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$3,000 (THR THO) appears in the "prize" area under that Candy Corn (CANDY) symbol, on a single ticket, shall be entitled to a prize of \$3,000.

(c) Holders of tickets with a Candy Corn (CANDY) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$900 (NIN HUN) appears in the "prize" area under that Candy Corn (CANDY) symbol, on a single ticket, shall be entitled to a prize of \$900.

(d) Holders of tickets with a Candy Corn (CANDY) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$300 (THR HUN) appears in the "prize" area under that Candy Corn (CANDY) symbol, on a single ticket, shall be entitled to a prize of \$300.

(e) Holders of tickets with a Candy Corn (CANDY) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under that Candy Corn (CANDY) symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets with a Candy Corn (CANDY) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$45<sup>00</sup> (FRY FIV) appears in the "prize" area under that Candy Corn (CANDY) symbol, on a single ticket, shall be entitled to a prize of \$45.

(g) Holders of tickets with a Candy Corn (CANDY) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$31<sup>00</sup> (TRY



ONE) appears in the “prize” area under that Candy Corn (CANDY) symbol, on a single ticket, shall be entitled to a prize of \$31.

(h) Holders of tickets with a Pumpkin (PUMPKIN) symbol in the play area, with the symbol and caption printed in orange ink, and a prize symbol of \$31<sup>.00</sup> (TRY ONE) appears in the “prize” area under that Pumpkin (PUMPKIN) symbol, on a single ticket, shall be entitled to a prize of \$31.

(i) Holders of tickets with a Candy Corn (CANDY) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$27<sup>.00</sup> (TWO SVN) appears in the “prize” area under that Candy Corn (CANDY) symbol, on a single ticket, shall be entitled to a prize of \$27.

(j) Holders of tickets with a Candy Corn (CANDY) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$20<sup>.00</sup> (TWENTY) appears in the “prize” area under that Candy Corn (CANDY) symbol, on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets with a Candy Corn (CANDY) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$13<sup>.00</sup> (THRTN) appears in the “prize” area under that Candy Corn (CANDY) symbol, on a single ticket, shall be entitled to a prize of \$13.

(l) Holders of tickets with a Candy Corn (CANDY) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$9<sup>.00</sup> (NIN DOL) appears in the “prize” area under that Candy Corn (CANDY) symbol, on a single ticket, shall be entitled to a prize of \$9.

(m) Holders of tickets with a Candy Corn (CANDY) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$8<sup>.00</sup> (EGT DOL) appears in the “prize” area under that Candy Corn (CANDY) symbol, on a single ticket, shall be entitled to a prize of \$8.

(n) Holders of tickets with a Candy Corn (CANDY) symbol in the play area, with the symbol and caption

printed in black ink, and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears in the “prize” area under that Candy Corn (CANDY) symbol, on a single ticket, shall be entitled to a prize of \$5.

(o) Holders of tickets with a Candy Corn (CANDY) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$4<sup>.00</sup> (FOR DOL) appears in the “prize” area under that Candy Corn (CANDY) symbol, on a single ticket, shall be entitled to a prize of \$4.

(p) Holders of tickets with a Candy Corn (CANDY) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$3<sup>.00</sup> (THR DOL) appears in the “prize” area under that Candy Corn (CANDY) symbol, on a single ticket, shall be entitled to a prize of \$3.

(q) Holders of tickets with a Candy Corn (CANDY) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$2<sup>.00</sup> (TWO DOL) appears in the “prize” area under that Candy Corn (CANDY) symbol, on a single ticket, shall be entitled to a prize of \$2.

(r) Holders of tickets with a Candy Corn (CANDY) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of FREE (TICKET) appears in the “prize” area under that Candy Corn (CANDY) symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Jack O’Lantern Jackpot ’11 instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

(s) Holders of tickets with a Candy Corn (CANDY) symbol in the play area, with the symbol and caption printed in black ink, and a prize symbol of \$1<sup>.00</sup> (ONE DOL) appears in the “prize” area under that Candy Corn (CANDY) symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*Scratch The Jack O’Lantern Face, Reveal A “CANDY CORN” (CANDY) Symbol, Win Prize Shown For That Symbol. Win With Prize(s) Of:*

	Win	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 6,240,000 Tickets
FREE	FREE \$2 TICKET	12.5	499,200
\$1 × 2	\$2	150	41,600
\$2	\$2	150	41,600
\$1 × 3	\$3	75	83,200
\$2 + \$1	\$3	50	124,800
\$3	\$3	75	83,200
\$1 × 4	\$4	150	41,600
\$2 × 2	\$4	150	41,600
\$4	\$4	150	41,600
\$1 × 5	\$5	150	41,600
(\$2 × 2) + \$1	\$5	150	41,600
\$3 + \$2	\$5	300	20,800
\$5	\$5	300	20,800
\$2 × 4	\$8	1,500	4,160
\$4 × 2	\$8	107.14	58,240
\$5 + \$3	\$8	375	16,640
\$8	\$8	1,500	4,160
\$1 × 9	\$9	750	8,320
\$3 × 3	\$9	500	12,480
(\$2 × 2) + \$5	\$9	750	8,320

Scratch The Jack O'Lantern Face,  
Reveal A "CANDY CORN" (CANDY)  
Symbol, Win Prize Shown For That  
Symbol. Win With Prize(s) Of:

