

# PENNSYLVANIA BULLETIN

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Board of Coal Mine Safety

Department of Banking

Department of Conservation and Natural  
Resources

Department of Environmental Protection

Department of Health

Fish and Boat Commission

Independent Regulatory Review Commission

Insurance Department

Legislative Reference Bureau

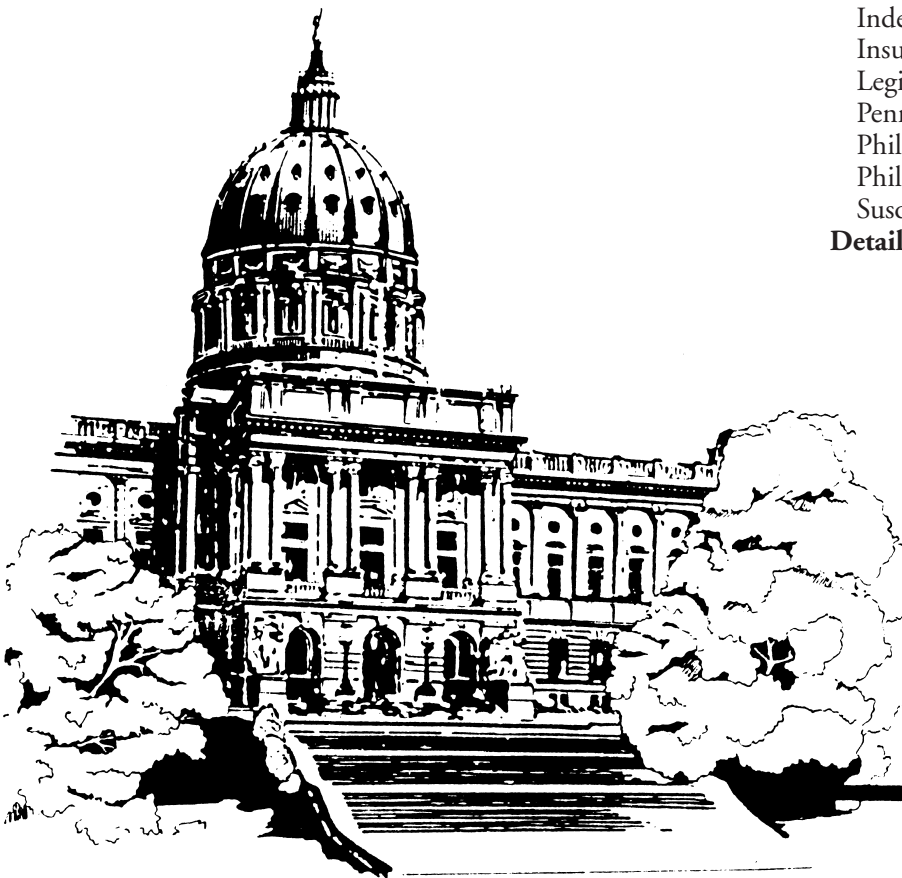
Pennsylvania Public Utility Commission

Philadelphia Parking Authority

Philadelphia Regional Port Authority

Susquehanna River Basin Commission

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

**No. 451, June 2012**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## *Pennsylvania Bulletin*

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

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

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

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

### **Adoption, Amendment or Repeal of Regulations**

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

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

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

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

### **Citation to the *Pennsylvania Bulletin***

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at [www.pacode.com](http://www.pacode.com).

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [ 204 PA. CODE CHS. 81 AND 83 ]

Amendment of Rules 204, 205, 212, 216, 217, 218, 219, 401, 502 and 531 of the Rules of Disciplinary Enforcement and Rule 1.15(u) of the Rules of Professional Conduct; No. 112 Disciplinary Rules Doc.

#### Order

*Per Curiam*

And Now, this 4th day of June, 2012, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania; the proposal having been published for public comment at 41 Pa.B. 2517 (May 21, 2011):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 204, 205, 212, 216, 217, 218, 219, 401, 502 and 531 of the Pennsylvania Rules of Disciplinary Enforcement and Rule 1.15(u) of the Pennsylvania Rules of Professional Conduct are amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in 30 days. The amendments to Pa.R.D.E. 219(f) relating to automatic assessment of non-waivable late payment penalties shall be applicable beginning with the 2013-2014 assessment year.

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart A. PROFESSIONAL RESPONSIBILITY

##### CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

##### Subchapter A. RULES OF PROFESSIONAL CONDUCT

#### § 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

#### CLIENT-LAWYER RELATIONSHIP

\* \* \* \* \*

#### Rule 1.15. Safekeeping Property.

\* \* \* \* \*

(u) Every attorney who is required to pay an active annual assessment under Rule 219 of the Pennsylvania Rules of Disciplinary Enforcement (relating to [ **periodic assessment** ] **annual registration** of attorneys[ ; **voluntary inactive status** ]) shall pay an additional annual fee of \$35.00 for use by the IOLTA Board. Such additional assessment shall be added to, and collected with and in the same manner as, the basic annual assessment, but the statement mailed by the Attorney

Registration Office pursuant to Rule 219 shall separately identify the additional assessment imposed pursuant to this subdivision. All amounts received pursuant to this subdivision shall be credited to the IOLTA Board.

\* \* \* \* \*

#### Subpart B. DISCIPLINARY ENFORCEMENT

#### CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

##### Subchapter B. MISCONDUCT

#### Rule 204. Types of discipline.

\* \* \* \* \*

(c) A reference in these rules to disbarment, suspension, temporary suspension, administrative suspension, or transfer to or assumption of retired or inactive status shall be deemed to mean, in the case of a respondent-attorney who holds a Limited In-House Corporate Counsel License, expiration of that license. A respondent-attorney whose Limited In-House Corporate Counsel License expires for any reason:

(1) shall be deemed to be a formerly admitted attorney for purposes of Rule 217 (relating to formerly admitted attorneys); and

(2) shall not be entitled to seek reinstatement under Rule 218 (relating to reinstatement) or Rule 219 (relating to [ **periodic assessment** ] **annual registration** of attorneys[ ; **voluntary inactive status** ]) and instead must reapply for a Limited In-House Corporate Counsel License under Pennsylvania Bar Admission Rule 302.

#### Rule 205. The Disciplinary Board of the Supreme Court of Pennsylvania.

\* \* \* \* \*

(c) The Board shall have the power and duty:

\* \* \* \* \*

(4) To assign as special masters three or more former members of the Board or former or retired justices or judges who are not in senior judge status. The expenses and compensation of the special masters shall be paid as a cost of disciplinary administration and enforcement. See Enforcement Rule 219(a) (relating to [ **periodic assessment** ] **annual registration** of attorneys).

\* \* \* \* \*

#### Rule 212. Substituted service.

In the event a respondent-attorney cannot be located and personally served with notices required under these rules, such notices may be served upon the respondent-attorney by addressing them to the address furnished by the respondent-attorney in the last registration statement filed by such person in accordance with Enforcement Rule 219(d) (relating to [ **periodic assessment** ] **annual registration** of attorneys) or, in the case of a foreign legal consultant, by serving them pursuant to the designation filed by the foreign legal consultant under Pennsylvania Bar Admission Rule 341(b)(8).

#### Rule 216. Reciprocal discipline and disability.

(a) Upon receipt of a certified copy of a final adjudication of any court or any body authorized by law or by rule of court to conduct disciplinary proceedings against attorneys by any state or territory of the United States or the

District of Columbia, a United States court, or a federal administrative agency or a military tribunal demonstrating that an attorney admitted to practice in this Commonwealth has been disciplined by suspension, disbarment, or revocation of license or pro hac vice admission, or has resigned from the bar or otherwise relinquished his or her license to practice while under disciplinary investigation in another jurisdiction or has been transferred to disability inactive status, the Supreme Court shall forthwith issue a notice directed to the respondent-attorney containing:

(1) a copy of the final adjudication described in paragraph (a); and

(2) an order directing that the respondent-attorney inform the Court within 30 days from service of the notice, of any claim by the respondent-attorney that the imposition of the identical or comparable discipline or disability inactive status in this Commonwealth would be unwarranted, and the reasons therefor.

The Board shall cause this notice to be served upon the respondent-attorney by mailing it to the address furnished by the respondent-attorney in the last registration statement filed by such person in accordance with Enforcement Rule 219(d) (relating to [ **periodic assessment** ] **annual registration** of attorneys) or, in the case of a foreign legal consultant, by serving it pursuant to the designation filed by the foreign legal consultant under Pennsylvania Bar Admission Rule 341(b)(8).

\* \* \* \* \*

**Rule 217. Formerly admitted attorneys.**

\* \* \* \* \*

(h) Within ten days after the effective date of an order of disbarment or suspension for a period longer than one year, the formerly admitted attorney shall surrender to the Board the certificate issued by the Attorney Registration Office under Rule 219(e) (relating to [ **periodic assessment** ] **annual registration** of attorneys[ ; **voluntary inactive status** ]) for the current year, along with any certificate of good standing issued under Pennsylvania Bar Admission Rule 201(d) (relating to certification of good standing), certificate of admission issued under Pennsylvania Bar Admission Rule 231(d)(3) (relating to action by Prothonotary), certificate of licensure issued under Pennsylvania Bar Admission Rule 341(e)(3) (relating to motion for licensure), Limited In-House Corporate Counsel License issued under Pennsylvania Bar Admission Rule 302 (relating to limited in-house corporate counsel license) or limited certificate of admission issued under Pennsylvania Bar Admission Rule 303 (relating to limited admission of military attorneys). The Board may destroy the annual certificate issued under Rule 219(e), but shall retain any other documents surrendered under this subdivision and shall return those documents to the formerly admitted attorney in the event that he or she is subsequently reinstated.

\* \* \* \* \*

**Rule 218. Reinstatement.**

(a) An attorney may not resume practice until reinstated by order of the Supreme Court after petition pursuant to this rule if the attorney was:

- (1) suspended for a period exceeding one year;
- (2) retired, on inactive status or on administrative suspension [ **for more than** ] **if the formerly admitted**

**attorney has not been on active status at any time within the past three years;**

\* \* \* \* \*

(d) The procedure for petitioning for reinstatement from: retired status for more than three years[ , ]; inactive status for more than three years [ **or** ]; administrative suspension for more than three years[ , ]; **retired status, inactive status or administrative suspension if the formerly admitted attorney has not been on active status at any time within the past three years;** or after transfer to inactive status as a result of the sale of a law practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct, is as follows:

\* \* \* \* \*

(g)(1) Upon the expiration of any term of suspension not exceeding one year and upon the filing thereafter by the formerly admitted attorney with the Board of a verified statement showing compliance with all the terms and conditions of the order of suspension and of Enforcement Rule 217 (relating to formerly admitted attorneys), the Board shall certify such fact to the Supreme Court, which shall immediately enter an order reinstating the formerly admitted attorney to active status, unless such person is subject to another outstanding order of suspension or disbarment.

(2) Paragraph (1) of this subdivision shall not be applicable and a formerly admitted attorney shall be subject instead to the other provisions of this rule requiring the filing of a petition for reinstatement, if:

- (i) other formal disciplinary proceedings are then pending or have been authorized against the formerly admitted attorney;
- (ii) the formerly admitted attorney has been on **retired status**, inactive status or administrative suspension for more than three years; [ **or** ]

(iii) **the formerly admitted attorney has not been on active status for more than three years due to a combination of retired status, inactive status, administrative suspension and/or a term of suspension not exceeding one year and had not been on active status at any time within the three-year period preceding the entry of the order; or**

(iv) the order of suspension has been in effect for more than three years.

(h) Attorneys who have been on inactive status, retired status or administrative suspension for three years or less may be reinstated **to the roll of those classified as active** pursuant to Enforcement Rule 219(h), (i), (j)[ , (k) ] or (m) (relating to [ **periodic assessment** ] **annual registration** of attorneys) as appropriate. This subdivision (h) does not apply to [ **an attorney** ]:

(1) **a formerly admitted attorney who, on the date of the filing of the request for reinstatement, had not been on active status at any time within the preceding three years; or**

(2) **an attorney who has sold his or her practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct.**

\* \* \* \* \*

**Rule 219. [ **Periodic assessment** ] **Annual registration** of attorneys[ ; **voluntary inactive status** ].**

(a) Every attorney admitted to practice law in this Commonwealth shall pay an annual fee of \$130.00 [ **un-**

der this rule ] and file the annual fee form provided for in this rule. The [ annual ] fee shall be collected under the supervision of the Attorney Registration Office, which shall send [ and receive, ] or cause to be sent [ and received, the notices and forms provided for in this rule ] to every attorney, except an attorney who has elected to file the form electronically, the annual fee form. The Attorney Registration Office shall transmit to those attorneys who have elected to file the form electronically a notice by e-mail to register by July 1. Failure to receive the annual fee form by mail or electronically shall not excuse payment of the fee. The said fee shall be used to defray the costs of disciplinary administration and enforcement under these rules, and for such other purposes as the Board shall, with the approval of the Supreme Court, from time to time determine.

\* \* \* \* \*

(c) On or before May 15 of each year the Attorney Registration Office shall transmit [ by ordinary mail to all persons ] to all attorneys required by this rule to pay an annual fee, except those attorneys who have elected electronic filing, a form required by subdivision (d) of this rule. On or before May 15 of each year subsequent to the year in which an attorney elects electronic filing, the Attorney Registration Office shall transmit to such attorney a notice by e-mail to register by July 1.

(d) On or before July 1 of each year all [ persons ] attorneys required by this rule to pay an annual fee shall file with the Attorney Registration Office a signed or electronically endorsed form prescribed by the Attorney Registration Office in accordance with the following procedures:

(1) The form shall set forth:

(i) The date on which the attorney was admitted to practice, licensed as a foreign legal consultant, granted limited admission as an attorney participant in defender and legal services programs pursuant to Pa.B.A.R. 311, or issued a Limited-In-House Corporate Counsel License, and a list of all courts (except courts of this Commonwealth) and jurisdictions in which the person has ever been licensed to practice law, with the current status thereof.

(ii) The current residence and office addresses of the attorney, each of which shall be an actual street address or rural route box number, and the Attorney Registration Office shall refuse to accept a form that sets forth only a post office box number for either required address. A preferred mailing address different from those addresses may also be provided on the form and may be a post office box number. The attorney shall indicate which of the addresses, the residence, office or mailing address, as well as telephone and fax number will be accessible through the website of the Board (<http://www.padisiplinaryboard.org/>) and by written or oral request to the Board. Upon an attorney's written request submitted to the Attorney Registration Office and for good cause shown, the contact information provided by the attorney will be nonpublic information and will not be published on the Board's website or otherwise disclosed.

\* \* \* \* \*

(vi) Whether the attorney is covered by professional liability insurance on the date of registration in the

minimum amounts required by Rule of Professional Conduct 1.4(c). Rule 1.4(c) does not apply to attorneys who do not have any private clients, such as attorneys in full-time government practice or employed as in-house corporate counsel.

**Official Note:** The Disciplinary Board will make the information regarding insurance available to the public upon written or oral request and on its web site. The requirement of Rule 219(d)(3) that every attorney who has filed an annual [ registration form ] fee form or elects to file the form electronically must notify the Attorney Registration Office [ in writing ] of any change in the information previously submitted within 30 days after such change will apply to the information regarding insurance.

(vii) Such other information as the Attorney Registration Office may from time to time direct.

(2) Payment of the annual fee shall accompany the form. IOLTA, trust, escrow and other fiduciary account checks tendered in payment of the annual fee will not be accepted. [ Where ] If the form and payment are incomplete or if a check in payment of the annual fee has been returned to the Board unpaid, the annual fee shall not be deemed to have been paid until a collection fee, and one or both of the late payment penalties prescribed in subdivision (f) of this rule if assessed, shall also have been paid. The amount of the collection fee shall be established by the Board annually after giving due regard to the direct and indirect costs incurred by the Board during the preceding year for checks returned to the Board unpaid.

(3) Every [ person ] attorney who has filed [ such a ] the form or elects to file the form electronically shall notify the Attorney Registration Office [ in writing ] of any change in the information previously submitted, including e-mail address, within 30 days after such change.

\* \* \* \* \*

(f) [ The Attorney Registration Office shall transmit by ordinary mail to every attorney who fails to timely file the form and pay the annual fee required by this rule, addressed to the last known mailing address of the attorney, a notice stating:

(1) That unless the attorney shall comply with the requirements of subdivision (d) of this rule within 30 days after the date of the notice, such failure to comply will be deemed a request to be administratively suspended, and at the end of such period the name of the attorney will be certified to the Supreme Court, which will enter an order administratively suspending the attorney.

(2) That upon the entry of an order of administrative suspension, the attorney shall comply with Enforcement Rule 217 (relating to formerly admitted attorneys), a copy of which shall be enclosed with the notice. ]

Any attorney who fails to complete registration by July 31 shall be automatically assessed a non-waivable late payment penalty established by the Board. A second, non-waivable late payment penalty established by the Board shall be automatically added to the delinquent account of any attorney who has failed to complete registration by August 31, at which time the continued failure to comply

with this rule shall be deemed a request to be administratively suspended. Thereafter, the Attorney Registration Office shall certify to the Supreme Court the name of every attorney who has failed to comply with the registration and payment requirements of this rule, and the Supreme Court shall enter an order administratively suspending the attorney. The Chief Justice may delegate the processing and entry of orders under this subdivision to the Prothonotary. Upon entry of an order of administrative suspension, the Attorney Registration Office shall transmit by certified mail, addressed to the last known mailing address of the attorney, or by electronic means, the order of administrative suspension and a notice that the attorney shall comply with Enforcement Rule 217 (relating to formerly admitted attorneys), a copy of which shall be included with the notice.

For purposes of assessing the late payment penalties prescribed by this subdivision (f), registration shall not be deemed to be complete until the Attorney Registration Office receives a completed annual fee form and satisfactory payment of the annual fee and of all outstanding collection fees and late payment penalties. If a check in payment of the delinquency has been returned to the Board unpaid, a collection fee, as established by the Board under subdivision (d)(2) of this rule, shall be added to the attorney's delinquent account and registration shall not be deemed to be complete until the delinquent account has been paid in full.

The amount of the late payment penalties shall be established by the Board annually pursuant to the provisions of subdivision (h)(3) of this rule.

(g) [ The Attorney Registration Office shall certify to the Supreme Court the names of every attorney who has failed to respond to a notice issued pursuant to subdivisions (f) and (l) of this rule within the 30-day period provided therein and the Court shall enter an order administratively suspending the attorney. A ] The Attorney Registration Office shall provide to the Board Secretary a copy of any [ such ] certification [ from ] filed by the Attorney Registration Office [ to ] with the Supreme Court [ shall be given to the Board Secretary ] pursuant to the provisions of this rule. [ The Chief Justice may delegate the processing and entry of orders under this subdivision to the Prothonotary. ]

(h) The procedure for reinstatement of an attorney who has been administratively suspended pursuant to subdivision (f) for three years or less [ pursuant to subdivision (g) ] is as follows:

(1) The formerly admitted attorney shall submit to the Attorney Registration Office the form required by subdivision (d)(1) along with payment of:

- (i) the current annual fee;
- (ii) the annual fee that was due in the year in which the attorney was administratively suspended;
- (iii) the late payment [ penalty ] penalties required by paragraph (3);
- (iv) any unpaid collection fee;
- (v) a reinstatement fee of \$300.00.