	Win	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 6,240,000 Tickets
\$5 + \$4	\$9	1,500	4,160
\$9	\$9	750	8,320
(\$2 × 5) + \$3	\$13	750	8,320
(\$3 × 3) + \$4	\$13	750	8,320
\$9 + \$4	\$13	1,500	4,160
\$8 + \$5	\$13	750	8,320
\$8 + \$3 + \$2	\$13	1,500	4,160
\$13	\$13	750	8,320
\$2 × 10	\$20	1,714	3,640
\$4 × 5	\$20	1,600	3,900
\$5 × 4	\$20	1,600	3,900
(\$9 × 2) + \$2	\$20	2,000	3,120
\$13 + \$5 + \$2	\$20	2,000	3,120
\$20	\$20	2,000	3,120
\$3 × 9	\$27	2,400	2,600
(\$4 × 5) + \$5 + \$2	\$27	2,400	2,600
\$9 × 3	\$27	2,400	2,600
\$13 + \$9 + \$5	\$27	2,667	2,340
\$27	\$27	2,667	2,340
\$31 w/PUMPKIN	\$31	2,400	2,600
(\$5 × 5) + (\$3 × 2)	\$31	2,400	2,600
(\$13 × 2) + \$5	\$31	2,400	2,600
\$27 + \$4	\$31	2,667	2,340
\$31	\$31	2,667	2,340
(\$31 w/ PUMPKIN) + \$9 + \$5	\$45	4,000	1,560
\$5 × 9	\$45	4,000	1,560
(\$9 × 3) + \$13 + \$5	\$45	4,000	1,560
(\$20 × 2) + \$5	\$45	4,000	1,560
\$27 + \$13 + \$5	\$45	3,000	2,080
\$45	\$45	3,000	2,080
[((\$31 w/PUMPKIN) × 3) + \$5 + \$2	\$100	6,000	1,040
(\$31 w/PUMPKIN) + \$45 + \$20 + \$4	\$100	6,000	1,040
(\$9 × 8) + \$20 + \$8	\$100	6,000	1,040
\$20 × 5	\$100	6,000	1,040
\$100	\$100	6,000	1,040
[((\$31 w/PUMPKIN) × 5) + \$100 + \$45	\$300	60,000	104
\$100 × 3	\$300	120,000	52
\$300	\$300	120,000	52
\$300 × 3	\$900	120,000	52
\$900	\$900	120,000	52
\$300 × 10	\$3,000	312,000	20
\$3,000	\$3,000	312,000	20
\$31,000	\$31,000	480,000	13

Reveal a "PUPKIN" (PUMPKIN) symbol, win \$31 instantly.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Jack O'Lantern Jackpot '11 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Jack O'Lantern Jackpot '11, prize money from winning Pennsylvania Jack O'Lantern Jackpot '11 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within one year of the announced close of the Pennsylvania Jack O'Lantern Jackpot '11 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the

State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Jack O'Lantern Jackpot '11 or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 11-1517. Filed for public inspection September 2, 2011, 9:00 a.m.]

**Public Utility Realty Tax Act (PURTA); Surcharge Rate Notice for the Tax Year Beginning January 1, 2012**

72 P. S. § 8111-A(d) requires the Secretary of Revenue to publish the rate of the Public Utility Realty Tax Act (PURTA) surcharge in the form of a notice in the *Pennsylvania Bulletin* by October 1, 2003, and by each October 1 thereafter. The tax rate established in 72 P. S. § 8111-A(d) shall be imposed upon gross receipts taxes as provided in 72 P. S. § 8111-A(d) for the period beginning the next January 1.

The result of the PURTA surcharge calculation provided in 72 P. S. § 8111-A for the tax year beginning January 1, 2012, is zero mills. Therefore, no PURTA surcharge under 72 P. S. § 8111-A(d) will be imposed for the taxable period beginning January 1, 2012.

DANIEL MEUSER,  
*Secretary*

[Pa.B. Doc. No. 11-1518. Filed for public inspection September 2, 2011, 9:00 a.m.]

**DEPARTMENT OF TRANSPORTATION**

**Application for Lease of Right-of-Way**

Under 67 Pa. Code § 495.4(d) (relating to application procedure), an application to lease highway right-of-way has been submitted to the Department of Transportation by the Borough of Collegeville, 491 East Main Street, Collegeville, PA 19426-2645.

The Borough of Collegeville is seeking to lease highway right-of-way located at the intersection of PA Rt. 29 and Main Street in Collegeville Borough, Montgomery County, approximately 13,816.08 ± square feet/hectares, adjacent to SR 0029, Section(s) OL1, for purposes of Collegeville Gateway, benches and trees.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Lester

Toaso, District Executive, Engineering District 6-0. 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525.

Questions regarding this application or the proposed use may be directed to Mary C. Lambright, Real Estate Specialist, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, (610) 205-6507.

BARRY J. SCHOCH, P.E.,  
*Secretary*

[Pa.B. Doc. No. 11-1519. Filed for public inspection September 2, 2011, 9:00 a.m.]

**ENVIRONMENTAL HEARING BOARD**

**Leonard Benyak v. DEP and Ursina Borough, Permittee; EHB Doc. No. 2011-120-L**

Leonard Benyak has appealed the issuance by the Department of Environmental Protection of an NPDES Permit to Ursina Borough for Ursina Borough STP facility, located in Ursina Borough, Somerset County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 11-1520. Filed for public inspection September 2, 2011, 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 Act (71 P. S. § 645.5b).

The Commission has issued comments on the following proposed regulations. The agencies must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
125-148	Pennsylvania Gaming Control Board Table Game Rules for Roulette, Big Six Wheel and Casino War 41 Pa.B. 3000 (June 11, 2011)	7/11/11	8/10/11

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
125-149	Pennsylvania Gaming Control Board Table Game Rules for Pai Gow, Craps and Mini-Craps and Sic Bo 41 Pa.B. 2981 (June 11, 2011)	7/11/11	8/10/11

**Pennsylvania Gaming Control Board  
Regulation #125-148 (IRRC #2895)**

**Table Game Rules for Roulette, Big Six  
Wheel and Casino War**

**August 10, 2011**

We submit for your consideration the following comments on the proposed rulemaking published in the June 11, 2011 *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. Implementation procedures.**

This proposed rulemaking includes references to regulations that have not been promulgated. The sections of this rulemaking that include the references are: §§ 617a.3(e)(1)(i); 651a.4(e); 651a.5(a) and 651a.7(e). It is our understanding that the references are to other Board table game regulations that will be promulgated in the near future. We are concerned that this rulemaking will be finalized before the other regulations are finalized. If this occurs, it could lead to a confusing regulatory environment for those that must comply with the rulemaking. In the Preamble to the final version of this rulemaking, we ask the Board to explain its plan for promulgating all of these regulations in a manner that ensures all references are valid.

**2. Clarity and lack of ambiguity.**

Throughout this proposed rulemaking, licensed facilities that hold table game operation certificates (certificate holders) are required to obtain certain approvals from either the Board's Bureau of Gaming Operations or the Bureau of Casino Compliance. For example, § 617a.1(c) states, "The color of each compartment must either be a corresponding color to those depicted on the ring or a neutral color approved by the Bureau of Gaming Operations." We are concerned that the proposed rulemaking does not include the procedures for obtaining the necessary approvals. To assist the regulated community in understanding how to submit the requests for certain approvals, we suggest that the final form regulation include the procedures or appropriate cross-reference to where the procedures can be found. We have identified the following sections that contain references to approvals:

- § 617a.1(c)
- § 617a.1(d)
- § 617a.1(e)(1)
- § 617a.1(f)
- § 617a.1(g)
- § 619a.1(c)
- § 619a.1(f)

- § 619a.1(g)
- § 651a.2(b)
- § 651a.2(c)
- § 651a.5(h)(2)(i)
- § 651a.5(h)(2)(ii)

**CHAPTER 619a. BIG SIX WHEEL**

**3. Section 619a.1. Big Six Wheel layout; physical characteristics.—Need.**

Subsection (d) requires each section of the Big Six Wheel to display the payout odds. A commentator has noted that this provision is not needed because Section 619a.1(g)(3) requires the payout odds to be displayed on the Big Six Wheel table. We agree that this requirement is redundant and ask the Board to delete the requirement in Subsection (d) or provide an explanation of why it is needed.

**4. Section 619.2. Wagers and rotation of the wheel.—Reasonableness.**

If the clapper of a Roulette wheel comes to rest between two numbers, Subsection (d) requires the dealer to respin the wheel. The original spin is considered void. What rules or regulations do other gaming jurisdictions have in place for this type of outcome for the spin of a Roulette wheel? Has the Board considered the alternative offered by a commentator that would declare the preceding number to be the winning number?

**CHAPTER 651a. CASINO WAR**

**5. Continuous shuffler devices.—Implementation procedures.**

A commentator has suggested that this Chapter be amended to allow certificate holders the option of using continuous shuffler devices for Casino War play. They note that it would improve the speed of play and that other gaming jurisdictions use continuous shufflers. Has the Board considered allowing certificate holders the option of using continuous shufflers for Casino War? Would adding this flexibility provide any betting advantage to the certificate holder?

**6. Section 651a.2. Casino War table; physical characteristics.—Reasonableness.**

Subsection (a) states that a Casino War table shall have no more than seven players on one side of the table and a place for the dealer on the other side of the table. A commentator has suggested that the number of players allowed be increased to ten. Is the Board aware of any demand for an increase of this nature? Would increasing the number of players jeopardize the integrity of gaming in any way or provide a betting advantage to the casino?

**Pennsylvania Gaming Control Board Regulation  
#125-149 (IRRC #2896)**

**Table Game Rules for Pai Gow, Craps  
and Mini-Craps and Sic Bo**

**August 10, 2011**

We submit for your consideration the following comments on the proposed rulemaking published in the June 11, 2011 *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. Implementation procedures.**

This proposed rulemaking includes references to regulations that have not been promulgated. The sections of this rulemaking that include the references are: §§ 621a.9; 621a.11(a); 621a.11(e); 621a.12(f); 621a.13(a); 623a.3(a)(41); 623a.3(a)(42); 623a.5(f) and 625a.2(b). It is our understanding that the references are to other Board table game regulations that will be promulgated in the near future. We are concerned that this rulemaking will be finalized before the other regulations are finalized. If this occurs, it could lead to a confusing regulatory environment for those that must comply with the rulemaking. In the Preamble to the final version of this rulemaking, we ask the Board to explain its plan for promulgating all of these regulations in a manner that ensures all references are valid.

**2. Clarity and lack of ambiguity.**

Throughout this proposed rulemaking, licensed facilities that hold a table game operation certificate (certificate holders) are required to obtain certain approvals from either the Board's Bureau of Gaming Operations or the Bureau of Casino Compliance. For example, § 621a.2(b) states, in part, the following: "The layout for a Pai Gow table shall be approved by the Bureau of Gaming Operations. . . ." We are concerned that the proposed rulemaking does not include the procedures for obtaining the necessary approvals. To assist the regulated community in understanding how to submit the requests for certain approvals, we suggest that the final form regulation include the procedures or appropriate cross-reference to where the procedures can be found. We have identified the following sections that contain references to approvals:

- § 621a.2(b)
- § 621a.2(c)
- § 621a.2(d)
- § 621a.2(e)
- § 623a.2(d)
- § 623a.2(e)
- § 623a.2(f)(1)
- § 623a.2(f)(2)
- § 623a.2(f)(3)
- § 625a.1(a)
- § 625a.1(b)
- § 625a.1(c)
- § 625a.1(d)
- § 625a.1(d)(2)
- § 625a.1(d)(2)(ii)

**CHAPTER 621a. PAI GOW**

**3. Section 621a.3. Pai Gow tiles; physical characteristics.—Need; Fiscal impact.**

Subsection (e) requires tiles used for the play of Pai Gow to be changed at least every 12 hours. A commentator has noted that this requirement imposes a cost, but does not increase the integrity of gaming. We ask the Board to explain the need for this requirement and to quantify the cost for each certificate holder that offers the game of Pai Gow.

**CHAPTER 623a. CRAPS AND MINI-CRAPS**

**4. Section 623a.3. Permissible wagers.—Reasonableness.**

Subsection (a)(42) states that a Lay Bet will be inactive on a come out roll unless called "on" by the player and confirmed by the dealer. A commentator believes that a Lay Bet should always be active because that is the industry standard. In the Preamble to the final-form regulation, we ask the Board to explain why Lay Bets are inactive unless called "on" by the player.

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 11-1521. Filed for public inspection September 2, 2011, 9:00 a.m.]

## INSURANCE DEPARTMENT

**Allstate Property and Casualty Insurance Company; Home Owners; Rate Revisions**

The Insurance Department erroneously published at 41 Pa.B. 4595 (August 20, 2011) a notice with Allstate Fire and Casualty Insurance Company listed as the filing company; the correct company should have been stated as Allstate Property and Casualty Insurance Company. The remaining content of the notice was published correctly. For further information, contact Xiaofeng Lu, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, xlu@pa.gov.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1522. Filed for public inspection September 2, 2011, 9:00 a.m.]

**Capital BlueCross and Capital Advantage Insurance Company; Comprehensive Major Medical Benefit Contract with a \$750 Deductible or \$1,500 Deductible for HIPAA and HCTC Eligible Individuals; Rate Filing**

By filing 11-38, Capital BlueCross and Capital Advantage Insurance Company requested approval to adjust the premium rates for the Individual Direct Pay Comprehensive Major Medical Benefit Program. The requested average rate increase is 7.7% and applies to the Plans' 21-county Central Pennsylvania and Lehigh Valley service area. The proposed rate increase would affect approximately 645 contracts and would produce additional annual income of about \$464,000. The requested effective date of the change is January 1, 2012.