(2) Upon receipt of the annual fee form, a verified statement showing compliance with Enforcement Rule 217 (relating to formerly admitted attorneys), and the payments required by paragraph (1), the Attorney Registration Office shall so certify to the Board Secretary and to the Supreme Court. Unless the formerly admitted attorney is subject to another outstanding order of suspension or disbarment or the order has been in effect for more than three years, the filing of the certification from the Attorney Registration Office with the Prothonotary of the Supreme Court shall operate as an order reinstating the person to active status.

Where a check in payment of the fees and late payment penalties has been returned to the Board unpaid, the Attorney Registration Office shall immediately return the attorney to administrative suspension, and the arrears shall not be deemed to have been paid until a collection fee, as established by the Board under subdivision (d)(2) of this rule, shall also have been paid.

(3) A formerly admitted attorney who is administratively suspended [ pursuant to subdivision (g) ] must pay [ a ] the late payment [ penalty with respect to that year ] penalties incurred in the year in which the formerly admitted attorney is transferred to administrative suspension. The amount of the late payment [ penalty ] penalties shall be established by the Board annually after giving due regard to such factors as it considers relevant, including the direct and indirect costs incurred by the Board during the preceding year in processing the records of attorneys who fail to timely file the [ statement ] form required by subdivision (d) of this rule.

(i) *Retired Status:* An attorney who has retired shall file with the Attorney Registration Office an application for retirement. Upon the transmission of such application from the Attorney Registration Office to the Supreme Court, the Court shall enter an order transferring the attorney to retired status, and the attorney shall no longer be eligible to practice law. The retired attorney will be relieved from the payment of the fee imposed by this rule upon active practitioners and Enforcement Rule 217 (relating to formerly admitted attorneys) shall not be applicable to the formerly admitted attorney unless ordered by the Court in connection with the entry of an order of suspension or disbarment under another provision of these rules. An attorney on retired status for three years or less may be reinstated in the same manner as an inactive attorney, except that the retired attorney shall pay the annual active fee for the three most recent years or such shorter period in which the attorney was on retired status instead of the amounts required to be paid by an inactive attorney seeking reinstatement. The Chief Justice may delegate the processing and entry of orders under this subdivision to the Prothonotary.

(j) *Inactive Status:* An attorney who is not engaged in practice in Pennsylvania, has sold his or her practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct, or is not required by virtue of his or her practice elsewhere to maintain active licensure in the Commonwealth may request [ voluntary ] inactive status or continue that status once assumed. The attorney shall be removed from the roll of those classified as active until and unless such [ person requests ] inactive attorney makes a request under paragraph (2) of this subdivision (j) for an administrative return to active status and satisfies all conditions precedent

to the grant of such request; or files a petition for reinstatement under subdivision (d) of Enforcement Rule 218 (relating to procedure for reinstatement of an attorney who has been on inactive status for more than three years, or who is on inactive status and had not been on active status at any time within the prior three years) and is granted reinstatement [ to the active rolls ] pursuant to the provisions of that Enforcement Rule.

(1) An inactive attorney under this subdivision (j) shall continue to file the annual form required by subdivision (d) and shall pay an annual fee of \$70.00. Noncompliance with this provision will result in the inactive attorney incurring late payment penalties, incurring a collection fee for any check in payment that has been returned to the Board unpaid, and being placed on administrative suspension [ after the Attorney Registration Office provides notice ], pursuant to and in accordance with the provisions of [ paragraph (f) ] subdivision (f) of this rule. [ An attorney who voluntarily assumed inactive status under former subdivision (j) of this rule shall continue to file the annual form required by subdivision (d) and pay an annual fee of \$70.00 commencing with the next regular assessment year. Noncompliance with this provision will result in the inactive attorney being placed on administrative suspension after notice in accordance with the provisions of paragraph (f). ]

(2) *Administrative Change in Status from Inactive Status to Active Status:* An attorney on inactive status may request resumption of active status on a form provided by the Attorney Registration Office. [ Reinstatement ] Resumption of active status shall be granted unless the inactive attorney is subject to an outstanding order of suspension or disbarment [ or ], unless the inactive attorney has sold his or her practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct (see Enforcement Rule 218(h)), unless the inactive status has been in effect for more than three years, or unless the inactive attorney had not been on active status at any time within the preceding three years (see Enforcement Rule 218(h)), upon the payment of:

(i) the active fee for the assessment year in which the application for resumption of active status is made or the difference between the active fee and the inactive fee that has been paid for that year [ , and any arrears accumulated prior to the assumption of inactive status. ]; and

(ii) any collection fee or late payment penalty that may have been assessed pursuant to subdivision (f), prior to the inactive attorney's request for resumption of active status.

Where a check in payment of fees and penalties has been returned to the Board unpaid, the Attorney Registration Office shall immediately return the attorney to inactive status, and the arrears shall not be deemed to have been paid until a collection fee, as established by the Board under subdivision (d)(2), shall also have been paid.

*Official Note:* Subdivisions (h), (i) and (j) of this rule do not apply if, on the date of the filing of the request for reinstatement, the formerly admitted attorney has not been on active status at any time within the preceding three years. See Enforcement Rule 218(h)(1).

[ (3) In transmitting the annual fee form under subdivision (c) of this rule, the Attorney Registration Office shall include a notice of this subdivision (j).

*Official Note:* Under prior practice, an attorney who was neither retiring nor selling his or her law practice was given the option of assuming or continuing inactive status and ceasing the practice of law in Pennsylvania, and no annual fee was required. Under new subdivision (j), payment of an annual fee is required to assume and continue inactive status, and failure to pay the annual fee required by subdivision (j) and file the form required by subdivision (d) will result in an order administratively suspending the attorney.

(k) On the effective date of this subdivision (k), any attorney who is on inactive status:

(1) by order after having failed to pay the annual fee or file the form required by subdivisions (a) and (d) of this rule,

(2) by order pursuant to Rule 111(b), Pa.R.C.L.E., after having failed to satisfy the requirements of the Pennsylvania Rules for Continuing Legal Education,

(3) by order after having failed to pay any expenses taxed pursuant to Enforcement Rule 208(g), or

(4) by order after having failed to meet the requirements for maintaining a limited law license as a Limited In-House Corporate Counsel, a foreign legal consultant, an attorney participant in defender legal services programs pursuant to Pa.B.A.R. 311, or a military attorney, shall have a grace period of one year, commencing on July 1 of the year in which the next annual form under paragraph (d) is due, in which to request reinstatement to active status under an applicable provision of this rule, or to be reinstated to active status under Rule 218(a), as the case may be. Failure to achieve active status before the expiration of the grace period shall be deemed a request to be administratively suspended. An attorney who is on inactive status by court order will not be eligible to transfer to voluntary inactive status under subdivision (j) of this rule until the attorney first achieves active status. During the grace period, the inactive attorney shall remain ineligible to practice law. In transmitting the annual form under subdivision (c) of this rule, the Attorney Registration Office shall include a notice of this subdivision (k).

*Official Note:* Attorneys who voluntarily assumed inactive status under former paragraph (j) of Enforcement Rule 219 are governed by the provisions of paragraph (j). Attorneys who were transferred to inactive status by order after having failed to pay any expenses taxed pursuant to Enforcement Rule 208(g) are governed by the provisions of paragraph (m). ]

(k) *Administrative Change in Status From Administrative Suspension to Inactive Status:* An inactive attorney who has been administratively suspended for failure to file the annual form and pay the annual fee required by subdivision (j)(1) of this rule, may request an administrative change in status to inactive status. The Attorney Registration

Office shall change the status of an attorney eligible for inactive status under this subdivision upon receipt of:

- (1) the annual form required by subdivision (d);
- (2) payment of the annual fee required by subdivision (j)(1);
- (3) payment of all collection fees and late payment penalties assessed under subdivisions (d)(2) and (f); and
- (4) payment of an administrative processing fee of \$100.00.

Where a check in payment of the fees and penalties has been returned to the Board unpaid, the Attorney Registration Office shall immediately return the attorney to administrative suspension, and the arrears shall not be deemed to have been paid until a collection fee, as established by the Board under subdivision (d)(2), shall also have been paid.

An active attorney who has been administratively suspended for failure to file the annual form and pay the annual fee required by this rule must comply with subdivision (h) before becoming eligible to register as inactive or retired.

**Official Note:** Former subdivision (k), which was adopted by Order dated April 16, 2009 (No. 75 Disciplinary Rules Docket No. 1, Supreme Court), effective May 2, 2009, established a grace period of one year commencing on July 1, 2009 in which any attorney who was on inactive status by order of the Supreme Court, could request and achieve reinstatement to active status under Enforcement Rule 218 or another applicable subdivision of Enforcement Rule 219 in order to avoid an automatic change in status to administrative suspension. The grace period was administratively extended to August 31, 2010, and any involuntarily inactive attorney who did not achieve active status by that date was transferred to administrative suspension on September 1, 2010.

(1) The Board shall transmit by certified mail, return receipt requested, to every attorney who fails to pay any expenses taxed pursuant to Enforcement Rule 208(g) (relating to costs), addressed to the last known address of the attorney, a notice stating:

(1) That unless the attorney shall pay all such expenses within 30 days after the date of the notice, such failure to pay will be deemed a request to be administratively suspended, and at the end of such period the name of the attorney will be certified to the Supreme Court, which will enter an order administratively suspending the attorney.

(2) That upon entry of the order of administrative suspension, the attorney shall comply with Enforcement Rule 217 (relating to formerly admitted attorneys), a copy of which shall be enclosed with the notice.

\* \* \* \* \*

**Subchapter D. MISCELLANEOUS PROVISIONS**

**Rule 401. Expenses.**

The salaries of the Secretary of the Board, Disciplinary Counsel and staff, their expenses, administrative costs, and the expenses of the members of the Board and of hearing committees shall be paid by the Board out of the funds collected under the provisions of Enforcement Rule 219 (relating to [ **periodic assessment** ] **annual regis-**

**tration** of attorneys). The Board shall annually obtain an independent audit by a certified public accountant of the funds entrusted to it and their disposition and shall file a copy of such audit with the Court.

**Subchapter E. PENNSYLVANIA LAWYERS FUND FOR CLIENT SECURITY  
GENERAL PROVISIONS**

**Rule 502. Pennsylvania Lawyers Fund for Client Security.**

\* \* \* \* \*

(b) *Additional [ **assessment** ] fee.* Every attorney who is required to pay an active annual [ **assessment** ] fee under Rule 219 (relating to [ **periodic assessment** ] **annual registration** of attorneys[ ; **voluntary inactive status** ]) shall pay an additional annual fee of \$35.00 for use by the Fund. Such additional [ **assessment** ] fee shall be added to, and collected with and in the same manner as, the basic annual [ **assessment** ] fee, but the statement mailed by the Attorney Registration Office pursuant to Rule 219 shall separately identify the additional [ **assessment** ] fee imposed pursuant to this subdivision. All amounts received pursuant to this subdivision shall be credited to the Fund.

\* \* \* \* \*

**REINSTATEMENT**

**Rule 531. Restitution a condition for reinstatement.**

The Board shall file with the Supreme Court a list containing the names of all formerly admitted attorneys with respect to the Dishonest Conduct of which the Board has made unrecovered disbursements from the Fund. No person will be reinstated by the Supreme Court under Rule 218 (relating to reinstatement), Rule 219 (relating to [ **periodic assessment** ] **annual registration** of attorneys[ ; **voluntary inactive status** ]), Rule 301(h) (relating to proceedings where an attorney is declared to be incompetent or is alleged to be incapacitated), Pennsylvania Rules of Continuing Legal Education, Rule 111(b) (relating to noncompliance with continuing legal education rules) or who has been suspended from the practice of law for any period of time, including, but not limited to suspensions under Rule 208(f) (relating to emergency temporary suspension) and 219(f) (relating to administrative suspension) until the Fund has been repaid in full, plus 10% per annum interest, for all disbursements made from the Fund with respect to the Dishonest Conduct of such person.

[Pa.B. Doc. No. 12-1075. Filed for public inspection June 15, 2012, 9:00 a.m.]

**Title 252—ALLEGHENY  
COUNTY RULES**

**ALLEGHENY COUNTY**

**Adult Probation Department Electronic Monitoring  
Fees; No. AD-2012-119-CR**

**Order of Court**

*And Now*, to-wit, this 11th day of May, 2012, the following Electronic Monitoring Fee Schedule is hereby

adopted by the Fifth Judicial District of Pennsylvania. Further, the Adult Probation Department is hereby authorized to promulgate policies and procedures consistent with the following fee schedule. Said increase is to be effective thirty days after publication in the *Pennsylvania Bulletin* and applied only to offenders sentenced or otherwise placed on pretrial electronic monitoring on or after the publication requirement has been satisfied.

By the Court

DONNA JO McDANIEL,  
President Judge

**Electronic Monitoring Fee Schedule**

Allegheny County Adult Probation Electronic Monitoring fee schedule is based upon a sliding scale according to an individual's verifiable gross income. Any offender ordered to Electronic Monitoring by a Common Pleas Court Judge or Magisterial District Judge is subject to a \$100 initial installation fee. In addition, a \$25.00 fee is charged for any second & subsequent installation per case.

The following program fees shall be applicable to all individuals placed on Electronic Monitoring;

Financial level	Gross Income	Per Diem
Level 5	\$50,000 or Higher	\$25/day
Level 4	\$40,000 to \$49,999	\$20/day
Level 3	\$30,000 to \$39,999	\$15/day
Level 2	\$20,000 to \$29,999	\$10/day
Level 1	\$19,999 and under	\$5/day
Level 0	Supplemental Security Income (SSI) Social Security Disability (SSD) Social Security Retirement (SSR)	\$1.50/day

An additional \$2.00 per day fee will be assessed for the use of any specialty device, i.e. Transdermal Alcohol Detection (TAD), Global Positioning System (GPS)

Prior to installation, offenders must pay the \$100 installation fee. In addition, any previous balances from prior Electronic Monitoring cases must be paid in full or payment arrangements made with the Allegheny County Adult Probation Department. Probation officers' are responsible for verifying gross income and assigning a financial level for those offenders placed on Electronic Monitoring. Before installation, offenders are advised of the monthly cost of being on Electronic Monitoring and then sign the income verification form. The offenders also sign a payment agreement that describes the cost of the program. Payments must be made in the form of check or money order only, payable to Allegheny County. Payments may be mailed to Allegheny County Adult Probation Department or given in person to the assigned probation officer. Probation officers are not permitted to accept cash payments.

[Pa.B. Doc. No. 12-1076. Filed for public inspection June 15, 2012, 9:00 a.m.]

**ALLEGHENY COUNTY**

**Adult Probation and Parole Services Administrative Fee; No. AD-2012-117-CR**

**Order of Court**

And Now, to-wit, this 11th day of May 2012, pursuant to 42 Pa.C.S.A. § 9728(g), the court hereby orders the imposition of a monthly probation administrative fee of twenty dollars (\$20.00) per month assessed against all offenders placed on probation, parole, accelerated rehabilitative disposition (ARD), probation without verdict (PWV), or intermediate punishment (IP). Said increase is to be effective thirty days after publication in the *Pennsylvania Bulletin* and applied only to offenders sentenced or placed on ARD on or after the publication requirement has been satisfied.

In support of this order establishing a monthly probation administrative fee, the court finds as follows:

1. That pursuant to 42 Pa.C.S.A. § 9728(g), any costs of the Adult Probation Department, including but not limited to, any reasonable administrative costs associated with the collection of restitution, reparation fees, costs, and fines, shall be borne by the offender.
2. That, heretofore, the court never assessed a monthly probation administrative fee against offenders sentenced to probation, parole, ARD, PWV, or IP.
3. That the Adult Probation Department expends significant time and resources administering and collecting restitution, reparation fees, costs, and fines from offenders placed on probation, parole, ARD, PWV, and IP.
4. That the court, through the Adult Probation Department, can no longer solely bear all of the costs of collecting restitution from offenders placed on probation, parole, ARD, PWV, and IP, and that it is fair and reasonable to assess a monthly probation administrative fee against offenders for this purpose.

The following guidelines shall be implemented in the assessment and collection of the monthly probation administrative fee:

1. All offenders placed on probation, parole, ARD, PWV, and IP shall be assessed a monthly probation administrative fee of twenty dollars (\$20.00) for every month or fraction thereof that an offender is under supervision.
2. Said monthly probation administrative fee shall be considered a condition of probation, parole, ARD, PWV, and IP. Failure to pay monthly probation administrative fees shall be considered by the court to be a technical violation of an offender's conditions of supervision and may result in a revocation of a sentence of probation, parole, ARD, PWV, or IP.
3. The monthly probation administrative fee may be paid by the offender at one time or on a monthly basis.
4. When an offender's probation, parole, ARD, PWV, or IP is transferred to Adult Probation from another jurisdiction for supervision purposes, the monthly probation administrative fee shall be established from the date the case is accepted for supervision.
5. In those instances where an offender has multiple active cases, the monthly probation administrative fee shall be assessed on an offender only once, and the Department of Court Records shall apportion the monthly probation administrative fee accordingly.
6. Any offender committed to, remanded to, or detained in a jail or prison for a violation of their probation, parole,

ARD, PWV, or IP shall have their monthly probation administrative fee accrue until such time as the court revokes said probation, parole, ARD, PWV, or IP. Upon release, the monthly probation administrative fee shall be re-assessed by the Department of Court Records if the offender will be under the supervision of the Adult Probation Department.

7. The funds collected pursuant to this administrative order shall be deposited in a fund for the exclusive use by the Fifth Judicial District of Pennsylvania. This fund shall be used to support the operation of the court's Adult Probation Department, technology enhancement, and education and training for Adult Probation officers and staff. Expenditures from this account can be authorized only by the President Judge and/or the District Court Administrator of the Fifth Judicial District of Pennsylvania.

*By the Court*

DONNA JO McDANIEL,  
*President Judge*

[Pa.B. Doc. No. 12-1077. Filed for public inspection June 15, 2012, 9:00 a.m.]

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**ALLEGHENY COUNTY**  
**Drug Testing Fees; No. AD-2012-118-CR**

**Order of Court**

*And Now*, to-wit, this 11th day of May, 2012, the court hereby assesses the following confirmation drug testing fees against offenders under the supervision of the Adult Probation Department or the Pretrial Services Department. Said fees are to be effective thirty days after publication in the *Pennsylvania Bulletin* and applied only to offenders sentenced, placed on ARD or otherwise under pretrial supervision on or after the publication requirement has been satisfied.

1. Confirmation testing for a urine sample—eleven dollars (\$11.00)
2. Confirmation testing for an oral swab—thirty dollars (\$30.00)

Upon notice by the Adult Probation Department or the Pretrial Services Department, the Department of Court Records shall tax the aforementioned confirmation drug testing fees as costs on an offender's case.

*By the Court*

DONNA JO McDANIEL,  
*President Judge*

[Pa.B. Doc. No. 12-1078. Filed for public inspection June 15, 2012, 9:00 a.m.]

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**ALLEGHENY COUNTY**  
**Increase of ARD Administration Fees; Administrative Doc. No. 123 of 2012**

**Order of Court**

*And Now*, to-wit, this 11th day of May, 2012, it is hereby *Ordered, Adjudged* and *Decreed* that the following local rule is adopted by and for the Fifth Judicial District:

**Rule 316.1. ARD Administration Fee.**

(a) Every person placed into the Accelerated Rehabilitative Disposition ("ARD") program, shall, as a condition of placement into the program, pay an administrative fee of four hundred, fifty dollars (\$450.00) per case.