Unless formal administrative action is taken prior to November 17, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under "How to Find..." click on "View Current Rate Filings."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [rmathur@pa.gov](mailto:rmathur@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1523. Filed for public inspection September 2, 2011, 9:00 a.m.]

**Capital BlueCross and Capital Advantage Insurance Company; Comprehensive Major Medical Benefit Contract with a \$1,500 Deductible (Non-HIPAA); Rate Filing**

By filing 11-37, Capital BlueCross and Capital Advantage Insurance Company requested approval to adjust the premium rates for the Individual Direct Pay Comprehensive Major Medical Benefit Program. The requested average rate increase is 9.9% and applies to the Plans' 21-county Central Pennsylvania and Lehigh Valley service area. The proposed rate increase would affect approximately 5,345 contracts and would produce additional annual income of about \$2.9 million. The requested effective date of the change is January 1, 2012.

Unless formal administrative action is taken prior to November 17, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under "How to Find..." click on "View Current Rate Filings."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [rmathur@pa.gov](mailto:rmathur@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1524. Filed for public inspection September 2, 2011, 9:00 a.m.]

**Children's Health Insurance Program; Benefit Changes and State Plan Amendment; Notice No. 2011-08**

The Insurance Department (Department) has or will implement several benefit changes and other changes. The Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) (Pub. L. No. 111-3), which reauthorized the Children's Health Insurance Program (CHIP), requires several of these changes and, along with the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010, provides other options for states to include in their State Plans. Consistent with Federal law, the mandated benefit and administrative changes, along with some other planned changes, were included in a proposed State Plan Amendment announced at 40 Pa.B. 7165 (December 11, 2010) and submitted to the Centers for Medicare and Medicaid Services (CMS) on December 20, 2010. After modification to add certain dental benefits and to delete a provision to address section 214 of CHIPRA, CMS approved that proposed State Plan Amendment on August 12, 2011. The December 2010, proposed State Plan Amendment is available through the CHIP web site at <http://www.chipcoverspakids.com/chip-resources/resources-for-advocates-legislators-and-media/annual-reports/>. The modified State Plan Amendment that was approved by CMS on August 12, 2011, is also available through the CHIP web site.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1525. Filed for public inspection September 2, 2011, 9:00 a.m.]

**Keystone Health Plan West; Individual Conversion; Rate Filing**

On August 10, 2011, Keystone Health Plan West submitted a rate filing (1-CONV-11-KHPW) to increase the premium rates for the Conversion Product. The filing proposes a rate increase of 9.9% or \$41.26 per contract per month and will generate approximately \$456,000 of additional annual revenue. This filing will affect approximately 900 contract holders. The requested effective date of the change is January 1, 2012.

This filing also requests the following benefit changes: removal of private duty nursing; change to Progressive Rx Formulary; extended infusion therapy to be eligible with certain providers; and clarify contract language to exclude surrogate maternity.

Unless formal administrative action is taken prior to November 16, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find..." click on the link "Current Rate Filings."

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 Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, csandersjo@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1526. Filed for public inspection September 2, 2011, 9:00 a.m.]

### Notice to Medical Malpractice Insurance Carriers and Self-Insured Health Care Providers

Insurance companies that offer basic limits medical malpractice coverage are required to report medical malpractice claims information to the Insurance Department (Department) for insureds who are subject to the Medical Care Availability and Reduction of Error (MCARE) Act (act) (40 P. S. §§ 1303.101—1303.910). Organizations and physicians that self-insure their medical malpractice exposures are also required to report this claims information. These reports are required under section 743 of the act (40 P. S. § 1303.743).

The claims information must be reported to MCARE and to the Department. The following calendar year 2010 claims information is due to MCARE and the Department by October 15, 2011:

- \* The aggregate amount of premium earned.
- \* The aggregate amount of losses paid.
- \* The aggregate amount of losses incurred.
- \* The aggregate amount of loss reserves outstanding.
- \* The aggregate amount of loss adjustment expenses paid.
- \* The aggregate amount of loss adjustment expenses incurred.
- \* The aggregate amount of loss adjustment expense reserves outstanding.
- \* A table showing separately by accident year and county the number of claims first reported (or arising) in 2010.
- \* A table showing separately by accident year and disposition (that is, judgment of arbitration panel, judgment of court, settlement or other) the number of claims closed by county (or disposed) in 2010.
- \* A separate table for each type of disposition previously identified showing for claims closed (or disposed) in 2010 separately by accident year: the number of claims closed (or disposed) with payment; the total losses incurred for those claims closed with payment; and the basic coverage premiums collected.

Reports must be submitted as an Excel spreadsheet. An e-mail has been sent instructing medical malpractice carriers to submit their 2010 data.

Medical malpractice carriers who have not received a letter should contact Bojan Zorkic, Actuarial Associate,

1311 Strawberry Square, Harrisburg, PA 17120, (717) 787-6968, bzorkic@pa.gov. Questions should be directed to Bojan Zorkic.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1527. Filed for public inspection September 2, 2011, 9:00 a.m.]

### Senior Health Insurance Company of Pennsylvania; Rate Increase Filing for Several LTC Forms; Rate Filing

The Senior Health Insurance Company of Pennsylvania is requesting approval to increase the premium 25% on 1,240 policyholders with the following individual policy forms: 10955 and 11001.

Unless formal administrative action is taken prior to November 17, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at [www.ins.state.pa.gov](http://www.ins.state.pa.gov). To access the filing, under "How to Find . . ." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1528. Filed for public inspection September 2, 2011, 9:00 a.m.]

## PATIENT SAFETY AUTHORITY

### Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error Act (MCARE) Act (40 P. S. § 1303.303), announces a meeting of the Authority's Board to be held at the Sheraton Harrisburg Hershey, 4650 Lindle Road, Harrisburg, PA at 10 a.m. on Tuesday, September 13, 2011.

Individuals with questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

MICHAEL C. DOERING,  
*Executive Director*

[Pa.B. Doc. No. 11-1529. Filed for public inspection September 2, 2011, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Initial Decision Dismissing Complaint

*Fred Kurland v. Verizon Pennsylvania, Inc.; C-2010-2190283*

### INITIAL DECISION DISMISSING COMPLAINT

Before  
David A. Salapa  
Administrative Law Judge

#### HISTORY OF THE PROCEEDING

On July 26, 2010, Fred Kurland (Complainant) filed a complaint with the Pennsylvania Public Utility Commission (Commission) against Verizon Pennsylvania, Inc. (Respondent). The complaint alleges that there are incorrect charges on the Complainant's bill and that there is a reliability, safety or quality problem with the Complainant's utility service. The complaint requests that the Commission order the Respondent to rewire the Complainant's house, reimburse the Complainant for loss of service and loss of business, and credit his account. The Commission served the complaint and a letter dated July 28, 2010 on the Respondent, notifying the Respondent that a complaint had been filed against it.

Rather than file an answer to the complaint, the Respondent requested several extensions of time in order to attempt to reach the Complainant and resolve the issues set forth in his complaint. The Commission granted each of these requests by Secretarial Letters. The Commission served each of these Secretarial Letters on the parties.

The Commission served the most recent of these Secretarial Letters on the parties on January 24, 2011. The Secretarial Letter dated January 24, 2011 and served on the Complainant at the address shown on the complaint was returned to the Commission on February 17, 2011 by the United States Postal Service. On the envelope containing the Secretarial letter, the United States Postal Service attached a sticker stating "return to sender not deliverable as addressed unable to forward".

On February 24, 2011, the Respondent filed a letter with the Commission stating that the Respondent believed that the Complainant had passed away. Enclosed with the Respondent's letter is a LEXIS screen shot of a public record search showing that a person with the same name and address as the Complainant's passed away on December 25, 2010. Also enclosed with the Respondent's letter is a copy of an obituary that appeared online for an individual with the same name as the Complainant who passed away on December 25, 2010.

The letter states that prior to December 25, 2010, the Respondent's representatives had spoken to the Complainant but that since December 25, 2010, the Respondent's representatives have been unable to contact the Complainant. According to the letter, the Complainant's cell phone has been disconnected and his business lines are answered by voicemail. The Respondent mailed a letter to the Complainant's home address asking him to contact the Respondent but has received no response. The letter requests that the Commission dismiss the complaint since it appears that the Complainant has passed away.

On June 21, 2011, the Register of Wills and Clerk of the Orphans' Court Division of Delaware County filed a

letter with the Commission. This letter was apparently filed in response to a letter sent to the Register of Wills by the Commission's Secretary inquiring whether there was any record of an estate of the Complainant being probated. The letter states that the Register of Wills found no record showing that an estate had been probated.

By notice dated July 21, 2011, the Commission notified the parties that it had assigned the case to me as motions judge. For the reasons set forth below, I will dismiss the complaint.

#### FINDINGS OF FACT

1. The Complainant in this case is Fred Kurland.
2. The Respondent in this case is Verizon Pennsylvania, Inc.
3. On July 26, 2010, the Complainant filed a complaint with the Commission against the Respondent.
4. The Respondent requested several extensions of time in order to attempt to reach the Complainant and resolve the issues set forth in his complaint.
5. The Commission granted each of these requests by Secretarial Letters.
6. The Commission served each of these Secretarial Letters on the parties.
7. The Secretarial Letter dated January 24, 2011, served on the Complainant to the address shown on the complaint, was returned to the Commission on February 17, 2011, by the United States Postal Service.
8. On the envelope containing the January 24, 2011 Secretarial Letter, the United States Postal Service attached a sticker stating "return to sender not deliverable as addressed unable to forward".

#### DISCUSSION

Initially, the Respondent has requested that the Commission dismiss the Complainant's complaint because it believes that the Complainant is deceased. However, the information that the Respondent has provided in support of this assertion, a LEXIS screen shot and a copy of what appears to be an obituary for the Complainant that appeared online are hearsay, in that they are out-of-court statements offered to prove the truth of the matters therein. *Commonwealth v. Harvey*, 666 A.2d 1108 (Pa. Super. 1995). While the statute at 2 Pa.C.S. § 505 provides that Commonwealth agencies are not bound by technical rules of evidence, the Hearsay Rule is not a technical rule of evidence, but a fundamental rule of law which administrative agencies must follow, particularly when facts crucial to the issue are to be placed upon the record. *Bleilevens v. Commonwealth of Pa., State Civil Service Comm'n.*, 312 A.2d 109 (Pa. Cmwlth. 1973). Therefore, uncorroborated hearsay cannot be used to support a finding of fact. *Walker v. Unemployment Compensation Bd. of Review*, 367 A.2d 366 (Pa. Cmwlth. 1976). Since there is nothing in the record to corroborate the information provided by the Respondent, the Commission cannot make a finding in this case that the Complainant is deceased and the Commission cannot dismiss the complaint on that basis.

However, the regulation at 52 Pa. Code § 5.21(d) states that a person filing a formal complaint is entitled to a formal hearing except where the Commission determines that a hearing is not necessary or in the public interest. If the Commission concludes that a hearing is not necessary or in the public interest, the Commission may dismiss the complaint without hearing. In this case, I conclude that a hearing is not in the public interest because the Com-



plainant has failed to provide a current address and it is appropriate to dismiss the complaint without hearing.

The Complainant has a duty, pursuant to 52 Pa. Code § 1.53(d), to inform the Commission promptly of changes to his current address. The Complainant has had almost six months since the United States Postal Service returned the January 24, 2011 Secretarial Letter on February 17, 2011 to inform the Commission of his current address. The Complainant has failed to provide the Commission with his current address. The Complainant's failure to provide this information in violation of Commission regulations serves as a basis for dismissing his complaint.

The Complainant has not contacted the Commission regarding the status of his complaint or to provide the Commission with an address where it can serve him with a hearing notice. The Complainant has therefore taken no action to prosecute his claims or pursue litigation. I conclude that the Complainant's conduct in this case is obstructive to the orderly conduct of the proceeding and contrary to the public interest. Neither the Commission nor the Respondent should be obligated to expend any more time, energy, or money attempting to locate the Complainant in order to either serve him with documents or to schedule a hearing. It is appropriate under the circumstances to dismiss the Complainant's complaint.

The Complainant has failed to comply with 52 Pa. Code 1.53(d) by failing to provide the Commission with his current address. The Complainant has not contacted the Commission or taken any further action to prosecute his claims or pursue litigation. For all these reasons, I conclude that it is appropriate to dismiss the complaint. I will direct that a copy of this initial decision be published in the *Pennsylvania Bulletin* in order to serve the Complainant by publication pursuant to 52 Pa. Code § 1.53(e).

#### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter of this dispute. 66 Pa.C.S.A. § 701.
2. A party has a duty to inform the Commission promptly of changes to his current address. 52 Pa. Code § 1.53(d).
3. It is just, reasonable and in the public interest that the complaint filed at Docket No. C-2010-2190283 be dismissed.

#### ORDER

THEREFORE,  
IT IS ORDERED:

1. That the complaint of Fred Kurland at Docket No. C-2010-2190283 against Verizon Pennsylvania, Inc. is dismissed.
2. That the Secretary of the Commission serve a copy of this initial decision on Fred Kurland by publication, pursuant to 52 Pa. Code § 1.53(e), by causing a copy of this initial decision to be published in the *Pennsylvania Bulletin*.
3. That the record at Docket No. C-2010-2190283 is marked closed.

DAVID A. SALAPA,  
*Administrative Law Judge*

Date: July 26, 2011

[Pa.B. Doc. No. 11-1530. Filed for public inspection September 2, 2011, 9:00 a.m.]

#### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by September 19, 2011. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.**

**A-2011-2240960. (Corrected) Mid-Atlantic Transportation Services, Inc., t/a Mid-Atlantic Express Cab** (1401 Larch Lane, West Chester, Chester County, PA 19380)—persons, upon call or demand, in Chester County.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-1531. Filed for public inspection September 2, 2011, 9:00 a.m.]

#### Transfer of Control

**A-2011-2258734, A-2011-2258715; A-2011-2258716; A-2011-2258717; A-2011-2258718; A-2011-2258719; and A-2011-2258720. Intellifiber Networks, Inc., Cavalier Telephone Mid-Atlantic, LLC, Talk America, Inc., US LEC of Pennsylvania, LLC, PAETEC Communications, Inc., LDMI Telecommunications Inc., McLeodUSA Telecommunications Services, LLC and Windstream Corporation.** Joint application for approval of an indirect transfer of control of Intellifiber Networks, Inc., Cavalier Telephone Mid-Atlantic, LLC, Talk America, Inc., US LEC of Pennsylvania, LLC, PAETEC Communications, Inc., LDMI Telecommunications, Inc. and McLeodUSA Telecommunications Services, LLC to Windstream Corporation.

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 September 19, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Joint Applicants:* Intellifiber Networks, Inc., Cavalier Telephone Mid-Atlantic, LLC, Talk America, Inc., US LEC of Pennsylvania, LLC, PAETEC Communications, Inc., LDMI Telecommunications, Inc. and McLeodUSA Telecommunications Services

*Through and by Counsel:* Norman J. Kennard, Esquire, Regina L. Matz, Esquire, Thomas, Long, Niesen and Kennard, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-1532. Filed for public inspection September 2, 2011, 9:00 a.m.]

### Water Service

**A-2011-2258688. The York Water Company.** Application of The York Water Company for approval of the abandonment of water service to certain portions of its certificated service territory in Oxford Township, Adams County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before September 19, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* The York Water Company

*Through and By Counsel:* Michael W. Hassell, Esquire, Christopher T. Wright, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-1533. Filed for public inspection September 2, 2011, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Motor Carrier Application for Dispatch Service in the City of Philadelphia

Authority to render services as a common carrier in Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following applicant. The company has applied to dispatch medallion taxicabs in the City of Philadelphia.

**A-1027203-03. Freedom Taxi Association, LLC, t/a Freedom Taxi,** 2351 South Swanson Street, Philadelphia, PA 19148 registered with the Commonwealth of Pennsylvania on July 5, 2011.

Formal protests must be filed in accordance with 9 PPA Regs. § c.v. (see [www.philapark.org](http://www.philapark.org)). Filings must be made at the offices of TLD to the attention of Charles Milstein, Esq., 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by September 23, 2011. Documents filed in support of the applications are available for inspection at the TLD office between 9 a.m. and 4:30 p.m. Monday through Friday or

may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 11-1534. Filed for public inspection September 2, 2011, 9:00 a.m.]

## STATE BOARD OF NURSING

### Bureau of Professional and Occupational Affairs v. Tania Golche Orr, RN; Doc. No. 0250-51-2011

On June 15, 2011, Tania Golche Orr, RN, license no. RN317378L, of Uniontown, Fayette County, had her license suspended for failure to comply with a previously issued State Board of Nursing order.

Individuals may obtain a copy of the order by writing to C. William Fritz, II, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

JOSEPH J. NAPOLITANO, PhD, MPH, CRNP,  
*Chairperson*

[Pa.B. Doc. No. 11-1535. Filed for public inspection September 2, 2011, 9:00 a.m.]

## STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

### Bureau of Professional and Occupational Affairs v. Capitol One, Inc.; Doc. No. 1253-60-2011

On July 13, 2011, Capitol One, Inc., of Valley View, Schuylkill County, was suspended for failing to comply with a previously issued State Board of Vehicle Manufacturers, Dealers and Salespersons order.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

KENNETH GLOTFELTY,  
*Chairperson*

[Pa.B. Doc. No. 11-1536. Filed for public inspection September 2, 2011, 9:00 a.m.]

### Bureau of Professional and Occupational Affairs v. Country Motors ATV Cycle & Marine, LLC; Doc. No. 1055-60-2011

On July 13, 2011, Country Motors ATV Cycle & Marine, LLC, of Birdsboro, Berks County, was suspended for failing to comply with a previously issued State Board of Vehicle Manufacturers, Dealers and Salespersons order.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

KENNETH GLOTFELTY,  
*Chairperson*

[Pa.B. Doc. No. 11-1537. Filed for public inspection September 2, 2011, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.  
Jim's Auto Mart, Inc.; Doc. No. 1056-60-2011**

On July 15, 2011, Jim's Auto Mart, Inc., of North Versailles, Allegheny County, was suspended for failing to comply with a previously issued State Board of Vehicle Manufacturers, Dealers and Salespersons order.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

KENNETH GLOTFELTY,  
*Chairperson*

[Pa.B. Doc. No. 11-1538. Filed for public inspection September 2, 2011, 9:00 a.m.]