(b) This fee shall be imposed to defray the expense of the District Attorney in administering the program in the amount of two hundred dollars (\$200.00) per case, and to defray the expense of the Pretrial Services Department in administering the program in the amount of two hundred, fifty dollars (\$250.00) per case.

(c) This fee shall be in addition to the cost of prosecution, restitution, fees and other costs imposed as conditions of placement into the program.

(d) The funds collected pursuant to this rule shall be deposited into the General Fund of the County of Allegheny, but shall be separately identified in the County's records so that the amounts collected may be readily ascertained.

It is further *Directed* that the District Court Administrator for the Fifth Judicial District shall:

1. File the original of this Order of Court with the Department of Court Records;
2. Distribute two (2) certified paper copies of Rule 316.1 to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
3. Distribute to the Legislative Reference Bureau a copy of Rule 316.1 on a computer diskette or on a CD-ROM, that complies with the requirements of 1 Pa. Code § 13.11(b);
4. File one (1) certified copy of Rule 316.1 with the Administrative Office of Pennsylvania Courts; and
5. Publish a copy of Rule 316.1 on the Unified Judicial System's web site.

It is further *Ordered, Adjudged* and *Decreed* that Rule 316.1 shall take effect thirty (30) days after publication in the *Pennsylvania Bulletin* and shall only apply to cases that are filed on or after the effective date of this local rule.

*By the Court*

DONNA JO McDANIEL,  
*President Judge*

[Pa.B. Doc. No. 12-1079. Filed for public inspection June 15, 2012, 9:00 a.m.]

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**ALLEGHENY COUNTY**  
**Offender Supervision Fees; No. AD-2012-120-CR**

**Order of Court**

*And Now*, to-wit, this 11th day of May, 2012, pursuant to 18 P.S. § 11.1102, the court hereby increases the offender supervision fee from thirty-five dollars (\$35.00) per month to forty-five dollars (\$45.00) per month, assessed against all offenders placed on probation, parole, accelerated rehabilitative disposition (ARD), probation without verdict (PWV), or intermediate punishment (IP). Said increase is to be effective thirty (30) days after publication in the *Pennsylvania Bulletin* and applied only to offenders sentenced or placed on ARD on or after the date that the publication requirement has been satisfied.



In support of this order increasing Offender Supervision Fees, the court finds as follows:

1. That pursuant to Act 35 of 1991, supervision fees were created in Pennsylvania to support judicial districts in the administration of adult probation services and to support the Pennsylvania Board of Probation and Parole (PBPP). Moneys taxed and collected locally are divided evenly between the collecting county and the PBPP.

2. That the court originally assessed twenty-five dollar (\$25.00) per month for this fee. On September 19, 2001, this fee was increased to thirty-five dollars (\$35.00) per month to support escalating costs to the court.

3. That since September 2001, costs have continued to escalate for the court to provide effective supervision of offenders sentenced to probation, parole, ARD, PWV, or IP, and that the current fee of thirty-five dollars (\$35.00) per month has not kept pace with expenses.

The following guidelines shall be implemented in the assessment and collection of the Offender Supervision Fee:

1. All offenders placed on probation, parole, ARD, PWV, or IP shall be assessed an offender supervision fee of forty-five dollars (\$45.00) for every month or fraction thereof that an offender is under supervision.

2. Said offender supervision fees shall be considered a condition of probation, parole, ARD, PWV, or IP, and failure to pay offender supervision fees shall be considered by the court to be a technical violation of an offender's conditions of supervision and may result in a revocation of a sentence of probation, parole, ARD, PWV, or IP.

3. The offender may pay the offender supervision fees either at one time or on a monthly basis.

4. At the time of sentencing, the current legal residence of the offender shall be established and made a part of the sentencing order.

5. When an offender's probation, parole, ARD, PWV, or IP is transferred to Adult Probation from another jurisdiction for supervision purposes, offender supervision fees shall be established from the date the case is accepted for supervision.

6. In those instances where an offender has multiple active cases, the offender supervision fee shall be assessed on an offender only once, and the Department of Court Records shall apportion the offender supervision fee in accordance with its existing practices and procedures.

7. Any offender committed to, remanded to, or detained in a jail or prison for a violation of his/her probation, parole, ARD, PWV, or IP shall have his/her supervision fees accrue until such time as the court revokes said probation, parole, ARD, PWV, or IP. Upon release, supervision fees shall be re-assessed by the Department of Court Records if the offender will be under the supervision of the Adult Probation Department.

8. Upon an offender's submission of credible documentation demonstrating that one or more of the factors enumerated in 18 P. S. § 11.1102(e)(2) exist, Petitions of Hardship (inability to pay the assessed offender supervision fee) may be considered by the Director of Adult Probation or a designee.

9. If the Director of Adult Probation or a designee makes a finding of hardship pursuant to paragraph 8 above, it shall be the responsibility of the offender or his/her legal counsel to petition the court for an order waiving the offender supervision fee. The finding of

hardship made by the Director of Adult Probation or a designee shall be attached to the petition requesting an order waiving the offender supervision fee. A copy of the petition requesting an order waiving the offender supervision fee shall be served upon the Director of Adult Probation.

*By the Court*

DONNA JO McDANIEL,  
*President Judge*

[Pa.B. Doc. No. 12-1080. Filed for public inspection June 15, 2012, 9:00 a.m.]

## ALLEGHENY COUNTY

### Pretrial Services Department Court Reporting Network (CRN) Fee; No. AD-2012-121-CR

#### Order of Court

*And Now*, to-wit, this 11th day of May, 2012, the court hereby orders an increase of the Court Network Reporting (CRN) fee from seventy-five dollars (\$75.00) per Driving Under the Influence (DUI) case to one hundred dollars (\$100.00) per DUI case assessed for offenders convicted of DUI or permitted to enter the court's Accelerated Rehabilitation Disposition (ARD) program for a DUI offense. Said increase in the CRN fee is to be effective thirty days after publication in the *Pennsylvania Bulletin* and applied only to offenders sentenced or placed on ARD on or after the publication requirement has been satisfied.

In support of this order increasing the CRN fee, the court finds the following:

1. That pursuant to 75 Pa.C.S.A. § 3816(a), every offender convicted of DUI or permitted to enter the court's ARD program for a DUI offense must receive a CRN evaluation.

2. That the Pretrial Services Department employs four full-time CRN evaluators and expends significant time and resources administering CRN evaluations each year.

3. That the court, through the Pretrial Services Department, can no longer sustain the costs of administering all of the required CRN evaluations at the current fee, and that it is fair and reasonable to assess offenders a CRN fee of one hundred dollars (\$100.00) for the purpose of defraying the costs of administering CRN evaluations

The following guidelines shall be implemented in the assessment and collection of the CRN fee:

1. All offenders shall be subject to a CRN evaluation fee of one hundred dollars (\$100.00) for every ARD case resulting from a DUI arrest or non-ARD case resulting in a DUI conviction.

2. Payment of said CRN evaluation fee shall be considered a condition of the offender's ARD or probation requirements, and failure to pay the CRN evaluation fee shall be considered by the court to be a technical violation of an offender's conditions of ARD or probation and may result in the revocation of an ARD or probation sentence.

*By the Court*

DONNA JO McDANIEL,  
*President Judge*

[Pa.B. Doc. No. 12-1081. Filed for public inspection June 15, 2012, 9:00 a.m.]

**ALLEGHENY COUNTY**

**Pretrial Services Department Ignition Interlock Fees; No. AD-2012-122-CR**

**Order of Court**

*And Now*, to-wit, this 11th day of May, 2012, upon review of the request to increase Ignition Interlock fees, the court finds the following:

1. That the court established an ignition interlock program in 2001.

2. That the ignition interlock program has not amended its fees since the inception of the program in 2001.

3. That the Pretrial Services Department expends significant time and resources administering its ignition interlock program, and the costs associated with administering this service have increased significantly. Examples of rising costs include rent increases at the interlock office and the addition of a full-time interlock program coordinator.

4. That the ignition interlock program is a safe, cost-effective alternative to other transportation methods for offenders in Allegheny County, and said ignition interlock program provides a significant benefit to those who utilize the program.

5. That the court, through the Pretrial Services Department, can no longer continue to administer the ignition interlock program under the current fee structure, and that it is fair and reasonable to assess the amended ignition interlock fees against offenders for the purpose of more effectively defraying the costs of administering the ignition interlock program.

It is, therefore, *Ordered* that the following ignition interlock fee schedule be and is hereby adopted, and shall be effective thirty days after publication in the *Pennsylvania Bulletin* and applied only to offenders sentenced or placed on ARD on or after the publication requirement has been satisfied.

*By the Court*

DONNA JO McDANIEL,  
*President Judge*

**Pretrial Services  
Ignition Interlock Fee Schedule  
April 2012**

Service	New Fee
Total Installation Charge w/one Month Service	\$165
Total Monthly Charge	\$110
Total Bi-Monthly Charge	\$190
Installation at Service Center	\$75
Monthly Lease Payment	\$80
Monthly Damage Protection	\$10
Office Charge Per Appointment	\$20
Lockout Reset at Service Center	\$50
Service Call	\$75
Unauthorized Bypass Activation	\$100
Early Termination of Program	\$75
De-Installation at Service Center	\$50

[Pa.B. Doc. No. 12-1082. Filed for public inspection June 15, 2012, 9:00 a.m.]

**Title 25—LOCAL  
COURT RULES**

**ERIE COUNTY**

**Revision and Restatement of the Rules of Civil Procedure; No. 90014 Court Order 2012**

**Order**

*And Now*, this 31st day of May, 2012, Rules 302, 303, 305, 311, 440, 1303 and 3136 of Local Rules of Civil Procedure for the Court of Common Pleas of Erie County, Pennsylvania are amended in the following form and they shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

Rules 2951, 3304, 4009 and 4014 of the Local Rules of Civil Procedure for the Court of Common Pleas of Erie County, Pennsylvania are deleted and rescinded effective 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

ERNEST J. DiSANTIS, Jr.,  
*President Judge*

**ECBA Suggested Changes to Local Rules  
May 22, 2012**

**Rule 302. Trial Division Judicial Assignment.**

(a) Judicial assignment to a case will be made 60 days after the filing of the complaint if not made sooner at the request of a party. Counsel and unrepresented parties will be sent notice of the assignment. All judicial assignments will be noted in the electronic docketing system.

(b) If judicial attention is required prior to judicial assignment pursuant to section (a) above, counsel shall submit a request for judicial assignment with the Court Administrator on a form substantially as contained herein.

**Rule 303. Motion Court and Other Motions and Petitions—Civil.**

(a) Civil Motion Court shall be held two (2) times per week (Tuesday and Thursday) at 9:00 A.M. The only motions presented shall pertain to cases in which no judicial assignment has yet been made. (See Erie L.R. 208.2(c)—208.3(b), generally, for procedure in matters where complaint has been filed.)

(b) The Court Administrator shall publish a schedule of the judges assigned to hear motions in those civil cases where no judicial assignment has yet been made.

(c)(1) The moving counsel desiring to have such summary determination of a motion or petition must notify opposing counsel and any opposing unrepresented party of his intention to argue the motion or petitions before the Court at such time, in accordance with Erie LR 440. The Court may refuse to hear argument on such motions or petitions unless counsel for each side is present.

(2) The moving party shall attach to the motion or petition the proposed order.

**Rule 305. Duties of the Prothonotary.**

(a)(1) The Prothonotary shall immediately stamp all papers filed with the date and time of such filings and make an appropriate entry for each filing in the docket pursuant to applicable rules of procedure, statute or Court Order. No entries shall be made in the docket except at the direction of the Prothonotary.

(2) The Prothonotary, duly authorized court personnel, and under the supervision of the Prothonotary, attorneys, pro se litigants and members of the public shall be permitted access to the files.

(3) No entries shall be made in the docket except at the direction of the Prothonotary.

(b) The Prothonotary shall be responsible for the safe-keeping of all records and papers belonging to that office. The Prothonotary shall permit no papers to be taken from the office without order of Court except for temporary removal by an attorney for the purpose of conducting an arbitration, for copying within the Court House or other recognized Court purpose. Those removing papers from the files of the Court shall sign them out on a form used for that purpose and shall be responsible for damages arising from any loss.

(c) The Prothonotary shall not accept for filing any paper filed by a person which shall not have endorsed thereon the address and telephone number of the person filing the paper. The Prothonotary shall consecutively number the cases each year.

(d) In the litigation involving the validity of a municipal lien, upon motion of either party, the matter shall be transferred, from the municipal liens docket to the appearance docket and given a term and number by the Prothonotary.

(e) In all appeals to the Court from a municipal zoning board or municipalities, when said appeal has been returned to said board or municipality by the Court, should the matter then be returned to Court, it will retain the same docket number as it had on the original appeal.

#### **Rule 311. Procedure in Statutory Appeals.**

(a) Unless a contrary procedure is provided for otherwise in Statute or general Rule of Court, this Rule shall apply to all statutory appeals where this Court has jurisdiction to review adjudications of School Districts, municipalities or State Administrative Agencies or offices. This Rule shall have no applicability to state Administrative Agencies or officers or proceedings under the Uniform Arbitration Act.

(b) In cases where the Court does not have the prerogative of receiving evidence in lieu of or in supplement to the record made in the administrative proceedings, or in cases where no motion for additional evidence was filed or granted pursuant to paragraph (d) herein, the disposition of appeals shall be by requesting a judge assignment after twenty (20) days of the docketing of the record from the administrative proceeding or after the denial of the motion for additional evidence, whichever is later. In such cases, all procedures otherwise applicable to the listing of cases for argument, assignment to a Judge, briefs, etc., shall apply to appeals governed by this Rule.

(c) In cases where a party is entitled, as a matter of right, to have either a de novo evidentiary hearing in this Court, or to supplement the record made in the administrative proceedings, any party so entitled shall request, within twenty (20) days of the docketing of the appeal, judicial assignment and submit an appropriate motion to the assigned judge for hearing. Such a motion shall set forth with particularity the basis on which the movant claims a right to submit further evidence and shall contain a certificate that the motion has been served on all other parties.

(d) In cases where the Court may receive evidence for cause shown, or at the discretion of the Court, any party

wishing to request that the Court receive evidence, shall file a request for judicial assignment with the trial court administrator and present an appropriate motion to the assigned judge within twenty (20) days after the docketing of the record of the administrative proceeding being reviewed. The motion shall state with particularity the authority upon which movant relies and the particular factors which he believes indicate that the receipt of further evidence is justified. Where indicated by the circumstances, the following factors may be considered by the Court in acting upon such motions in addition to any otherwise applicable standard governing the exercise of the Court's discretion:

(1) Whether movant was represented by counsel before the administrative tribunal.

(2) Whether previously undisclosed or newly discovered evidence exists which was not made available to the administrative tribunal prior to its decision.

(3) The overall adequacy for the purpose of appellate review of the record made before the administrative tribunal.

(4) The apparent regularity and fundamental fairness of the administrative proceedings, as disclosed by the record.

(5) Such other factors as may be considered in the interest of justice.

No motion contemplated by this section shall be acted upon until all interested parties have been given an opportunity to respond to the motion through argument. If, after argument, the Court denies, in whole, a motion under this section, the case shall proceed as provided in section (b) above.

In granting the relief requested in motions contemplated by this section, the Court may, unless otherwise indicated by applicable statutes, limit the evidence it will receive to matters which are not cumulative of material already included in the record made before the administrative tribunal, or impose other reasonable restrictions upon the scope or nature of the evidence to be received. The Court may, in its discretion, at the request of any party or on its own motion, require that any party intending to offer evidence pursuant to this Rule file a pre-hearing narrative statement fairly setting forth the nature of the evidence to be offered such that all parties may have adequate notice of the facts at issue prior to hearing and the scope and nature of the evidentiary proceeding.

(e) In cases in which evidence is received by the Court pursuant to this Rule, all parties shall submit proposed findings of fact to the Court, after the close of the evidentiary proceedings, along with their respective briefs on the merits of the appeal in accordance with a schedule fixed by the hearing Judge. The hearing Judge shall retain the case and make the final disposition of the appeal, including the adoption of findings of fact, where appropriate.

(f) No case shall be listed for argument and no motion shall be filed requesting that a hearing be set until the record of the administrative tribunal is docketed with the Prothonotary. It shall be the duty of the administrative agency involved to promptly notify all parties of the filing of the record.

(g) Unless a different time is specified by statute, or Rule of Court, it shall be the duty of the administrative agency involved to docket the record of the proceedings before it with the Prothonotary no later than thirty (30)

days from service of the notice of appeal upon the tribunal or agency. The record shall, in all cases, contain at least a brief adjudication setting forth the findings and conclusions of the administrative tribunal.

(h) In the event that any administrative tribunal fails to comply with the provisions of this Rule, or of any statute, relating to the time within which to transmit its record to this Court, any party may, by motion, apply for an order compelling the transmittal of a complete record.

(i) Unless otherwise required by statute, the order of a single Judge of this Court which is dispositive of the merits of the appeal shall constitute a final order of this Court in all matters subject to this Rule. Neither the filing of exceptions nor en banc proceedings shall be required or permitted.

**Rule 440. Service of Legal Papers Other Than Original Process.**

(a) Prior to the presentation to the Court of any motion or petition requesting an immediate Order of Court, (except for a motion or petition filed under Pa.R.C.P. 1531(a) or a Rule To Show Cause which grants no relief), opposing counsel and unrepresented parties must be given two (2) full business days' notice by personal delivery or facsimile transmission to each party or their counsel's office, or five (5) full business days' notice if by mail. The notice must give the date and time when the motion or petition will be presented to the Court and must accompany a copy of the proposed motion and order. The motion or petition must contain a certificate signed by counsel verifying that proper notice was given under this Rule. Service by email is allowed if, pursuant to Pa.R.C.P. 205.4(g), the parties have agreed to service by electronic transmission or have provided an email address in an appearance or other legal paper that has been filed in that civil action.

(b) The Certificate of Notice shall be in the following form:

**CERTIFICATE OF NOTICE**

I certify that on (Date of Notice) I gave notice to all counsel of record and unrepresented parties, of my intention to present the within Petition/Motion to the Court on (Date of Presentation) by

- (a) first class mail
- (b) facsimile transmission
- (c) email
- (d) hand delivery,

\_\_\_\_\_  
(Name of Counsel)

(b) The Court will not enter an order on a petition or motion without the Certificate of Notice being attached unless special cause be shown to the Court.

*Official Rules Committee Comment:*

The intention of this Rule is to provide opposing counsel or parties with two (2) full business days' notice from the date of fax, email or personal delivery, and five (5) full business days' notice from the date of deposit in the U.S. mail. For example, if a motion is to be presented on Thursday at 9:00 a.m., the notice of intent to present the motion must be delivered or faxed before 9:00 a.m. on the preceding Tuesday. If notice is given by mail, it must be postmarked no later than the Wednesday of the preceding week.

**Rule 1301. Scope.**

(a) Compulsory arbitration of matters as authorized by the Judicial Code, 42 Pa. C.S. Section 7361 as amended, shall apply to all cases at issue where the aggregate amount in controversy shall be Fifty Thousand Dollars (\$50,000.00), or less, regardless of the number of parties, except those cases involving title to real estate or which seek equitable or declaratory relief.