## STATE ETHICS COMMISSION

### Public Meeting

Under 65 Pa.C.S. §§ 1101—1113 (relating to Public Official and Employee Ethics Act) (act), the State Ethics Commission (Commission) is required to hold at least two public hearings each year to seek input from persons and organizations who represent any individual subject to the provisions of the act and from other interested parties.

The Commission will conduct a public meeting at the Cork Factory Hotel, 480 New Holland Avenue, Suite 3000, Lancaster, PA 17602 on September 27, 2011, at 9 a.m. for purposes of receiving input and for the conduct of other Commission business. Public officials, public employees, organizations and members of the general public may attend.

Persons seeking to testify or present any statement, information or other comments in relation to the act, the regulations of the Commission or Commission operations should contact Claire J. Hershberger at (717) 783-1610 or (800) 932-0936. Written copies of any statement should be provided at the time of the meeting.

JOHN J. CONTINO,  
*Executive Director*

[Pa.B. Doc. No. 11-1539. Filed for public inspection September 2, 2011, 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 July 1, 2011, through July 31, 2011.

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 regular mail inquiries may be sent 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) (relating to standards for consumptive uses of water) for the time period specified previously:

#### Approvals By Rule Issued Under 18 CFR 806.22(f):

1. XTO Energy Incorporated, Pad ID: Spiece Unit A, ABR-201107001, Jackson Township, Columbia County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: July 1, 2011.
2. Chesapeake Appalachia, LLC, Pad ID: Belawske, ABR-201107002, Burlington Borough, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: July 5, 2011.
3. Chesapeake Appalachia, LLC, Pad ID: SJW, ABR-201107003, Wilmot Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: July 5, 2011.
4. Chesapeake Appalachia, LLC, Pad ID: ACW, ABR-201107004, Leroy Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: July 5, 2011.
5. Seneca Resources Corporation, Pad ID: DCNR 595 Pad I 1V, ABR-201107005, Bloss Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: July 5, 2011.
6. Seneca Resources Corporation, Pad ID: DCNR 007 Pad G 10V, ABR-201107006, Shippen Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: July 5, 2011.
7. Seneca Resources Corporation, Pad ID: DCNR 100 Pad D 85V, ABR-201107007, McIntyre Township, Lycoming County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: July 5, 2011.
8. Penn Virginia Oil & Gas Corporation, Pad ID: Godshall B Pad, ABR-201107008, Hector Township, Potter County, PA; Consumptive Use of up to 4.500 mgd; Approval Date: July 5, 2011.
9. EXCO Resources (PA), LLC, Pad ID: Houseknecht Drilling Pad No. 1, ABR-201012014.1, Davidson Township, Sullivan County, PA; Consumptive Use of up to 8.000 mgd; Approval Date: July 5, 2011.
10. EXCO Resources (PA), LLC, Pad ID: Kensinger 3H Drilling Pad No. 1, ABR-20100205.1, Penn Township,

Lycoming County, PA; Consumptive Use of up to 8.000 mgd; Approval Date: July 5, 2011.

11. Energy Corporation of America, Pad ID: Whitetail No. 1-5MH, ABR-201008112.1, Goshen and Girard Townships, Clearfield County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: July 5, 2011.

12. Energy Corporation of America, Pad ID: Coldstream Affiliates No. 1MH, ABR-201007051.1, Goshen Township, Clearfield County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: July 5, 2011.

13. Carrizo Marcellus, LLC, Pad ID: Erickson Family Trust Pad, ABR-201107009, Woodward Township, Clearfield County, PA; Consumptive Use of up to 2.100 mgd; Approval Date: July 6, 2011.

14. Carrizo Marcellus, LLC, Pad ID: Cowfer B (CC-09) Pad, ABR-201107010, Gulich Township, Clearfield County, PA; Consumptive Use of up to 2.100 mgd; Approval Date: July 6, 2011.

15. Carrizo Marcellus, LLC, Pad ID: Giangrieco Pad, ABR-201107011, Forest Lake Township, Susquehanna County, PA; Consumptive Use of up to 2.100 mgd; Approval Date: July 6, 2011.

16. Carrizo Marcellus, LLC, Pad ID: Steinman Development Co. (CC-11) Pad, ABR-201107012, Rush Township, Centre County, PA; Consumptive Use of up to 2.100 mgd; Approval Date: July 6, 2011.

17. Carrizo Marcellus, LLC, Pad ID: Hegarty (CC-04) Pad, ABR-201107013, Beccaria Township, Clearfield County, PA; Consumptive Use of up to 2.100 mgd; Approval Date: July 6, 2011.

18. Carrizo Marcellus, LLC, Pad ID: River Hill Power Karthaus Pad, ABR-201107014, Karthaus Township, Clearfield County, PA; Consumptive Use of up to 2.100 mgd; Approval Date: July 6, 2011.

19. Carrizo Marcellus, LLC, Pad ID: EP Bender B (CC-03) Pad, ABR-201107015, Reade Township, Cambria County, PA; Consumptive Use of up to 2.100 mgd; Approval Date: July 6, 2011.

20. EXCO Resources (PA), LLC, Pad ID: Dale Bower Drilling Pad #1, ABR-20100214.1, Penn Township, Lycoming County, PA; Consumptive Use of up to 8.000 mgd; Approval Date: July 8, 2011.

21. XTO Energy Incorporated, Pad ID: Raymond Unit A, ABR-201107016, Pine Township, Columbia County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: July 8, 2011.

22. XTO Energy Incorporated, Pad ID: TLT Unit A, ABR-201107017, Jordan Township, Lycoming County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: July 8, 2011.

23. EOG Resources, Inc., Pad ID: HOUSER 1H Pad, ABR-201107018, Burlington Township, Bradford County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: July 8, 2011.

24. EOG Resources, Inc., Pad ID: FAY 1H Pad, ABR-201107019, Ridgebury Township, Bradford County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: July 8, 2011.

25. EOG Resources, Inc., Pad ID: NICHOLS 2H Pad, ABR-201107020, Smithfield Township, Bradford County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: July 8, 2011.

26. EOG Resources, Inc., Pad ID: STAHL 1H Pad, ABR-201107021, Smithfield Township, Bradford County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: July 8, 2011.

27. EOG Resources, Inc., Pad ID: HOLCOMBE 1H Pad, ABR-201107022, Smithfield Township, Bradford County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: July 8, 2011.

28. EOG Resources, Inc., Pad ID: CRANE Pad, ABR-201107023, Smithfield Township, Bradford County, PA; Consumptive Use of up to 4.999 mgd; Approval Date: July 8, 2011.