(b) In all cases where a party has obtained a judgment by default under Pa. R.C.P. No. 1037, the party obtaining said judgment by default may elect to have unliquidated damages assessed at a trial by arbitration with the issues limited to the amount of damages which shall not exceed \$50,000.00. The election to assess damages by arbitration shall constitute a waiver by the party making such election of any damages in excess of \$50,000.00.

(c) Discovery shall be allowed in all cases.

**Rule 1303. Hearing. Notice.**

(a)(1) The Chairman of the Board of Arbitrators shall designate the time for hearing with written notice to each of the members of the Arbitration panel and to each party or their counsel in compliance with Pa. R.C.P. 1303.

(2) All hearings of the Board of Arbitrators shall be held in the Erie County Court House in a hearing room designated for that purpose or in a courtroom by leave of Court.

(3) All hearings shall promptly commence at 9:30 a.m. or 1:30 p.m., unless a different time shall specifically be established by the Board of Arbitrators. In the event an Arbitrator shall not be present at the time for the swearing-in, then counsel for represented parties and any unrepresented party who does in fact appear at the scheduled hearing time, may, only if they agree unanimously

(A) have the remaining Arbitrators immediately select a replacement from the list of Arbitrators; or

(B) themselves appoint any other eligible person to act as a replacement Arbitrator; or

(C) use any other method of selection of an eligible person to act as a replacement Arbitrator.

In the event that counsel for represented parties and any unrepresented party, who does in fact appear at the scheduled hearing time, are unable to unanimously agree upon any of the foregoing options, then the replacement Arbitrator shall be selected in accordance with Erie R.C.P. 1302(a)(1)(iii), governing selection of a sole Arbitrator.

(b) In no event, shall a scheduled arbitration be canceled or rescheduled without written authorization of the Chairman or order of court obtained upon a showing of good cause. If such authorization or order is not obtained, the arbitration shall be held as scheduled.

(c) In the event that a party or an arbitrator requests that the hearing be rescheduled and if that request is granted as provided herein, then that party or arbitrator shall undertake the work needed to reschedule the hearing, including contacting the Court Administrator to obtain available dates and coordinating those dates with all counsel, parties and arbitrators, as well as preparing and dispatching all required written notices of the rescheduled hearing.

**ENFORCEMENT OF MONEY JUDGMENTS FOR  
THE PAYMENT OF MONEY**

**Rule 3136. Distribution of Proceeds of Sale of Real Property.**

(a) Upon filing the proposed schedule of distribution, the Sheriff shall immediately mail a copy of the proposed schedule of distribution including a copy of the list of liens, clearly indicating thereon the date on which the proposed schedule of distribution was filed, to all parties and lien creditors, as well as to any other persons in interest as set forth in the Pa. R.C.P. No. 3129.1(b) Affidavit.

(b) The Sheriff shall include with the copy of the proposed schedule of distribution transmitted to the Prothonotary a copy of the list of liens and a copy of the certificate or guaranty required by Pa.R.C.P. 3136(c).

[Pa.B. Doc. No. 12-1083. Filed for public inspection June 15, 2012, 9:00 a.m.]

**LACKAWANNA COUNTY**

**Rules of Civil Procedure and Rules of Civil Procedure Governing District Justice Proceedings; 2012-CV-1**

**Order**

*And Now*, this 18th day of May, 2012, it is hereby *Ordered* and *Decreed* that the following Lackawanna County Rule of Civil Procedure is amended as follows:

1. Lacka.Co.R.C.P. 1920.51(d)(i) and (d)(ii) are amended as reflected in the following Rule.

2. Pursuant to Pa.R.C.P. 239(c)(2)—(6), the following Local Rule shall be disseminated and published in the following manner:

a. Seven (7) certified copies of the following Local Rule shall be filed with the Administrative Office of the Pennsylvania Courts;

b. Two (2) certified copies of the following Local Rule and a computer diskette containing the text of the following Local Rule in Microsoft Word format and labeled with the court's name and address and computer file name shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. One (1) certified copy of the following Local Rule shall be filed with the Civil Procedural Rules Committee;

d. The following Local Rule shall be kept continuously available for public inspection and copying in the Office of the Clerk of Judicial Records, Civil Division, and upon request and payment of reasonable costs of reproduction and/or mailing, the Clerk of Judicial Records shall furnish to any requesting person a copy of the requested Local Rule(s);

e. A computer diskette containing the text of the following Local Rule in Microsoft Word format and labeled with the court's name and address and computer file name shall be distributed to the Lackawanna Bar Association for publication on the website of the Lackawanna Bar Association.

f. The amendment of Lacka.Co.R.C.P. 1920.51(d)(i) and (d)(ii) shall become effective thirty (30) days after the date of its publication in the *Pennsylvania Bulletin* pursuant to Pa.R.C.P. 239 (d).

*By the Court*

THOMAS J. MUNLEY,  
*President Judge*

**Rule 1920.51 Pre-Trial Conference. Appointment of Master.**

(d) *Appointment of Master/Master's Fee*

(i) For Appointment of a Master, counsel shall present the Order and Motion for Appointment of Master in Motion Court. Counsel shall then present the executed Order to the Family Court Administrator who shall thereafter assign a Master from a list of Permanent Masters designated, approved and provided by the President Judge. Such assignment of a Permanent Master to a case by the Family Court Administrator shall be on a rotating basis.

(ii) In all actions for which appointment of a Master is sought, the party seeking appointment shall pay the sum of Seven Hundred and Seventy (\$770.00) Dollars at the time of the appointment directly to the appointed Master and serve the Master with a copy of the Order and Motion for Appointment of Master. The Master shall not commence action on the case until payment is received. The Master shall be required to deposit the fee into his or her escrow account until earned and billed. Master's fees shall be billed at a rate of One Hundred and Ten Dollars (\$110.00) per hour. The Master may require additional deposits of funds from either or both parties, if necessary. The Master may enter such order concerning the allocation of Master's fees and related costs as may appear just and reasonable. Whenever the amount required to be deposited is exhausted before the filing of the Master's Report and Recommendations, proceedings may be stayed until the amount so directed shall be deposited.

[Pa.B. Doc. No. 12-1084. Filed for public inspection June 15, 2012, 9:00 a.m.]

**WASHINGTON COUNTY**

**Local Rules 1910.10-2—Alimony Pendente Lite (Amended); L-1910.25.2—Civil Contempt. Office Conference. Agreement. Alternative Procedures upon Failure to Agree; No. 2012-1**

**Order**

*And Now*, this 21st day of May, 2012; *It Is Hereby Ordered* that the previously stated Washington County Local Civil Rules for Support be adopted/amended as follows.

These rules will become effective thirty days after publication in the *Pennsylvania Bulletin*.

*By the Court*

DEBBIE O'DELL SENECA,  
*President Judge*

**L-1910.10-2. Alimony Pendente Lite.**

(a) If the parties to a support action have filed a Complaint in Divorce in which a claim is raised for alimony pendente lite, the Hearing Officer may hear the alimony pendente lite claim at the request of either party.

(b) If the Hearing Officer proceeds under this Rule and hears a claim for alimony pendente lite, the party moving for hearing of this claim by the Hearing Officer shall file with the Domestic Relations Section Docket Clerk a copy

of the Complaint in Divorce raising the issue of alimony pendente lite within three (3) days of the hearing before the Hearing Officer. If the Complaint in Divorce is not filed within this time, the Recommendation of the Hearing Officer shall not be issued until a copy of the Complaint is properly filed.

**L-1910.25-2. Civil Contempt. Office Conference. Agreement. Alternative Procedures Upon Failure to Agree.**

(d) The alternate hearing procedure of Pa.R.C.P. 1910.25-4 is adopted in all civil contempt actions for support through the Domestic Relations Section.

[Pa.B. Doc. No. 12-1085. Filed for public inspection June 15, 2012, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 65 ]

#### Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) amends Chapter 65 (relating to special fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

##### A. *Effective Date*

The final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

##### B. *Contact Person*

For further information on the final-form rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

##### C. *Statutory Authority*

The amendment to § 65.24 (relating to miscellaneous special regulations) is published under the statutory authority of section 2307 of the code (relating to waters limited to specific purposes).

##### D. *Purpose and Background*

The final-form rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the final-form rulemaking is described in more detail under the summary of change.

##### E. *Summary of Change*

Opossum Lake, a 59-acre impoundment owned by the Commission, is located in Lower Frankford Township, Cumberland County, approximately 6 miles west-northwest of the Borough of Carlisle. This lake was completely dewatered in 2008 to make dam and spillway repairs and modifications per Department of Environmental Protection dam safety standards. The dam, constructed in 1960, impounds Opossum Creek approximately 1/2 mile upstream from the mouth at Conodoguinet Creek. Access to the shoreline is primarily from the eastern shore where a paved road parallels 75% of this shoreline. Additionally, two concrete boat ramps provide boat access for nonpowered and electric motor craft. Prior to the drawdown, the lake offered angling opportunities for multiple warm and coolwater fish species and adult stocked trout originating from Commission spring, fall and winter plants. This is the second time the lake has been subject to a full drawdown, the first occurring in 1985. A successful grass roots effort was launched to secure funding to assist in the rebuilding of the dam structure. As a result, refilling of the lake is anticipated to begin this spring.

The Commission will reclaim the lake and establish a high quality warm and coolwater fishery through fingerling plants of select fish species. Immediately upon refilling of the lake, the Commission will open the lake to fishing under a miscellaneous special regulation that will allow for the harvest of trout under Commonwealth inland seasons, sizes and creel limits but allow only catch

and release fishing for other fish species. The Commission believes that this approach will allow the fishery to develop under protective regulations while offering acceptable levels of recreational angling opportunities. Fisheries Management staff will monitor the fish populations as they develop and make the necessary adjustments to the species being stocked and the regulations governing the fishery to continually provide high quality recreational angling opportunities at Opossum Lake.

The Commission amends § 65.24 to read as set forth in the notice of proposed rulemaking published at 41 Pa.B. 6974 (December 31, 2011).

##### F. *Paperwork*

The final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

##### G. *Fiscal Impact*

The final-form rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will not impose new costs on the private sector or the general public.

##### H. *Public Involvement*

A notice of proposed rulemaking was published at 41 Pa.B. 6974. The Commission did not receive public comments concerning the proposed rulemaking.

##### *Findings*

The Commission finds that:

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

(2) A public comment period was provided and no public comments were received.

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

##### *Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 65, are amended by amending § 65.24 to read as set forth at 41 Pa.B. 6974.

(b) The Executive Director will submit this order and 41 Pa.B. 6974 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and 41 Pa.B. 6974 and deposit them with the Legislative Reference Bureau as required by law.

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

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-233 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 12-1086. Filed for public inspection June 15, 2012, 9:00 a.m.]

# PROPOSED RULEMAKINGS

## FISH AND BOAT COMMISSION

[ 58 PA. CODE CHS. 93, 99, 105 AND 109 ]

### Boating

The Fish and Boat Commission (Commission) proposes to amend Chapters 93, 105 and 109 (relating to boat registration and numbering; operational conditions; and specialty boats and waterskiing activities) and delete Chapter 99 (relating to capacity plates). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed amendments modify and update the Commission's boating regulations.

#### A. *Effective Date*

The proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2013.

#### B. *Contact Person*

For further information on the proposed rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

#### C. *Statutory Authority*

The proposed amendments to §§ 93.2 and 93.3 (relating to permanent and temporary registration; and application for boat registration) and the deletion of Chapter 99 are published under the statutory authority of section 5122 of the code (relating to registrations, licenses, permits, plates and statistics). The proposed amendment to § 93.13 (relating to issuing agents) is published under the statutory authority of section 5304 of the code (relating to issuing agents). The proposed amendment to § 93.102 (relating to application procedure and contents of applications for certificates of title) is published under the statutory authority of section 5325 of the code (relating to rules and regulations). The proposed amendments to §§ 105.3 and 109.4 (relating to unacceptable boating practices; and waterskiing, aquaplaning, kiteskiing and similar activities) are published under the statutory authority of section 5123 of the code (relating to general boating regulations).

#### D. *Purpose and Background*

The proposed rulemaking is designed to improve, enhance and update the Commission's administrative and boating regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposal. On February 8, 2011, the Commission's Boating Advisory Board (BAB) considered each of the proposals and recommended that the Commission approve the publication of a proposed rulemaking containing the proposed amendments.

#### E. *Summary of Proposal*

(1) On June 1 and 2, 2011, the United States Coast Guard's (USCG) Boating Safety Division conducted an onsite program review of the Commonwealth's Recreational Boating Safety (RBS) program. Onsite program reviews are used by the USCG to help determine a state's eligibility to receive funding made available under the

Recreational Boating Safety Act (46 U.S.C.A. §§ 13101—13110) for the state RBS program.

During the program review, the USCG identified a deficiency that requires corrective action. Specifically, the issuance of a temporary registration certificate and decal that remains valid in excess of 60 days is not in compliance with Federal regulations. Currently, the Commission's regulations allow for temporary boat registrations to be valid for up to 90 days. Failure to correct this deficiency may jeopardize the Commission's eligibility for funding through the USCG-administered RBS program.

The Commission therefore proposes that §§ 93.2 and 93.13 be amended to read as set forth in Annex A.

(2) Due to changing Federal regulations at the time, the Commission made large-scale amendments to its capacity plate regulations in 1975 to conform to Federal regulations. The Commission again made modifications to its capacity plate regulations in 1994 as part of a year-long comprehensive review and update of the Commonwealth's boating regulations.

During the past 2 years, Commission staff have dealt with a number of capacity plate applications and inquiries that have revealed conflicts between the Commission's regulations and Federal regulations. Further research revealed that the Commonwealth is the only state that has capacity plate regulations that differ from Federal regulations and issues capacity plates. The Commission currently processes capacity plate applications for boats registered in this Commonwealth as well as boats registered in other states that may not be operated on waters in this Commonwealth. The Commission utilizes a capacity plate calculator provided by the USCG that was intended to provide guidance to boaters rather than to be used to meet State or Federal regulations. In fact, the USCG recently informed the Commission that it should discontinue its use of the capacity plate calculator for these purposes.

Federal capacity plate requirements apply to manufacturers and are enforced by the USCG. Therefore, it is unnecessary for the Commission to promulgate regulations regarding capacity plate requirements. The Commission therefore proposes that Chapter 99 be deleted. As a result of deleting Chapter 99, the references to capacity plate information in §§ 93.3(2)(x) and 93.102(b)(11), which require applicants to provide capacity plate information for boat registrations and certificates of title, respectively, must also be deleted.

The Commission proposes that Chapter 99 be deleted and §§ 93.3(2)(x) and 93.102(b)(11) be amended to read as set forth in Annex A.

(3) Based on information presented at its February 8, 2011, meeting, the BAB recommended amending §§ 105.3 and 109.4 regarding the operation of boats engaged in the activity of wake surfing. Specifically, the BAB recommended that the Commission adopt a 300-foot slow, no-wake zone for boats engaged in the activity of wake surfing, exclude wake surfing from the 20-foot minimum tow rope requirement, adopt a definition of "wake surfing" and allow wake surfing participants to wear a specifically designed wetsuit instead of the USCG-approved personal flotation device.

To date, there have not been propeller strike accidents reported Nationwide for participants in wake surfing activities. Boats with inboard motors are the preferred



configuration for wake surfing activity. The propellers of inboard motors are located in front of the boat's transom and pose less risk to a person being towed. Outboard and inboard/outboard motors pose a much greater risk to persons being towed since the propeller is located aft of the transom. Outboards and inboard/outboards used for wake surfing are often trimmed up to create more wake which increases exposure to the propeller. The Water Sports Industry Association has been working with states to encourage the use of "model language" in crafting legislation or regulations to protect the safety of towed watersport participants, such as wake surfers. The Commission therefore proposes the adoption of this model language in § 105.3(12) in addition to the changes previously recommended by the BAB to § 105.3(11). Additionally, the Commission proposes the clarification of the 20-foot measurement for tow ropes as being measured from the transom of the boat.

As previously noted, the BAB previously recommended the Commission adopt a 300-foot slow, no-wake zone for boats engaged in the activity of wake surfing. This recommendation was made in an effort to limit disturbance and damage resulting from excessive wakes created by boats engaged in wake surfing activity. However, upon further research of other states' regulations and a United States Naval Academy study on wave height and energy, Commission staff concluded that a 300-foot slow, no-wake zone will provide minimal additional benefits and unnecessarily limit wake surfing activity as compared to a 200-foot slow, no-wake zone. The Commission therefore proposes to add § 109.4(k) to contain additional regulations specific to wake surfing, including a slow, no-wake zone of 200 feet.

The Commission proposes that §§ 105.3 and 109.4 be amended to read as set forth in Annex A.

F. Paperwork

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will not impose new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
Executive Director

**Fiscal Note:** 48A-236. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 93. BOAT REGISTRATION AND NUMBERING

Subchapter A. REGISTRATION OF BOATS

§ 93.2. Permanent and temporary registration.

(a) *Boat not previously registered in this Commonwealth.*

(1) A person acquiring a boat which has not been previously registered in the person's name in this Commonwealth shall complete an application for boat registration as set forth in § 93.3 (relating to application for boat registration). The applicant will receive a copy of the completed application which will be recognized as the boat's certificate of registration for a period specified in subsection [ (d) ] (e). This temporary certificate of registration shall be carried on the boat when the boat is in operation and shall be available for inspection by an authorized officer. The new owner will receive a set of temporary validation decals from the authorized issuing agent who will enter the expiration date [ (month/year) ] (month/day/year), calculated in accordance with subsection [ (d) ] (e), on the decal. Before the boat is operated, these temporary validation decals shall be displayed on each side of the bow—the front half—of the boat in a position to provide for maximum visibility.

\* \* \* \* \*

(b) *Boat previously registered in this Commonwealth but having expired registration.*

(1) A person acquiring a boat which has been previously registered in another person's name in this Commonwealth and possesses an expired registration shall complete an application for boat registration as set forth in § 93.3. The applicant will receive a copy of the completed application which will be recognized as the boat's certificate of registration for a period specified in subsection [ (d) ] (e). This temporary certificate of registration shall be carried on the boat when the boat is in operation and shall be available for inspection by an authorized officer. The new owner will receive a set of temporary validation decals from the authorized issuing agent who will enter the expiration date [ (month/year) ] (month/day/year), calculated in accordance with subsection [ (d) ] (e), on the decal. Before the boat is operated, these temporary validation decals shall be displayed on each side of the bow—the front half—of the boat in a position to provide for maximum visibility. If the boat is displaying expired validation decals, the owner or operator shall remove the expired validation decals and replace them with the temporary validation decals. The previously assigned registration number currently on the boat will remain with the boat as long as the boat is registered in this Commonwealth.

\* \* \* \* \*

(c) *Boat previously registered in this Commonwealth having current registration.*

(1) A person acquiring a boat which has been previously registered in another person's name in this Commonwealth displaying current biannual validation decals shall complete an application for boat registration as set forth in § 93.3. The applicant will receive a copy of the

completed application which will be recognized as the boat's certificate of registration for a period specified in subsection [ (d) ] (e). This temporary certificate of registration shall be carried on the boat when the boat is in operation and shall be available for inspection by an authorized officer. The new owner will receive a set of temporary validation decals from the authorized issuing agent who will enter the expiration date [ (month/year) ] (month/day/year), calculated in accordance with subsection [ (d) ] (e), on the decal. Before operating the boat on the waters of this Commonwealth, the owner or operator shall remove the prior validation decals and replace them with the temporary validation decals. The previously assigned registration number will remain with the boat as long as the boat is registered in this Commonwealth. It is unlawful for a person acquiring a boat described in this subsection to operate the boat on the waters of this Commonwealth until the registration is transferred to the new owner as provided in this section.