29. XTO Energy Incorporated, Pad ID: Free Library Unit E, ABR-201107024, Beech Creek Township, Clinton County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: July 11, 2011.

30. Penn Virginia Oil & Gas Corporation, Pad ID: Original Ten Pad, ABR-201107025, Hector Township, Potter County, PA; Consumptive Use of up to 4.500 mgd; Approval Date: July 11, 2011.

31. Penn Virginia Oil & Gas Corporation, Pad ID: Godshall A Pad, ABR-201107026, Hector Township, Potter County, PA; Consumptive Use of up to 4.500 mgd; Approval Date: July 11, 2011.

32. Seneca Resources Corporation, Pad ID: DCNR 007 Pad T 20V, ABR-201107027, Gaines Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: July 11, 2011.

33. EXCO Resources (PA), LLC, Pad ID: Doebler Drilling Pad No. 1, ABR-201012033.1, Penn Township, Lycoming County, PA; Consumptive Use of up to 8.000 mgd; Approval Date: July 11, 2011.

34. Chief Oil & Gas, LLC, Pad ID: Kuziak Drilling Pad No. 1, ABR-201107028, Fox Township, Sullivan County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: July 12, 2011.

35. Cabot Oil & Gas Corporation, Pad ID: VandermarkR P1, ABR-201107029, Dimock Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: July 12, 2011.

36. Anadarko E&P Company, LP, Pad ID: COP Tract 027B Pad A, ABR-201107030, McHenry Township, Lycoming County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: July 14, 2011.

37. Seneca Resources Corporation, Pad ID: DCNR 007 Pad D 11V, ABR-201107031, Delmar Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: July 15, 2011.

38. Seneca Resources Corporation, Pad ID: Rich Valley Pad E, ABR-201107032, Shippen Township, Cameron County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: July 15, 2011.

39. Seneca Resources Corporation, Pad ID: DCNR 595 Pad G, ABR-201107033, Blossburg Borough, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: July 15, 2011.

40. Seneca Resources Corporation, Pad ID: DCNR 007 Pad H 12V, ABR-201107034, Delmar Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: July 15, 2011.

41. Seneca Resources Corporation, Pad ID: DCNR 100 Pad B, ABR-201107035, McIntyre Township, Lycoming County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: July 15, 2011.

42. Chesapeake Appalachia, LLC, Pad ID: Layton, ABR-201107036, Litchfield Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: July 15, 2011.

43. Chesapeake Appalachia, LLC, Pad ID: Oilcan, ABR-201107037, Overton Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: July 15, 2011.

44. Chesapeake Appalachia, LLC, Pad ID: Burns, ABR-201107038, Ulster Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: July 15, 2011.

45. EQT Production Company, Pad ID: Gobbler, ABR-201107039, Huston Township, Clearfield County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: July 15, 2011.

46. EQT Production Company, Pad ID: Turkey, ABR-201107040, Huston Township, Clearfield County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: July 15, 2011.

47. EXCO Resources (PA), LLC, Pad ID: Niedzwiecki Drilling Pad No. 1, ABR-201012025.1, Sugarloaf Township, Columbia County, PA; Consumptive Use of up to 8.000 mgd; Approval Date: July 18, 2011.

48. XTO Energy Incorporated, Pad ID: Buck Unit A, ABR-201107041, Penn Township, Lycoming County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: July 21, 2011.

49. Anadarko E&P Company, LP, Pad ID: COP Tr 285 Pad E, ABR-201007074.1, Grugan Township, Clinton County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: July 26, 2011.

50. Anadarko E&P Company, LP, Pad ID: COP Tr 290 Pad A, ABR-201009043.1, McHenry Township, Lycoming County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: July 26, 2011.

51. Anadarko E&P Company, LP, Pad ID: COP Tr 289 Pad D, ABR-201008030.1, McHenry Township, Lycoming County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: July 26, 2011.

52. Southwestern Energy Production Company, Pad ID: Van Order Pad, ABR-201107042, Herrick Township, Bradford County, PA; Consumptive Use of up to 4.990 mgd; Approval Date: July 26, 2011.

53. Southwestern Energy Production Company, Pad ID: Clark Pad, ABR-201107043, Orwell Township, Bradford

County, PA; Consumptive Use of up to 4.990 mgd; Approval Date: July 26, 2011.

54. Southwestern Energy Production Company, Pad ID: Lyncott Corp Pad, ABR-201107044, New Milford Township, Susquehanna County, PA; Consumptive Use of up to 4.990 mgd; Approval Date: July 26, 2011.

55. Southwestern Energy Production Company, Pad ID: Bark'em Squirrel Pad, ABR-201107045, New Milford Township, Susquehanna County, PA; Consumptive Use of up to 4.990 mgd; Approval Date: July 26, 2011.

56. Pennsylvania General Energy Co., LLC, Pad ID: COP Tract 729 Pad E, ABR-201107046, Cummings Township, Lycoming County, PA; Consumptive Use of up to 3.500 mgd; Approval Date: July 26, 2011.

57. Chesapeake Appalachia, LLC, Pad ID: Fisher, ABR-201107047, Wysox Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: July 26, 2011.

58. Chesapeake Appalachia, LLC, Pad ID: Paul, ABR-201107048, Ulster Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: July 26, 2011.

59. Talisman Energy USA, Inc., Pad ID: 05 164 Bennett, ABR-201107049, Pike Township, Bradford County, PA; Consumptive Use of up to 6.000 mgd; Approval Date: July 26, 2011.

60. Talisman Energy USA, Inc., Pad ID: 02 153 Mountain Run Hunting Club, ABR-201107050, Union Township, Tioga County, PA; Consumptive Use of up to 6.000 mgd; Approval Date: July 26, 2011.

61. Cabot Oil & Gas Corporation, Pad ID: Dobrosielski P1, ABR-201107051, Auburn Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: July 26, 2011.

62. Southwestern Energy Production Company, Pad ID: Bernstein Pad, ABR-201107052, Clifford Township, Susquehanna County, PA; Consumptive Use of up to 4.990 mgd; Approval Date: July 26, 2011.

*Authority:* Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: August 17, 2011.

PAUL O. SWARTZ,  
*Executive Director*

[Pa.B. Doc. No. 11-1540. Filed for public inspection September 2, 2011, 9:00 a.m.]