\* \* \* \* \*

(e) *Temporary decals.* The temporary validation decals are valid [ **until the last day of the second month after the date of issuance of the decal, which date will be not less than 60 nor more than 90 days after issuance of the decal** ] for 60 days including the date of issuance. The owner or operator shall ensure that the temporary validation decals are removed and the biannual validation decals, when received from the Commission, are displayed in place of the temporary validation decals. The temporary validation decal shall display the date on which it expires in the following format: [ **"Expires last day of (month)/(year)."** ] **"Expires (month)/(day)/(year)."** The authorized issuing agent shall enter the expiration date [ (month/year) ] (month/day/year) on the decal.

\* \* \* \* \*

§ 93.3. Application for boat registration.

(a) *New registration.* Application for a boat registration for a new boat or a used boat that was not previously registered in this Commonwealth shall conform with the following:

\* \* \* \* \*

(2) *Required information.* The applicant shall provide the following information on the application (REV-336) for a boat registration:

\* \* \* \* \*

(x) [ **The capacity plate information.**

(xi) [ **The temporary validation decal number, if one was issued.**

[ (xii) ] (xi) The primary usage such as, pleasure, rental/livery, manufacturer/dealer/jobber, commercial passenger, and the like.

[ (xiii) ] (xii) *A certificate of ownership.* For initial registration in this Commonwealth this shall be supported by title, bill of sale, a complete Form PFBC-734 "Affidavit of Purchase/Ownership" or other positive proof of ownership.

[ (xiv) ] (xiii) The date the applicant completed the form.

[ (xv) ] (xiv) The signature of the owners and certification, under penalty of law, that they are the owners of

the boat and that the information contained in the application is true and correct.

[ (xvi) ] (xv) Complete Sales and Use Tax information.

[ (xvii) ] (xvi) The date of birth of the primary registrant.

\* \* \* \* \*

§ 93.13. Issuing agents.

\* \* \* \* \*

(f) *Issuance of temporary boat registrations.*

\* \* \* \* \*

(7) An issuing agent shall indicate on temporary validation decals the month, **day** and year the temporary registration expires, using a black waterproof permanent ink marker or paint marker. The agency may not place any other marks on the decal.

(8) Within 10 days of the issuance of a temporary boat registration, the issuing agent shall submit to the Commission a properly completed "T-Sticker Summary Report" (Form PFBC-725) along with all applications, related documentation, applicable fees and Sales and Use Tax as required by the code [ **and** ], this chapter **and the Handbook for Issuing Pennsylvania Boat Registrations and Titles.**

\* \* \* \* \*

Subchapter B. TITLING OF BOATS

§ 93.102. Application procedure and contents of applications for certificates of title.

\* \* \* \* \*

(b) The applicant shall provide the following information on the application (REV-336) for a title:

\* \* \* \* \*

(11) [ **Capacity plate information.**

(12) [ **The primary usage such as, pleasure, rental/livery, manufacturer/dealer/jobber, commercial passenger, and the like.**

[ (13) ] (12) For boats with outboard internal combustion motors, the serial number, the manufacturer's name and the horsepower rating. If there are two motors, the applicant shall provide information for both motors.

[ (14) ] (13) The names and addresses of each lienholder (in the order of priority).

[ (15) ] (14) The date of lien encumbrance.

[ (16) ] (15) The date applicant completed the form.

[ (17) ] (16) The signature of the owner.

[ (18) ] (17) Complete Sales and Use Tax information.

\* \* \* \* \*

CHAPTER 99. [ **CAPACITY PLATES** ] (Reserved)

(Editor's Note: As part of this proposed rulemaking, the Commission is proposing to rescind §§ 99.1—99.7 which appear in 58 Pa. Code pages 99-1—99-4, serial pages (227689)—(227692).)

Sec.  
99.1—99.7. (Reserved).

CHAPTER 105. OPERATIONAL CONDITIONS

§ 105.3. Unacceptable boating practices.

It is unlawful to:

\* \* \* \* \*

(11) Operate a motorboat at any speed when towing a person on waterskis or other devices using a tow rope of 20 feet or less as measured from the transom of the boat. This prohibition does not apply to wake surfing as defined in § 109.4 (relating to waterskiing, aquaplaning, kiteskiing and similar activities).

(12) Operate a motorboat propelled by an outboard motor, inboard/outboard motor or water jet while a person is wake surfing in or on the wake of the motorboat.

CHAPTER 109. SPECIALTY BOATS AND WATERSKIING ACTIVITIES

§ 109.4. Waterskiing, aquaplaning, kiteskiing and similar activities.

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

\* \* \* \* \*

Wake surfing—A competitive or recreational water sport in which a person on a wake board or similar style board rides in or on the wake of a motorboat.

Water ski—A device used by a person to be towed through or on water behind a boat. The term includes conventional water skis, aquaplanes, kneeboards, inner tubes, inflatable hot dogs, air mattress, parasails, kite skis and similar devices.

\* \* \* \* \*

(f) PFDs. It is unlawful for a person to operate a boat on the waters of this Commonwealth for [ waterskiing ]:

(1) Waterskiing unless each person being towed is wearing a Type I, II, III or V United States Coast Guard-approved PFD. Inflatable PFDs may not be used to meet this requirement.

(2) Wake surfing unless the wake surfer is wearing a Type I, II, III or V United States Coast Guard-approved PFD or water ski wetsuit as defined in subsection (g). Inflatable PFDs may not be used to meet this requirement.

(g) Water ski wetsuits. A person engaged in slalom skiing on a marked course or a person engaged in barefoot, jump or trick skiing, or wake surfing may elect to wear a wetsuit designed specifically for the activity in lieu of the United States Coast Guard approved PFD required in § 97.1 (relating to personal flotation devices). A United States Coast Guard approved PFD of a type described in § 97.1 shall be carried in the tow boat for each skier electing to wear a water ski wetsuit. The nonapproved water ski wetsuit device shall meet the following criteria:

\* \* \* \* \*

(j) Kite skiing and parasailing. The following additional restrictions are applicable to kite skiing and parasailing:

\* \* \* \* \*

(3) Kite skiers and parasailers may not fly over or under overhead obstructions such as power and telephone

lines or bridges; nor may they fly over dams, locks, docks, launching ramps, swim areas, marinas or congested areas.

(k) Wake surfing. Boats engaged in the activity of wake surfing are limited to slow, no wake speed when within 200 feet of the following:

- (1) Shore line.
- (2) Docks.
- (3) Launching ramps.
- (4) Swimmers or downed skiers.
- (5) Persons wading in the water.
- (6) Anchored, moored or drifting boats.
- (7) Floats, except for ski jumps and ski landing floats.
- (8) Other marked areas.

[Pa.B. Doc. No. 12-1087. Filed for public inspection June 15, 2012, 9:00 a.m.]

[ 58 PA. CODE CHS. 65 AND 75 ]

Fishing; Special Fishing Regulations and Endangered Species

The Fish and Boat Commission (Commission) proposes to amend Chapters 65 and 75 (relating to special fishing regulations; and endangered species). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed amendments modify and update the Commission's fishing regulations.

A. Effective Date

The proposed amendments to §§ 65.5, 65.6 and 65.14 (relating to catch and release areas; delayed harvest artificial lures only areas; and catch and release fly-fishing only areas), if approved on final-form rulemaking, will go into effect on January 1, 2013. The proposed amendments to §§ 75.1—75.3 (relating to endangered species; threatened species; and candidate species), if approved on final-form rulemaking, will go into effect upon publication in the Pennsylvania Bulletin.

B. Contact Person

For further information on the proposed rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. Statutory Authority

The proposed amendments to §§ 65.5, 65.6, 65.14 and 75.3 are published under the statutory authority of section 2102 of the code (relating to rules and regulations). The proposed amendments to §§ 75.1 and 75.2 are published under the statutory authority of section 2305 of the code (relating to threatened and endangered species).

D. Purpose and Background

The proposed rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposal.

### E. Summary of Proposal

(1) Currently fishing is not permitted from 1 hour after sunset to 1 hour before sunrise on special regulations areas managed under §§ 65.5, 65.6 and 65.14. None of the other special regulations programs that apply to angling in this Commonwealth carry an hourly angling restriction and clear biological rationale does not exist for placing fishing hours restrictions on waters managed under these three programs. Hourly fishing restrictions limit angling opportunity by denying angler access to fishing for part of the day.

For the purpose of simplifying the regulations and to encourage more angling opportunity, the fishing hours restrictions that currently apply to waters managed under these programs should be removed in favor of permitting angling on a 24-hour basis. The Commission therefore proposes that these sections be amended to read as set forth in Annex A.

(2) Eastern Mud Turtle (*Kinosternon subrubrum subrubrum*) is a small (3-4 inches) semiaquatic turtle. It has olive to brown colored shell and mottled skin with a domed carapace and two hinges on a reduced plastron. This small turtle is known to live in shallow wetlands and associated uplands that have still-water or slow-water habitats, such as marshes, swamps, seasonal forest pools, shallow ponds, creeks and ditches, all with soft substrates. In states surrounding this Commonwealth, *K. subrubrum* is listed as critically imperiled (S1) in New York, secure (S5) in Delaware and Maryland and not ranked/under review (SNR/SU) in New Jersey (NatureServe, 2008). White and White (2002) considered *K. subrubrum* to be common in Delmarva's Atlantic Coastal Plain but rare within the Maryland Piedmont (Cecil County). The historical range of *K. subrubrum* in this Commonwealth most likely included the entirety of the Atlantic Coastal Plain. As a result of intensive urbanization throughout the greater Philadelphia landscape, the current distribution in this Commonwealth is restricted to 350 hectares (865 acres) at two sites in Bucks County. These two known sites are located where there are already occurrences of other threatened or endangered species.

The Eastern Mud Turtle was rediscovered in this Commonwealth during the spring of 2008. This signified the first observation of this species in this Commonwealth in 45 years. The Commission engaged a 2-year study for this species which was concluded in 2011. The Eastern Mud Turtle was encountered at only two sites in the entirety of this Commonwealth. These isolated sites are separated by a distance of 5 airline miles, account for an area of only 865 acres (350 hectares) or 1.4 miles<sup>2</sup> (3.6 km<sup>2</sup>) and are completely surrounded by the major urban center of the Philadelphia region. The extent of occurrence for *K. subrubrum* in this Commonwealth is 1.4 miles<sup>2</sup>, under the maximum allotment of 40 miles<sup>2</sup> found in the Commission's Listing Criterion B.1. The area of occupancy for *K. subrubrum* in this Commonwealth is only 1.4 miles<sup>2</sup>, under the maximum allotment of 4 miles<sup>2</sup> found in the Commission's Listing Criterion B.2, and severely fragmented (Listing Criterion B.2.a). Additionally, declines are projected in the area of occupancy, area/extent/and or quality of habitat, number of locations or subpopulations and number of mature individuals (Listing Criterion B.2.b). Recent studies by the Commission and East Stroudsburg University (Ruhe and LaDuke, 2011) found only 11 total Eastern Mud Turtles in this Commonwealth, meeting the requirements for listing under Listing Criterion C.1 (under 250 mature individu-

als in this Commonwealth). Due to the low number of individuals found in this Commonwealth, a population decline observed during the recent study and the severe fragmentation of the Atlantic Coastal Plain Province in this Commonwealth, the species also meets Listing Criteria C.1.b.1 and D.1 (severe fragmentation, a decline of any rate and all subpopulations under 50 individuals; and population is characterized by an acute restriction in the area of occupancy (less than 40 square miles) or in number of locations (less than 5)). As the species meets Listing Criteria B.1., B.2., B.2.a., B.2.b, C.1., C.1.b.1 and D.1, the Amphibian and Reptile Technical Committee of the Pennsylvania Biological Survey (PABS) recommended the status of the Eastern Mud Turtle (*Kinosternon subrubrum subrubrum*) be elevated to "endangered" status in this Commonwealth.

Enough information is available to make the determination that this species is critically imperiled in this Commonwealth at present and to justify adding it to the Commonwealth's list of endangered species. Therefore, the Commission proposes that the Eastern Mud Turtle be added to the list of endangered species.

(3) Round Hickorynut (*Obovaria subrotunda*) is a freshwater mussel species distinguished by its almost perfectly round shape. The shell is thick and solid and dark-brown with a lighter band along the posterior-dorsal surface. It occurs in medium to larger rivers. The physical habitat of the Round Hickorynut has been generally described as consisting of sandy substrates with gravel or clay. The Round Hickorynut is distributed throughout the Ohio River basin (including the Cumberland and Tennessee Rivers) and parts of the Mississippi River basin, ranging from eastern Illinois to western Pennsylvania to Mississippi (Parmalee and Bogan, 1998). This species is also known from western Lake Erie and Lake St. Clair basins.

Historically, this species was reported from nine streams in this Commonwealth including the Ohio River, Beaver River (Mahoning River, Shenango River, Little Shenango River and Pymatuning Creek), Monongahela River and the Allegheny River (Crooked Creek) (Ortmann, 1909a, 1913, 1919; Strayer et al., 1991). Although historical records have been reported from Lake Erie in neighboring Ohio (for example, Shelford and Boesel, 1942), this species has not been reported from this Commonwealth's portion of Lake Erie. Besides Ortmann's efforts (1909a, 1919), few historical mussel surveys of this Commonwealth's freshwater mussel fauna were conducted (see Dennis, 1971 (western Pennsylvania) and Taylor, 1980 (Ohio River mainstem)). The Round Hickorynut may have occurred in other streams of this Commonwealth but was not reported.

Recent surveys, including predredging surveys, within the species' historical range within this Commonwealth (Crooked Creek, Allegheny River, Ohio River, Monongahela River, Beaver River, Mahoning River, Pymatuning Creek and Little Shenango River) did not detect live individuals of the Round Hickorynut. Live individuals of this species were recently detected in the Shenango River between the Pymatuning Reservoir and Shenango River Lake (Bursey, 1987; Nelson and Villella, 2010; C. Bier, personal communication). Nelson and Villella's 2010 surveys did not detect Round Hickorynut downstream of Shenango River Lake. The Round Hickorynut is only found in the Shenango River and co-occurs with other State and Federal listed mussel species.

The Round Hickorynut was previously identified by PABS as a State rare species, warranting an S1 ranking

(Critically Imperiled in Pennsylvania). It currently meets the following criteria for endangered status: A.2.c. Population reduction suspected to be met within next three generations; B.3. Extent of occupancy less than 50 miles; B.4.a. Severely fragmented or known to exist at fewer than 6 location(s); B.4.b.1. Continuing decline inferred for extent of occurrence; B.4.b.3. Continuing decline inferred in area, extent and/or quality of habitat; and B.4.b.4. Continuing decline inferred in number of locations or subpopulations. Of this Commonwealth's ten historical subpopulations, only the Shenango River subpopulation remains. Based upon the extent of occurrence, number of locations within this Commonwealth and threats to this species, the PABS Mollusk Subcommittee recommended that the Commission list the Round Hickorynut as an endangered species in this Commonwealth.

Enough information is available to make the determination that this species is critically imperiled in this Commonwealth at present and to justify adding it to the Commonwealth's list of endangered species. Therefore, the Commission proposes that the Round Hickorynut be added to the Commonwealth's list of endangered species.

(4) Pistolgrip (*Quadrula verrucosa*) is a freshwater mussel that has a posterior ridge that is very pronounced and constriction in the shell at the midpoint and the posterior slope of the shell is pleated. It occurs in a variety of habitats and conditions, ranging from riffles, runs and pools with variable substrates including mud, sand or coarse and fine gravel (Ortmann, 1919; Williams et al., 2008; Parmalee and Bogan, 1998).

The Pistolgrip is widely distributed throughout the Mississippi River basin including the Ohio, Cumberland and Tennessee River basins and ranges from western Pennsylvania to western Minnesota south to Texas and Mississippi (Parmalee and Bogan, 1998; Williams et al., 2008). The Pistolgrip is also native to the Mobile River basin (Alabama, Georgia, Mississippi and Tennessee) and may occur in other rivers draining into the western Gulf of Mexico (Williams et al., 2008).

Historically, this species was reported from eight streams in this Commonwealth, including the Ohio River, Beaver River (Mahoning River, Shenango River and Pymatuning Creek), Monongahela River (Dunkard Creek) and the Allegheny River (Ortmann, 1913, 1919).

Live individuals of this species were recently detected in the Shenango River between the Pymatuning Reservoir and Shenango River Lake (Bursey, 1987; Nelson and Villella, 2010; C. Bier, personal communication) and downstream of Shenango River Lake (Nelson and Villella, 2010). The Pistolgrip is only found in the Shenango River and co-occurs with other State and Federal listed mussel species.

The Pistolgrip was previously identified by PABS as a State rare species, warranting an S1 ranking (Critically Imperiled in Pennsylvania). The Pistolgrip meets the following endangered species listing criteria: B.3. Extent of occupancy less than 50 miles; B.4.a. Severely fragmented or known to exist at fewer than 6 location(s); B.4.b.1. Continuing decline inferred for extent of occurrence; B.4.b.3. Continuing decline inferred in area, extent and/or quality of habitat; and B.4.b.4. Continuing decline inferred in number of locations or subpopulations. Of this Commonwealth's eight historical subpopulations, only the Shenango River subpopulation remains. Based upon the extent of occurrence, number of locations within the Commonwealth and threats to this species, the PABS

Mollusk Subcommittee recommended that the Commission list the Pistolgrip as an endangered species in this Commonwealth.

Enough information is available to make the determination that this species is critically imperiled in this Commonwealth at present and to justify adding it to the Commonwealth's list of endangered species. Therefore, the Commission proposes that the Pistolgrip be added to the Commonwealth's list of endangered species.

(5) Rayed Bean (*Villosa fabalis*). On February 14, 2012, the United States Department of the Interior, Fish and Wildlife Service (FWS), designated *Villosa fabalis* (Rayed Bean) and Snuffbox (*Epioblasma triquetra*) as Federally endangered throughout their entire ranges. The Snuffbox was previously listed by the Commission at 39 Pa.B. 3442 (July 11, 2009). The Rayed Bean is a freshwater mussel species known to occur in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia and Ontario, Canada. The Rayed Bean still occurs in the following streams and rivers in this Commonwealth: Allegheny River, French Creek, LeBoeuf Creek, Muddy Creek and Cussewago Creek. The Rayed Bean co-occurs with other State and Federal listed mussel species and is not known from within the permitted sand and gravel dredging area of the Allegheny River.

Section 102 of the code (relating to definitions) defines endangered species as "All species and subspecies of fish which: (1) have been declared by the Secretary of the United States Department of the Interior to be threatened with extinction and appear on the Endangered Species List or the Native Endangered Species List published in the *Federal Register*; or (2) have been declared by the executive director to be threatened with extinction and appear on the Pennsylvania Endangered Species List published in the *Pennsylvania Bulletin*." Because Rayed Bean has been designated as Federally endangered throughout its range, which includes this Commonwealth, the Commission proposes that it be added to the Commonwealth's list of endangered species.

(6) Chesapeake Logperch (*Percina bimaculata*) is a small to medium size fish (up to 7 inches) in the perch family. Little is known about this species and its habits, but it occurs primarily in larger waterways and lowermost sections of tributaries.

Its National range includes the Chesapeake Bay watershed in the District of Columbia (formerly), Maryland, Pennsylvania and Virginia (formerly), limited to lower sections of the Potomac (now extirpated) and Susquehanna Rivers and tributaries, and a few direct tributaries to the Chesapeake Bay (Haldeman, 1842; Smith and Bean, 1899; Jenkins and Burkhead, 1994).

In this Commonwealth, it occurs only in the Piedmont Province of the lower Susquehanna River drainage. Currently, it is restricted to the Susquehanna River and the lowermost section of four tributaries within the Conowingo Pool (Fishing Creek, Muddy Creek, Peters Creek and Michael Run) located in Lancaster and York Counties. It is also found in the Octoraro Creek watershed in Chester and Lancaster Counties.

The Chesapeake logperch *Percina bimaculata* was recently removed from taxonomic synonymy with the logperch *Percina caprodes* and recognized as a distinct and valid species with a limited global distribution restricted to the Chesapeake Bay watershed (Near, 2008). It meets fish listing criteria B3 and B4 for threatened status. To meet criterion B3, the extent of occupancy must be less than 50 miles in lotic waters (less than 10

miles would qualify for endangered status). The Chesapeake logperch only occurs in approximately 30 combined stream and river miles within this Commonwealth. It also meets criterion B4 which compares distributions using HUC 12 watersheds (within GIS software) to characterize their relative rarity within this Commonwealth. The Chesapeake logperch occupies only 7 of the 641 HUC 12 watersheds (~1%) within the Susquehanna Basin. Also, it is likely extirpated from at least two HUC 12 watersheds, those covering Lake Clarke and Lake Aldred on the Susquehanna River.

The Chesapeake logperch is classified as endangered by the American Fisheries Society Endangered Species Committee (Jelks et al., 2008, Fisheries 33(8): 372–407). It is classified as a threatened species in Maryland, the only other state where it has recently been documented. It is also listed in the 2010 update of *Threatened Fishes of the World* (Ashton and Near, 2010). The Chesapeake logperch's limited global distribution, extirpation from a significant portion of its historic range and extant threats make it a responsibility species for this Commonwealth and provides justification for listing it as a threatened species in this Commonwealth.

Enough information is available to make the determination that this species is threatened in this Commonwealth at present and to justify adding it to the Commonwealth's list of threatened species. Therefore, the Commission proposes that the Chesapeake Logperch be added to the Commonwealth's list of threatened species.

(7) American brook lamprey (*Lampetra appendix*) is one of the nonparasitic lampreys in this Commonwealth. It inhabits small to medium size creeks and, less-frequently, large streams and small rivers. Adults generally prefer sandy and gravelly riffles and runs for spawning, while ammocoetes prefer deposits of silt, sand, mud and detritus (Jenkins and Burkhead, 1993).

Its National range includes the Atlantic, Great Lakes and Mississippi River basins from St. Lawrence River, Quebec, west to Minnesota, south to Roanoke River system, Virginia, Tennessee River system, northern Alabama, and St. Francis and White river systems, Missouri and Arkansas; Martin River (Arctic basin), Northwest Territories, to Ugashik and Chatanika River (Pacific basin), Alaska. Populations tend to be uncommon (Page and Burr, 1991) and disjunctive across North America.

In this Commonwealth, it is restricted to the northwest and southeast corners of the State. It is known from the following drainages: Upper Allegheny River and tributaries, middle Allegheny River tributaries, Lake Erie tributaries, upper Genesee River and tributaries and Lower Delaware River tributary (White Clay Creek). It has been collected from Chester, Clarion, Crawford, Elk, Erie, Forest, McKean, Potter, Venango and Warren Counties.

Cooper (1983) shows the main distribution of the American brook lamprey to cover the northwest corner of this Commonwealth, including Lake Erie tributaries, portions of the middle and upper Allegheny River basin and the Genesee River headwaters. Cooper (1983) also cites a small population in White Clay Creek, Chester County. Additional historic data are known to fall within this same general distribution. We have found 9 104, 6 HUC 8 and 48 HUC 12 watersheds occupied based on historic data at the 104 and HUC 8 level. All historically occupied watersheds had occurrences from both pre-1971 and 1971–1990 periods.

The distribution of recent American brook lamprey collections closely mirrors that of the historic distribution

presented by Cooper (1983). Recent data (1991–2011) characterize it as relatively common in numerous waterways within northwest Pennsylvania (Fish and Boat Commission, Pennsylvania State University, R. Criswell and FWS, unpublished data). The FWS's Sea Lamprey Control Program has conducted distributional surveys for lampreys within the Erie Basin (Erie and Crawford Counties) using larval lamprey specific electrofishing gear since the mid-1980s. As a result, excellent lamprey information is available for those streams. Information available for other waterways tends to be less focused and more incidental due to brook lamprey ammocoete habitat preferences, relatively poor ammocoete recruitment to conventional electrofishing gear and short adult life span. In southeastern Pennsylvania (Chester County), the American brook lamprey is found in a relatively small area consisting of a single subbasin. Horowitz et al. (2008) reported American brook lamprey occurrences in four streams from the Mid-Atlantic Piedmont based on a previous study (Sweeney et al., 2004). Populations are also known from New Jersey to the east and from the Delmarva Peninsula to the south (Lee et al., 1980).

The Fishes Technical Committee of PABS reviewed the Heritage rank of the American Brook Lamprey and recommended it be changed from "vulnerable" (S3) to "apparently secure" (S4) status (State Rank Definitions, 1996). The Fishes Technical Committee additionally recommended "delisting" status based on the aforementioned data and apparent commonality of the species in this Commonwealth (PABS definition of "delisted species"—species which were once listed but now cited for delisting (PABS Suggested Status Definitions, 2005)).

The American brook lamprey was listed in 1999 as a Pennsylvania candidate based on a limited distribution and apparent low numbers. Argent et al. (2000) provided the methodology and rationale for listing the American brook lamprey as a Pennsylvania candidate. Currently available data indicate little if any range reduction has occurred when historic and recent records are compared throughout the four occupied basins (Allegheny, Delaware, Erie and Genesee). Extreme fragmentation, fluctuation or decline of populations has not been documented or suspected. The American brook lamprey in this Commonwealth exceeds minimum requirements for multiple listing criteria. A significant reduction in range within this Commonwealth cannot be seen when historic and recent data were compared (Criteria A1 and A2). The extent of occupancy in streams and rivers is greater than the maximum of 150 miles for candidate status (Criterion B3). The attention paid to this species since being listed is likely responsible for subsequent efforts to survey historic sites and unassessed waters. The American brook lamprey currently appears secure within this Commonwealth, thereby justifying removal from the Commonwealth's list of candidate species. Therefore, the Commission proposes that American brook lamprey be removed from the Commonwealth's list of candidate species.

The Commission proposes that §§ 65.5, 65.6, 65.14, 75.1, 75.2 and 75.3 be amended to read as set forth in Annex A.

#### F. Paperwork

The proposed rulemaking will not increase paperwork and will create no new paperwork requirements.

#### G. Fiscal Impact

The proposed amendments to Chapter 65 will not have adverse fiscal impact on the Commonwealth or its political subdivisions and will not impose new costs on the

private sector or the general public. The proposed amendments to Chapter 75 will not have direct adverse fiscal impact on this Commonwealth or its political subdivisions. The proposed amendments to Chapter 75 will not impose new direct costs on the private sector or the general public. The direct regulatory significance of designating a species as endangered or threatened is limited to prohibiting persons from taking, catching, killing or possessing these species in this Commonwealth. Because none of the species listed have commercial or recreational significance because of their rarity, there are no direct fiscal impacts from providing these protections.

The private sector and regulated community may assert that designation of certain species as endangered or threatened may have indirect fiscal impacts on them and the Commonwealth because of impacts on permitting decisions by the Department of Environmental Protection and other agencies. If an endangered or threatened species is found in an area slated for development, applicants for permits may be required to conduct additional studies or adjust the project to avoid adverse impacts on these species and their habitat. These are fiscal impacts resulting from regulatory and statutory authorities other than those under the aegis of the Commission. Many of the proposed additions to the list are found in the same watersheds as species already listed so there would be little additional burden placed on projects in those areas.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rule-making to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
Executive Director

**Fiscal Note:** 48A-237. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.5. Catch and release areas.

\* \* \* \* \*

(b) It is unlawful to fish in designated and posted catch and release areas except in compliance with the following requirements:

\* \* \* \* \*

(3) [ Fishing hours are 1 hour before sunrise to 1 hour after sunset.

(4) ] No trout may be killed or had in possession.

[ (5) ] (4) The program is open to fishing year-round; there is no closed season.

[ (6) ] (5) Wading is permitted unless otherwise posted.

[ (7) ] (6) Taking of baitfish or fishbait is prohibited.

[ (8) ] (7) A current trout/salmon permit is required.

\* \* \* \* \*

§ 65.6. Delayed harvest artificial lures only areas.

\* \* \* \* \*

(b) It is unlawful to fish in designated and posted delayed harvest, artificial lures only areas except in compliance with the following requirements:

\* \* \* \* \*

(3) [ Fishing hours are 1 hour before sunrise to 1 hour after sunset during the regular and any extended trout season.

(4) ] Minimum size is: 9 inches, caught on, or in possession on, the waters under regulation.

[ (5) ] (4) The daily creel limit is: three combined species except during the period after Labor Day and before June 15 when the daily limit shall be zero trout combined species, caught on or in possession on the waters under regulation.

[ (6) ] (5) Taking of baitfish or fishbait is prohibited.

[ (7) ] (6) A current trout/salmon permit is required.

\* \* \* \* \*

§ 65.14. Catch and release fly-fishing only areas.

\* \* \* \* \*

(b) It is unlawful to fish in designated and posted catch and release fly-fishing only areas except in compliance with the following requirements:

\* \* \* \* \*

(6) [ Fishing hours are 1 hour before sunrise to 1 hour after sunset.

(7) ] Taking of baitfish or fishbait is prohibited.

[ (8) ] (7) Wading is permitted unless otherwise posted.

[ (9) ] (8) A current trout/salmon permit is required.

\* \* \* \* \*

CHAPTER 75. ENDANGERED SPECIES

§ 75.1. Endangered species.

\* \* \* \* \*

(c) *Reptiles and amphibians*. The following species are endangered:

\* \* \* \* \*

(10) Blue-spotted Salamander, *Ambystoma laterale*.

(11) Eastern Mud Turtle, *Kinosternon subrubrum subrubrum*.

(d) *Invertebrates*. The following species are endangered:

\* \* \* \* \*

(7) Salamander mussel, *Simpsonaias ambigua*.

(8) Round hickorynut mussel, *Obovaria subrotunda*.

(9) Pistolgrip mussel, *Quadrula verrucosa*.

(10) **Rayed bean mussel, *Villosa fabalis*.**

§ 75.2. **Threatened species.**

\* \* \* \* \*

(b) *Fish*. The following species are threatened:

\* \* \* \* \*

(9) Gilt darter, *Percina evides*.

(10) **Chesapeake Logperch, *Percina bimaculata*.**

(c) *Amphibians and reptiles*. The following species are threatened:

\* \* \* \* \*

§ 75.3. **Candidate species.**

\* \* \* \* \*

(b) *Fishes*.

\* \* \* \* \*

(3) [ **American brook lamprey, *Lampetra appendix*.**

(4) ] Bowfin, *Amia calva*.

[ (5) ] (4) Central mudminnow, *Umbra limi*.

[ (6) ] (5) Eastern mudminnow, *Umbra pygmaea*.

[ (7) ] (6) Hornyhead chub, *Nocomis biguttatus*.

[ (8) ] (7) Brook stickleback, *Culaea inconstans*.

\* \* \* \* \*

[Pa.B. Doc. No. 12-1088. Filed for public inspection June 15, 2012, 9:00 a.m.]

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

[ 52 PA. CODE CH. 59 ]

[ L-2009-2107155 ]

**Meter Location**

The Pennsylvania Public Utility Commission (Commission), on July 28, 2011, adopted a proposed rulemaking order which amends § 59.18 (relating to meter and regulator location) to be consistent with Federal regulations.

*Executive Summary*

The Commission is amending its existing regulations at 52 Pa. Code § 59.18 so that state regulations are consistent with the federal regulations that the Commission has already adopted. The new regulation includes language that allows natural gas utilities to have sole determination for meter set (meter and regulator) location. The determination should be based upon the interest of public safety. The proposed language requires NGDCs to relocate current inside regulators, which are connected to steel service lines, to the outside, with the exception of historic districts and high risk vandalism districts, within 10 years.

The amended language also provides for alternatives to relocating inside meter sets outside. These alternatives include installation of an Excess Flow Valve on steel service lines or relocating inside regulators to the outside if the meter set is connected to a steel service line. The

amended language imposes no additional regulatory requirements upon NGDCs that these utilities are not already subject to under the federal regulations.

Public Meeting held  
July 28, 2011

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

*Amendment to 52 Pa. Code § 59.18 Meter Location;*  
*Doc. No. L-2009-2107155*

**Proposed Rulemaking Order**

*By the Commission:*

In accordance with Section 501 of the Public Utility Code, 66 Pa.C.S. § 501, the Commission formally commences its rulemaking process to amend its existing regulations at 52 Pa. Code § 59.18 “Meter Location” to the proposed language in Annex A.

*Background and Procedural History*

On August 21, 2008, the Commission directed the Bureau of Transportation, Gas Safety Division, to institute an investigation into the issue of gas meter placement and relocation in the context of service disputes between gas distribution companies and their customers. Pursuant to the Commission’s directive, the Gas Safety Division reviewed existing regulations and tariff language on meter location. The Gas Safety Division concluded that the Commission’s existing regulation is vague, inadequate, and out-of-date with respect to the federal standards which the PUC has adopted.

The issue of gas meter placement and relocation in the context of service disputes between NGDCs and their customers came before the Commission in two cases. *Mitchell v. Equitable Gas Company*, Docket No. C-20077457 (Final Opinion and Order Entered January 22, 2009); *Lucas v. Columbia Gas Company of Pennsylvania, Inc.*, Docket No. C-20065830 (Order entered June 3, 2008). In both cases, the meter relocation occurred due to a discovery and repair of leaking service lines. Each case involved a customer complaint filed after the utility charged for relocating the meter.

Specifically, customers had objected to being charged for the relocation of meters from inside their residences to an exterior location, and sought reimbursement of associated costs. The gas line from the meter outlet valve is considered customer owned property. Therefore, when the meters were relocated outside, the customer line was lengthened. Normally, a homeowner would have to contract with an Operator Qualified plumber to extend the house line outside to the meter. In the instances where the customers objected to the relocation of the meters, the NGDC required the meter to be relocated due to safety concerns.

After reviewing these and other cases, the PUC approved a motion offered by Commissioner Pizzingrilli finding that its regulations and the tariff provisions of gas utilities vary significantly:

[I]t is evident that there is ambiguity with respect to meter placement and relocation . . . [and] it is critically important that our regulations and company tariffs provide clear direction on meter location issues to ensure safe and reliable service.

As much of Pennsylvania’s natural gas infrastructure is aging and a number of gas utilities are in the process of embarking on significant infrastructure replacement initiatives, it is an opportune time to



assess the meter relocation policy to enable gas utilities to more efficiently address this issue in the context of these programs and to ensure safe and reliable service.<sup>1</sup>

The Commission then directed the Gas Safety Division to undertake a review of the regulations and to prepare a report with any recommendations.

#### *Discussion*

Before discussing the Gas Safety Division's report, it is noteworthy, that the Commission's only regulation governing gas meter location reads:

#### **52 Pa. Code § 59.18. Location of meters.**

Meters shall be installed in either of the following locations:

(1) Inside the building, preferably in a dry, well-ventilated place not subject to excessive heat, and as near as possible to the point of entrance of the pipe supplying service to the building.

(2) Outside the building at a location selected by the utility. A meter cover or housing is required if, in the judgment of the utility, conditions require the physical protection for the meter installation.

The U.S. Department of Transportation ("DOT") regulations, which the Commission has adopted<sup>2</sup> and has an agreement with the Pipeline and Hazardous Material Safety Administration ("PHMSA") to enforce, include the following:

#### **49 CFR 192.353—Customer meters and regulators: Location.**

(a) Each meter and service regulator, whether inside or outside a building, must be installed in a readily accessible location and be protected from corrosion and other damage, including, if installed outside a building, vehicular damage that may be anticipated. However, the upstream regulator in a series may be buried.

(b) Each service regulator installed within a building must be located as near as practical to the point of service line entrance.

(c) Each meter installed within a building must be located in a ventilated place and not less than 3 feet (914 millimeters) from any source of ignition or any source of heat which might damage the meter.

(d) Where feasible, the upstream regulator in a series must be located outside the building, unless it is located in a separate metering or regulating building.

#### **49 CFR 192.357—Customer meters and regulators: Installation.**

(a) Each meter and each regulator must be installed so as to minimize anticipated stresses upon the connecting piping and the meter.

(b) When close all-thread nipples are used, the wall thickness remaining after the threads are cut must meet the minimum wall thickness requirements of this part.

(c) Connections made of lead or other easily damaged material may not be used in the installation of meters or regulators.

(d) Each regulator that might release gas in its operation must be vented to the outside atmosphere.

The Commission's Gas Safety Division, in conjunction with the Law Bureau, implemented an investigation regarding meter set (meter and regulator) location. The Gas Safety Division issued ten data requests to the ten largest gas utilities under PUC jurisdiction. The data requests included questions related to the number of inside/outside meter sets, inside regulators, tariff language, inside meter set leak calls, reportable incidents associated with inside meter sets, meter relocation charges, inside leak surveys, and local ordinances requiring certain meter locations. All ten gas utilities responded. The data revealed that the Pennsylvania natural gas industry has approximately 27% of all meter sets located inside of residential dwellings. This average has been consistent over the last five years.

All the tariffs for the solicited utilities have tariff rules governing the location of meter sets. Each tariff states that the utility will make the ultimate siting determination. The basis for the utility decision for meter and regulator location is safety. The majority of the tariffs include language that allows for exceptions to outside siting. Allowance for inside meter and regulator sets are based upon historic area prohibitions and areas that have high amounts of vandalism.

The Commission is also concerned about the number of reportable incidents resulting, at least partially, from locating meters and regulators inside structures. The gas distribution utilities reported more than 4,000 leaks occurring on inside meter sets over a five year period. The number of reportable incidents<sup>3</sup> (65) over the past forty years, however, is more alarming. While it appears from the data that the inside meter and regulators were not always the primary factor for accidents, locating meters and regulators inside certainly contributed to these incidents through a release of natural gas. State and federal gas safety regulations require gas utilities to perform leak surveys over service lines periodically; however, several of the utilities reported that they could not comply with the leak survey requirements when the meter and regulator are inside a building, which prevents access. This is troubling because the state and federal regulations require leak surveys up to the meter. By not having access to the meter sets, the NGDCs cannot comply with the state and federal regulations and cannot detect inside leaks.

The state has experienced several gas explosions related to steel service lines being struck and pulled up from their stable position and subsequently pulling the service line from the inside meter set. Plastic service lines with inside meter sets do not pull away since the excavation equipment usually severs the line immediately after being struck. The combination of steel service line and inside meter set is a high risk factor for natural gas incidents.

The responding NGDCs also addressed the cost of moving meter sets from the inside to the outside. In most instances, if the customer requests a meter set relocation, the customer pays for the extension of the customer piping up to the outlet valve of the meter set. But the utilities have multiple exceptions as to who pays. Under federal regulations, Operator Qualified plumbers are the only plumbers who may perform work on service lines

<sup>1</sup> Gas Meter Location, Docket No. M-2008-2058386, Motion of Commissioner Kim Pizzingrilli (August 21, 2008).

<sup>2</sup> See Ratification and Adoption of Amendments to Part 192 of Title 49 of the *Code of Federal Regulations*, Docket No. M-00001347, Order entered March 16, 2000, 2000 Pa. PUC LEXIS 4; 52 Pa. Code § 59.33, safety.

<sup>3</sup> A reportable incident exists where there was a release of gas and (1) greater than \$50,000 in damages; (2) death or injury; or (3) a significant event in the determination of the distribution utility.

and meters. The Operator Qualified plumbers are certified and tested by the specific gas utility.

If a meter set is to be moved outside and the meter set was connected to a steel service line, the NGDC would replace the steel service line and move the meter set outside where practical. The cost of replacing the steel service line and moving the meter set outside is approximately \$4,000 per unit. The average cost of moving only a meter set from inside to outside is approximately \$500. UGI opined that most of the steel service lines with inside meter sets were connected to bare steel or unprotected steel mains which would also need to be replaced and would increase the cost.

Therefore, if an NGDC is replacing a natural gas main in accordance with its main replacement program, NGDC's should make all reasonable efforts to replace the bare or unprotected steel service lines in addition to relocating the meter set. In 2008, Columbia Gas of Pennsylvania, Inc. requested limited waivers of the tariff rules relating to customer service line replacement.<sup>4</sup> According to Columbia's existing tariff, certain customers are responsible for the installation, maintenance and replacement of their service lines. We agreed it would be inequitable to require these customers to replace their service lines at the customers' expense when the replacement was required by Columbia's main replacement and upgrade project. Thus, it would be prudent and more cost effective for NGDCs to coordinate their meter set relocation program (including steel service line replacement when necessary) with their main replacement program.

There are several alternatives, however, to relocating and replacement of inside meter sets and steel service lines. One alternative is to retrofit existing service lines with Excess Flow Valves. Excess Flow Valves (EFV) are currently mandated for all new and replaced service lines by federal law. See 49 U.S.C. 60110, 49 CFR 192.381. The cost of retrofitting a steel service line with EFV is approximately \$1,500. Another alternative to relocation and replacement is to relocate the inside regulator to the outside. The majority of gas distribution utilities do not allow inside regulators, however the companies that do allow them include UGI, PECO, and PGW. The relocation of the inside regulator costs approximately \$450.

Finally, several utilities provide service in historic districts where municipal laws require the meter set to be located inside structures. In many of these instances, the utilities are able to locate the regulator outside; however, there are instances when the utility must locate the entire meter set inside due to zoning ordinances. In addition, some utilities must locate meter sets inside due to vandalism concerns.

After review of the state and federal regulations pertaining to meter set location, gas distribution tariffs, and after meeting with the gas utilities, the Gas Safety Section concluded:

1. The Pennsylvania regulations at § 59.18 are silent as to reimbursement costs related to relocation of meters.
2. The Commission has adopted provisions of the Code of Federal Regulations, which address the safety issues related to meter set location and installation and thus are in conflict with the existing Pennsylvania regulations.
3. The collected data show that Pennsylvania has experienced 65 reportable incidents associated with inside meter sets and inside regulators over the last 40 years.

<sup>4</sup> Petition of Columbia Gas of Pennsylvania, Inc. for Limited Waivers of Certain Tariff Rules Related to Customer Service Line Replacement, Docket No. P-00072337.

4. The gas distribution utilities have had more than 4,000 leaks related to inside meter sets over the last five years.

5. Several of the gas distribution utilities cannot comply with the state and federal regulations pertaining to leakage surveys because they cannot get access to inside meter sets.

6. Inside meter sets with inside regulators are a major concern due to the possibility of high pressure gas flowing into a structure if the inside meter or inside regulator is detached from the service line. Three gas distribution utilities have high numbers of inside meter sets with inside regulators that are at higher risk for failure because the inside meter and regulator are connected to a steel service line. Steel service lines are susceptible to pulling from excavation equipment. Pennsylvania has experienced several catastrophic explosions due to steel service lines pulling away from inside meter sets and inside regulators.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 31, 2012, the Commission submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees. In addition to submitting the proposed rulemaking, the Commission provided IRRC and will provide the Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

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

#### *Conclusion*

The Commission, therefore, formally commences its rulemaking process to amend its existing regulations by amending 52 Pa. Code § 59.18 consistent with Annex A to this Order, so that the state regulations are consistent with the federal regulations that the Commission has adopted. The new regulation includes language that allows the natural gas utilities to have sole determination for meter set (meter and regulator) location. The determination should be based upon the interest of public safety. The proposed language also requires NGDCs to relocate current inside regulators, which are connected to steel service lines, to the outside with the exception of historic districts and high risk vandalism districts within 10 years.

The proposed amended language also provides for alternatives to relocating inside meter sets outside. These alternatives include installation of an Excess Flow Valve on steel service lines or relocating inside regulators to the outside if the meter set is connected to a steel service line. The proposed amended language imposes no additional regulatory requirements upon NGDCs that these utilities are not already subject to under the federal regulations. The Commission seeks comments from all interested parties on this proposed regulation amendment, which is found at Annex A to this Order.

Accordingly, under sections 501 and 1501 of the Public Utility Code, 66 Pa.C.S. § 501 and 1501; sections 201 and 202 of the Act of July 31, 1968, P. L. 769 No. 240, 45 P. S. §§ 1201—1202, and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2, and 7.5; section 204(b) of the Commonwealth Attorneys Act, 71 P. S. 732.204(b); section 745.5 of the Regulatory Review Act, 71 P. S. § 745.5; and section 612 of the Administrative Code of 1929, 71 P. S. § 232, and the regulations promulgated thereunder at 4 Pa. Code §§ 7.231—7.234, we are considering adopting the proposed regulations set forth in Annex A; *Therefore,*

*It Is Ordered That:*

1. A proposed rulemaking be opened to consider the regulations set forth in Annex A.

2. The Secretary shall submit this proposed rulemaking Order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor’s Budget Office for review of fiscal impact.

3. The Secretary shall submit this proposed rulemaking Order and Annex A for review and comments to the Independent Regulatory Review Commission and the Legislative Standing Committees.

4. The Secretary shall certify this proposed rulemaking Order and Annex A and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

5. An original and 15 copies of any written comments referencing the docket number of the proposed regulations be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn: Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265.

6. A copy of this proposed rulemaking order and Annex A shall be served on the Office of Trial Staff, the Office of Consumer Advocate, and The Office of Small Business Advocate, and all Natural Gas Distribution Companies.

7. The contact person for this proposed rulemaking is Adam D. Young, Assistant Counsel, Law Bureau, (717) 787-5000. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, Law Bureau, (717) 772-4579.

ROSEMARY CHIAVETTA,  
*Secretary*

**Fiscal Note:** 57-277. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 52. PUBLIC UTILITIES**  
**PART I. PUBLIC UTILITY COMMISSION**  
**Subpart C. FIXED SERVICE UTILITIES**  
**CHAPTER 59. GAS SERVICE**  
**SERVICE AND FACILITIES**

§ 59.18. [ Location of meters ] Meter and regulator location.

[ Meters shall be installed in either of the following locations:

(1) **Inside the building, preferably in a dry, well-ventilated place not subject to excessive heat, and as near as possible to the point of entrance of the pipe supplying service to the building.**

(2) **Outside the building at a location selected by the utility. A meter cover or housing is required if, in the judgment of the utility, conditions require the physical protection for the meter installation. ]**

(a) *General requirements.*

(1) **When practical, a building may not have more than one service line. The service line must terminate in the building in which the service line enters.**

(2) **Meters shall be installed at the service regulator. When more than one meter is set on a particular premises, the meters must be set at one location. When it is necessary to install meters at multiple locations on the premises, the utility operator shall provide a tag or other means to indicate there are multiple meter locations.**

(3) **An outside, aboveground meter location must be used when availability of space and other conditions permit.**

(4) **When selecting a meter or service regulator location, a utility shall consider potential damage by outside forces, including:**

(i) **Vehicles.**

(ii) **Construction equipment.**

(iii) **Tools or other materials which could be placed on the meter.**

(iv) **Falling objects, such as packed snow or ice from a roof.**

(5) **When potential damage is evident, the meter or service regulator shall be protected or an alternate location selected.**

(6) **Meters and service regulators may not be installed in contact with soil or other potentially corrosive materials. A utility shall consider the potential for shorting out the insulating fitting when choosing a location.**

(7) **The meter location must accommodate access for meter reading, inspection, repairs, testing, changing and operation of the gas shut-off valve.**

(8) **The meter location must accommodate the installation of the service line in a straight line perpendicular to the main.**

(9) **Meters and service regulators may not be installed in the following locations:**

(i) **Directly beneath or in front of windows or other building openings which may be used as emergency fire exits.**

(ii) **Under interior or exterior stairways.**

(iii) **A crawl space with limited clearance.**

(iv) **Near building air intakes.**

(10) **When the Commission or a utility determines that a meter or regulator shall be moved for safety reasons, the costs associated with the relocation of the meter or regulator shall be borne by the utility. When a utility moves a meter in addition to the regulator, under this section, the cost of extending customer-owned facilities to the new meter location shall be borne by the utility.**

(11) **A customer requesting that a meter or regulator be moved shall pay the costs associated with**

relocation when the meter and regulator are currently situated in a suitable location under State and Federal guidelines.

(12) Utilities shall address meter location in their tariffs.

(b) *Outside meter or service regulator locations.* Outside meters or service regulators shall be installed in the following locations:

(1) Aboveground in a protected location adjacent to the building served.

(2) In a properly designed buried vault or meter box.

(i) The vault or meter box must be located on a customer's property, either adjacent to the building served or near the gas main.

(ii) Vaults may be located in a public right-of-way. Consent of local jurisdictions may be required.

(3) A utility shall consider proper design and location criteria for a meter box, including:

- (i) Ventilation.
- (ii) Vehicular traffic.
- (iii) Potential for soil accumulation.
- (iv) Surface water runoff.
- (v) High water table.
- (vi) Proximity to building air intakes or openings.
- (vii) Proximity to an excessive heat source.

(4) Piping installed through vault walls shall be properly coated to protect from corrosion.

(5) Vaults containing gas piping may not be connected by means of a drain connection to any other underground structure.

(6) When a meter box is located outside a paved surface, a utility shall consider the potential for fill, topsoil or sod being placed over the vault and, when practical, choose an alternate location.

(7) A utility shall refer to the guide material under 49 CFR 192.355 (relating to customer meters and regulators: protection from damage).

(c) *Inside meter or service regulator locations.*

(1) Inside meter locations shall be considered only when:

(i) An acceptable outside location is not available due to restrictions in Federally-approved historic districts or in high-risk vandalism districts.

(ii) Protection from ambient temperatures is necessary to avoid meter freeze-ups.

(2) Regulators must be located outside when a meter is located inside.

(3) Installed inside meters must be attached to an operable outside shut off valve.

(4) Regulators connected to steel service lines must be relocated to the outside by December 31, 2020.

(5) Meters and service regulators may not be located in engine, boiler, heater or electrical equipment rooms, living quarters, closets, restrooms, bathrooms or similar confined locations.

(6) Each service regulator installed within a building must be located as near as practical to the service line entry point. When selecting the service regulator location, venting requirements and the vent piping location and length shall be considered.

(7) When a meter or service regulator is located inside a building, a utility shall comply with 49 CFR 192.365 (relating to service lines: location of valves). A utility shall install a readily accessible shut-off valve outside the building.

(d) *Other meter or service regulator locations.* A utility may consider a specially constructed cabinet recessed in the building wall, sealed from inside the building and vented to and accessible from outside the building.

[Pa.B. Doc. No. 12-1089. Filed for public inspection June 15, 2012, 9:00 a.m.]

## [ 52 PA. CODE CHS. 54, 62, 69 and 72 ]

[ L-00070186 ]

[ M-00072036 ]

### Withdrawal of Proposed Rulemaking and Proposed Statement of Policy; Universal Service and Energy Conservation Reporting Requirements; Customer Assistance Programs

*Proposed Rulemaking Relating to Universal Service and Energy Conservation Reporting Requirements, 52 Pa. Code §§ 54.71—54.78 (electric); §§ 62.1—62.8 (natural gas) and Customer Assistance Programs, §§ 76.1—76.6; Doc. No. L-00070186*

*Proposed Revision to Policy Statement on Customer Assistance Programs, 52 Pa. Code §§ 69.261—69.267; Doc. No. M-00072036*

### Order Withdrawing Rulemaking and Policy Statement

On May 10, 2012, the Pennsylvania Public Utility Commission (Commission) entered an order discontinuing the Proposed Rulemaking on Universal Service and Energy Conservation Reporting Requirements and Customer Assistance Programs (CAP) at Doc. No. L-00070186 and the Proposed Revision to the Policy Statement on CAPs at Doc. No. M-00072036.

The proposed rulemaking order was published at 38 Pa.B. 776 (February 9, 2008). The Commission reopened the public comment period to provide interested parties with an opportunity to submit additional comments on specific topics at 40 Pa.B. 1764 (April 3, 2010). The order regarding the proposed revisions to the CAP Statement of Policy was published at 37 Pa.B. 6022 (November 10, 2007).

Several developments occurred since the initiation of these proceedings that impact the information that was used to draft the proposed rulemaking and proposed statement of policy. These developments include a change in policy regarding the integration of Low Income Home Energy Assistance Program grants with CAPs and the growth of CAPs during the economic decline. Both developments likely contributed to the increased costs of CAPs. The Commission wishes to re-evaluate a CAP design that differs from the one in the proposed rulemaking and proposed revisions to the CAP statement of policy to restore the balance between providing an affordable CAP

bill and ensuring that the rates to non-CAP customers, who fund CAPs, remain just and reasonable.

In addition, the Commission noted that it is conducting an investigation into the retail electricity market in this Commonwealth. Investigation of Pennsylvania's Retail Electricity Market, Doc. No. I-2011-2237952. Several universal service issues are being examined in this investigation, including whether CAP customers should be able to shop for electric supply and, if so, the protections that should be in place to ensure that the generation service is affordable. Further, the investigation may examine who will administer universal service programs and serve CAP customers in an environment where electric generation suppliers provide default service. The Commission determined that it was prudent to wait until the conclu-

sion of the universal service stakeholder process in the investigation before finalizing the proposed rulemaking and proposed revisions to the CAP statement of policy.

The Commission intends to initiate a new rulemaking and policy statement in the future.

A complete copy of the order is available on the Commission's web site at <http://www.puc.state.pa.us/general/search.aspx> by performing a search for Doc. No. L-00070186 and Doc. No. M-00072036.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1090. Filed for public inspection June 15, 2012, 9:00 a.m.]

# NOTICES

## BOARD OF COAL MINE SAFETY

### Meeting Cancellation

The June 19, 2012, meeting of the Board of Coal Mine Safety (Board) has been cancelled. A new meeting date will be announced in a future issue of the *Pennsylvania Bulletin*.

Questions concerning the Board may be directed to Allison D. Gaida at (724) 439-7289 or to [agaida@pa.gov](mailto:agaida@pa.gov).

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 12-1091. Filed for public inspection June 15, 2012, 9:00 a.m.]

## 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 May 29, 2012.

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

### BANKING INSTITUTIONS

#### Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
5-25-2012	<p><i>From:</i> Washington Savings Bank Philadelphia Philadelphia County</p> <p><i>To:</i> Washington Savings Bank Philadelphia Philadelphia County</p> <p>Application for approval to convert from a Federal mutual savings bank to a Pennsylvania State-chartered, non-Federal Reserve member mutual savings bank.</p>	Filed

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-25-2012	First Keystone Community Bank Berwick Columbia County	Routes 11 and 239 Shickshinny Luzerne County	Approved

##### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-25-2012	Atlantic Central Bankers Bank Camp Hill Cumberland County	<p><i>To:</i> 24 Commerce Street Newark Essex County, New Jersey</p> <p><i>From:</i> 550 Broad Street Newark Essex County, New Jersey</p>	Approved
5-25-2012	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<p><i>To:</i> 4265 Buffalo Road Erie County</p> <p><i>From:</i> 4400 Buffalo Road Erie Erie County</p>	Approved

**NOTICES****3461**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-25-2012	Northwest Savings Bank Warren Warren County	<i>To:</i> Raymond Boulevard and Route 19 Washington Washington County  <i>From:</i> 30 Trinity Point Drive Washington Washington County	Approved

**Branch Consolidations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-23-2012	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>Into:</i> 9353 Krewston Road Philadelphia Philadelphia County  <i>From:</i> 9896 Bustleton Avenue Philadelphia Philadelphia County	Approved

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Branch Applications****Branch Relocations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-25-2012	Incol Credit Union Old Forge Lackawanna County	<i>To:</i> 584 Wyoming Avenue Kingston Luzerne County  <i>From:</i> 480 Pierce Street Kingston Luzerne County	Approved

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. 12-1092. Filed for public inspection June 15, 2012, 9:00 a.m.]

**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 June 5, 2012.

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

**BANKING INSTITUTIONS****Interim Incorporations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
6-1-2012	Gateway Interim Bank McMurray Washington County	Filed

The purpose of Gateway Interim Bank, McMurray, is to facilitate the proposed merger of Gateway Bank of Pennsylvania, McMurray, with and into S&T Bancorp, Indiana.

**Holding Company Acquisitions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
6-1-2012	S&T Bancorp, Inc. Indiana Indiana County	Filed
	Application for approval to acquire 100% of Gateway Interim Bank, McMurray, and thereby indirectly acquire 100% of Gateway Bank of Pennsylvania, McMurray.	

**Consolidations, Mergers, and Absorptions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
6-1-2012	Gateway Interim Bank McMurray Washington County	Filed
	Application for approval to merge Gateway Bank of Pennsylvania, McMurray, with and into Gateway Interim Bank, McMurray.	

**Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-5-2012	QNB Bank Quakertown Bucks County	127 Bethlehem Pike Colmar Montgomery County	Approved

**Branch Relocations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-12-2012	Atlantic Central Bankers Bank Camp Hill Cumberland County	<i>To:</i> 24 Commerce Street Newark Essex County, New Jersey  <i>From:</i> 550 Broad Street Newark Essex County, New Jersey	Effective
5-29-2012	F&M Trust Co. of Chambersburg Chambersburg Franklin County	<i>To:</i> 51 South High Street Newville Cumberland County  <i>From:</i> 9 West Big Spring Avenue Newville Cumberland County	Effective

**Branch Consolidations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-5-2012	Susquehanna Bank Lititz Lancaster County	<i>Into:</i> 40 Center Square Greencastle Franklin County  <i>From:</i> 35 Carlisle Street Greencastle Franklin County	Approved

**Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-5-2012	3rd Fed Bank Newtown Bucks County	905 North 2nd Street Philadelphia Philadelphia County	Filed



**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
6-5-2012	Semper Trust Company King of Prussia Montgomery County	Filed
	Amendment to Article second of the institution's Articles of Incorporation provides for a change in their principal place of business from 610 West Germantown Pike, Plymouth Meeting, Montgomery County, PA 19462 to 150 South Warner Road, King of Prussia, Montgomery County, PA 19406.	

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

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. 12-1093. Filed for public inspection June 15, 2012, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of July 2012**

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of July, 2012, is 4 3/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 2.17 to which was added 2.50 percentage points for a total of 4.67 that by law is rounded off to the nearest quarter at 4 3/4%.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 12-1094. Filed for public inspection June 15, 2012, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

**Pennsylvania Recreational Trails Advisory Board Meeting**

The Pennsylvania Recreational Trails Advisory Board of the Department of Conservation and Natural Resources

(Department) will hold a meeting on Tuesday, June 19, 2012, from 12 p.m. until 9 p.m. and continue on Wednesday, June 20, 2012, from 10:30 a.m. until 3 p.m. at the Holiday Inn Harrisburg-Hershey, 604 Station Road, Grantville, PA 17028.

Questions concerning this meeting or agenda items can be directed to Vanyla Tierney, (717) 783-2654.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Jennifer F. Gardner at (717) 772-3839 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

RICHARD J. ALLAN,  
*Secretary*

[Pa.B. Doc. No. 12-1095. Filed for public inspection June 15, 2012, 9:00 a.m.]

**Request for Bids**

The Department of Conservation and Natural Resources is soliciting bids for the following project. Bid documents can be obtained from the Administrative Services Section, Bureau of Facility Design and Construction at (717) 787-5055:

*FDC-010-6096.1—Bakers Run Boat Launch, Forest District 10, Sproul State Forest, Grugan Township, Clinton County.* Work included under this contract consists of construction of a new entrance drive and parking area; aggregate path; preengineered comfort station; concrete plank boat launch; topsoil and seeding; erosion control measures; stormwater devices; stationary bollards; signage; landscape planting; and other site improvements. Bid documents will be available on or after June 13, 2012. The bid opening will be held on July 12, 2012.

RICHARD J. ALLAN,  
*Secretary*

[Pa.B. Doc. No. 12-1096. Filed for public inspection June 15, 2012, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

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### APPLICATIONS

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#### 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.

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#### I. NPDES Renewal Applications

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*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 No.)</i>	<i>EPA Waived Y/N?</i>
PA0051675 (Sewage)	Moore Elementary School Klecknersville, PA 18067	Northampton County Moore Township	Monocacy Creek (2-C)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0087033 (SFTF)	Rachel Esh 6352 McClays Mill Road Newburg, PA 17240	Franklin County Lurgan Township	UNT to Conodoguinet Creek / 7-B	Y
PA0020222 (Sew)	Terre Hill Borough PO Box 250 300 Broad Street Terre Hill, PA 17581-0250	Lancaster County East Earl Township	UNT to Black Creek / 7-J	Y
PA0261009 (SRSTP)	Robert D. Fletcher 6336 Old Harrisburg Pike York Springs, PA 17372	Adams County Huntington Township	UNT to Bermudian Creek / 7-F	Y
PA0052485 (Sew)	Mountain Springs MHP PO Box 365 Shartlesville, PA 19554	Berks County Upper Bern Township	UNT to Mill Creek / 3-B	Y

*Northwest Region: Clean Water 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>
PA0222208 (Sew)	Bowers, Chase, Chrzanowski SFTF 3941 Knoyle Road, Erie, PA 16510-4926	Erie County Greene Township	Unnamed Tributary to Fourmile Creek (15)	Y

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

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

**PA0051985 A-1**, Sewage, SIC Code 4952, **Horsham Water & Sewer Authority**, 617 Horsham Road, Horsham, PA 19044. Facility Name: Park Creek STP. This existing facility is located in Horsham Township, **Montgomery County**.

Description of Activity: The application is for an amendment of the existing NPDES permit to increase the permitted discharge flow from 1.0 million gallon per day of treated sewage effluent to 2.25 million gallons per day.

The receiving stream(s), Park Creek, is located in State Water Plan watershed 2-F and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.25 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</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
CBOD						
May 1 - Oct 31 (Interim) (effective date thru completion of plant expansion)	83	125	XXX	10	15	20
Nov 1 - Apr 30 (Interim) (effective date thru completion of plant expansion)	167	250	XXX	20	30	40
May 1 - Oct 31 (Final) (completion of plant expansion thru expiration date)	187	281	XXX	10	15	20
Nov 1 - Apr 30 (Final) (completion of plant expansion thru expiration date)	375	563	XXX	20	30	40
Total Suspended Solids (Interim) (effective date thru completion of plant expansion)	250	375	XXX	30	45	60
Total Suspended Solids (Final) (completion of plant expansion thru expiration date)	563	844	XXX	30	45	60

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Nitrate-Nitrite as N						
Jul 1 - Oct 31 (Interim) (effective date thru completion of plant expansion)	71.0	XXX	XXX	8.5	XXX	17.0
Jul 1 - Oct 31 (Final) (completion of plant expansion thru expiration date)	167.0	XXX	XXX	8.9	XXX	17.8
Nitrate-Nitrite as N						
Nov 1 - Jun 30	Report	XXX	XXX	Report	XXX	Report
Ammonia-Nitrogen						
May 1 - Oct 31 (Interim) (effective date thru completion of plant expansion)	21.0	XXX	XXX	2.5	XXX	5.0
Nov 1 - Apr 30 (Interim) (effective date thru completion of plant expansion)	33.0	XXX	XXX	4.0	XXX	8.0
May 1 - Oct 31 (Final) (completion of plant expansion thru expiration date)	39.4	XXX	XXX	2.1	XXX	4.2
Nov 1 - Apr 30 (Final) (completion of plant expansion thru expiration date)	75.0	XXX	XXX	4.0	XXX	8.0
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	Report
Total Phosphorus						
Apr 1 - Oct 31 (Interim) (effective date thru 2/28/13)	17.0	XXX	XXX	2.0	XXX	4.0
Apr 1 - Oct 31 (Interim) (3/1/13 thru completion of plant expansion)	7.3	XXX	XXX	0.9	XXX	1.8
Nov 1 - Mar 31 (Interim) (3/1/13 thru completion of plant expansion)	14.6	XXX	XXX	1.8	XXX	3.6
Nov 1 - Mar 31 (Interim) (effective date thru 2/28/13)	Report	XXX	XXX	Report	XXX	Report
Apr 1 - Oct 31 (Final) (completion of plant expansion thru expiration date)	11.1	XXX	XXX	0.6	XXX	1.2
Nov 1 - Mar 31 (Final) (completion of plant expansion thru expiration date)	22.2	XXX	XXX	1.2	XXX	2.4
Total Copper (Interim) (3/1/13 thru completion of plant expansion)	XXX	XXX	XXX	0.03	0.047 Daily Max	XXX
(effective date thru 2/28/13)	XXX	XXX	XXX	Report	Report Daily Max	XXX
Total Copper (Final) (completion of plant expansion thru expiration date)	XXX	XXX	XXX	0.025	0.038 Daily Max	XXX
Total Lead	XXX	XXX	XXX	Report	Report Daily Max	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of an average stormwater event.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Annual Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	XXX	Report	Report	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	Report	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	Report	Report	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Annual Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	Report	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	Report	XXX
Total Phosphorus	XXX	XXX	XXX	Report	Report	XXX
Dissolved Iron	XXX	XXX	XXX	Report	Report	XXX

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

- Notification of designation of responsible operator
- Definition of average weekly
- Remedial measures if public nuisance
- No stormwater to sanitary sewers
- Necessary easements
- Small stream discharge
- Change in ownership
- Proper sludge disposal
- TMDL data submission
- Operator training
- Whole effluent toxicity testing with renewal
- Instantaneous maximum limitations
- Operations and maintenance plan
- Laboratory certification
- Fecal coliform reporting
- Toxics reduction evaluation requirements
- Stormwater requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is not in effect.

**PAS120001**, Storm Water, SIC Code 2048, **Griffin Industries Inc. dba Bakery Feeds**, 4221 Alexandria Pike, Cold Spring, KY 41076. Facility Name: Bakery Feeds Honey Brook Plant. This proposed facility is located in Honey Brook Township, **Chester County**.

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

The receiving stream(s), West Branch Brandywine Creek, is located in State Water Plan watershed 3H and is classified for High Quality Waters—Trout Stocking and Mi, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on stormwater.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average</i>	<i>Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
BOD <sub>5</sub>	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorous	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on stormwater.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average</i>	<i>Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
BOD <sub>5</sub>	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average</i>	<i>Maximum</i>	<i>Instant. Maximum</i>
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorous	XXX	XXX	XXX	XXX	Report	XXX

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

- Remedial Measures
- Necessary Property Rights
- TMDL / WLA Analysis
- Laboratory Accreditation
- Stormwater Discharge

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

**PA0029343**, Sewage, SIC Code 8051, **Chatham Acres Nursing Center STP**, 315 East London Grove Road, West Grove, PA 19390. Facility Name: Chatham Acres Nursing Center. This existing facility is located in London Grove Township, **Chester County**.

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

The receiving stream(s), Unnamed Tributary to East Branch White Clay Creek, is located in State Water Plan watershed 3I and is classified for Exceptional Value Waters, 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 0.027 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>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.1	XXX	0.1
CBOD <sub>5</sub>						
May 1 - Oct 31	XXX	XXX	XXX	20	XXX	40
Nov 1 - Apr 30	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Total Nitrogen	7.9	XXX	XXX	35	XXX	70
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18.0
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4.0

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

- A. Notification of Designation Of Operator
- B. Abandon STP When Municipal Sewers Available
- C. Remedial Measures if Unsatisfactory Effluent
- D. Act 11 Requirement
- E. No Stormwater
- F. Acquire Necessary Property Rights
- G. Change of Ownership
- H. Total Residual Chlorine Requirement
- I. Sludge Disposal Requirements
- J. TMDL/WLA Analysis
- K. IMAX Requirements
- L. 2/Month Monitoring Requirements

## M. Laboratory Certification.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

**PA0036374**, Sewage, SIC Code 4952, **Upper Uwchlan Township Municipal Authority**, 140 Pottstown Pike, Chester Springs, PA 19425-9516. Facility Name: Eaglepointe Development Association STP. This existing facility is located in Upper Uwchlan Township, **Chester County**.

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

The receiving stream(s), Unnamed Tributary to Marsh Creek, is located in State Water Plan watershed—3H and is classified for High Quality Waters—Trout Stocking and Mi, 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 0.015 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.14	XXX	0.34
CBOD <sub>5</sub>						
May 1 - Oct 31	1.3	1.9	XXX	10	15	20
Nov 1 - Apr 30	2.5	3.8	XXX	20	30	40
Total Suspended Solids	3.8	5.6	XXX	30	45	60
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
Total Nitrogen	6.255	XXX	XXX	Geo Mean 50	XXX	100
Ammonia-Nitrogen						
May 1 - Oct 31	0.1	XXX	XXX	0.5	XXX	1.0
Nov 1 - Apr 30	0.2	XXX	XXX	1.5	XXX	3.0
Total Phosphorus						
Apr 1 - Oct 31	0.1	XXX	XXX	0.5	XXX	1.0
Nov 1 - Mar 31	0.2	XXX	XXX	1.0	XXX	2.0

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

- A. Notification of Designation of Operator
- B. "Average Weekly" Reporting
- C. Remedial Measures if Unsatisfactory Effluent
- D. No Stormwater
- E. Property Rights
- F. Small Stream
- G. Change in Ownership
- H. Total Residual Chlorine Requirement
- I. Sludge Disposal Requirement
- J. Certified Operator
- K. IMAX Requirement
- L. Laboratory Certification

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

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

**PA0261840**, SIC Code 4952, **Terri Straka**, 1440 Schoffers Road, Birdsboro, PA 19508. Facility Name: Straka Res. This proposed facility is located in Exeter Township, **Berks County**.

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

The receiving stream(s), Owatin Creek is located in State Water Plan watershed 3-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

<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
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)						
5/1-9/30	XXX	XXX	XXX	200	XXX	1000
				Geo Mean		
10/1-4/30	XXX	XXX	XXX	2000	XXX	10,000
				Geo Mean		

In addition, the permit contains the following conditions:

- semi-annual cleaning of Ultraviolet Light used for disinfection, at a minimum
- to include written proof that the septic tank was pumped out with the permit renewal application
- to submit an Annual Maintenance Report by June 30 of each year.

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

The EPA Waiver is in effect.

**PA0022233**, Sewage, SIC Code 4952, **Arendtsville Borough Municipal Authority**, 1 Chestnut Street PO Box 508, Arendtsville, PA 17303-0181. Facility Name: Arendtsville STP. This existing facility is located in Arendtsville Borough, **Adams County**.

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

The receiving stream, Conewago Creek, is located in State Water Plan watershed 7-F and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.14 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.41	XXX	1.35
CBOD <sub>5</sub>						
May 1 - Oct 31	23	35	XXX	20	30	40
Nov 1 - Apr 30	29	46.5	XXX	25	40	50
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	35	52.5	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	7.0	XXX	XXX	6.0	XXX	12
Nov 1 - Apr 30	21	XXX	XXX	18	XXX	36
Total Phosphorus	2.3	XXX	XXX	2.0	XXX	4.0

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

The EPA Waiver is in effect.



**PA0088650**, Sewage, SIC Code 8661, **Capital Area Christian Church**, 1775 Lambs Gap Road, Mechanicsburg, PA 17055. Facility Name: Capital Area Christian Church. This existing facility is located in Hampden Township, **Cumberland County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0021 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Report</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	7.5	XXX	15
Nov 1 - Apr 30	XXX	XXX	XXX	22	XXX	44
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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

The EPA Waiver is in effect.

**PA0082511**, Sewage, SIC Code 8661, **Roxbury Holiness Camp Inc.**, PO Box 28, Roxbury, PA 17251-0028. Facility Name: Brethren In Christ Roxbury Camp. This existing facility is located in Letterkenny Township, **Franklin 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), Conodoguinet Creek, is located in State Water Plan watershed 7-B and is classified for 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 0.03 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Annual Average</i>	<i>Report</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	XXX	XXX	XXX	Avg Mo 25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	Avg Mo 30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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

The EPA Waiver is in effect.

Southwest Regional Office: Regional Manager, Clean Water, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; 412-442-4000

**PA0097390**, Sewage, **Marion Township**, 485 Hartzell School Road, Fombell, PA 16123-1303. Facility Name: Vekaplast Treatment Plant. This existing facility is located in Marion Township, **Beaver County**.

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

The receiving stream, Connoquenessing Creek, is located in State Water Plan watershed 20-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.028MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Minimum	Minimum	Average Monthly	Geo Mean	
Flow (MGD)	.028	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	1.4	XXX	3.3
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Total Phosphorus	0.5	XXX	XXX	Geo Mean 2.0	XXX	4.0

The EPA Waiver is in effect.

**PA0217166**, **Kenneth W. Grey**, 13259 State Route 422, Kittanning, PA 16201. Facility Name: Grey Personal Care Home STP. This existing facility is located in Kittanning Township, **Armstrong County**.

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

The receiving stream(s), Unnamed Tributary of Cowanshannock Creek, is located in State Water Plan Watershed 17-E 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 0.0014 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Geo Mean	
Flow (MGD)	0.0014	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	3.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	Report
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2000	XXX	10000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18.0

The EPA Waiver is in effect.

**PA0093611**, Sewage, **ST Development Company, LLC**, 195 Enterprise Lane, Connellsville, PA 15425. Facility Name: ST Development Company STP. This existing facility is located in Bullskin Township, **Fayette 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), Drainage Swale to Irish Run, is located in State Water Plan Watershed 19-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 0.0061 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly		
Flow (MGD)	0.0061	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	3.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	1.4	XXX	3.3
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2000	XXX	10000
Geo Mean				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	4.0	XXX	8.0
Nov 1 - Apr 30	XXX	XXX	XXX	12.0	XXX	24.0

The EPA Waiver is in effect.

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

**PA0102326 A-1**, Sewage, SIC Code 4952, 9223, **PA Department Of Corrections**, 801 Butler Pike, Mercer, PA 16137. Facility Name: Mercer State Corrections Institute. This existing facility is located in Findley Township, **Mercer County**.

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

The receiving stream is, Neshannock Creek, located in State Water Plan watershed 20-A and classified for trout stocking, 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 0.31 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD <sub>5</sub>	64.7	XXX	XXX	25	XXX	50
Total Suspended Solids	77.6	XXX	XXX	30	XXX	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	XXX	XXX
Geo Mean				Geo Mean report		
UV Transmittance ( $\mu\text{w}/\text{cm}^2$ )	XXX	XXX	XXX	report	XXX	report
Ammonia-Nitrogen						
May 1 - Oct 31	25.9	XXX	XXX	10	XXX	21
Nov 1 - Apr 30	82.8	XXX	XXX	32	XXX	65

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

The EPA Waiver is in effect.

PA DEP Central Office: Bureau of Point and Non-Point Source Management, Planning and Permitting Program Manager, 400 Market Street, Harrisburg, PA 17105-8774, Telephone: 717.787.8184.

**PA0270750, Pesticides**, SIC Code 0782, **PA DCNR Bureau of State Parks**, PO Box 8551, Harrisburg, PA 17105-8551.

Description of Proposed Activity: The application is for a new NPDES permit for proposed discharges associated with the application of pesticides to control weeds and algae in all lakes associated with Pennsylvania State Parks statewide.

Applicators are required to follow product labeling instructions of pesticides, which may include provisions to reduce application doses and notify public water suppliers in the event applications are conducted near public water supply intakes. Certain pesticides require a shutdown of the public water supply intake for 48 hours if applied within 1/2 mile from any active drinking water supply intake. Applicators are required to coordinate with the operators of such drinking water treatment plants prior to treatment to avoid any shortages. Generally, the discharges associated with the pesticide applications are not expected to affect public water supplies.

PA DEP has made a tentative determination to issue the NPDES permit subject to the terms and conditions of the permit. An anti-degradation analysis has been completed to document that pesticide application activities in High Quality

(HQ) or Exceptional Value (EV) lakes will be conducted in a manner that minimizes adverse environmental effects. The proposed permit contains conditions that require implementation of Pest Management Measures, Recordkeeping and Annual Reporting Requirements, Corrective Action Documentation and Reporting, and a Pesticides Discharge Management Plan.

You may make an appointment to review the DEP files on this case by calling Dharmendra Kumar at 717.783.2288. You may submit written comments on the application and draft permit within 30 days to the address above. After the 30-day comment period, PA DEP will make a final determination on the issuance of the permit.

The EPA waiver is not in effect.

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

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

**WQM Permit No. 2312202**, Industrial Waste, **Sunoco Inc., R&M**, 10 Industrial Highway, Bldg G, MS4, Lester, PA 19029.

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

Description of Action/Activity: Groundwater remediation system at retail gasoline station with discharge to on-site re-infiltration gallery.

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

**WQM Permit No. 0712202**, CAFO, **Gerald E Smith Dairy Farm**, 2787 Cove Mountain Road, Martinsburg, PA 16662.

This proposed facility is located in North Woodbury Township, **Blair County**.

Description of Proposed Action/Activity: To construct a 140' diameter by 16' deep circular concrete manure storage structure for the dairy farm.

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

**WQM Permit No. 0285431A2**, Sewerage, **Robinson Township Municipal Authority**, PO Box 15539, Pittsburgh, PA 15244

This existing facility is located in Robinson Township, **Allegheny County**

Description of Proposed Action/Activity: Permit amendment application.

**WQM Permit No. 0270466-A1**, Sewerage, **Robinson Township Municipal Authority**, PO Box 15539, Pittsburgh, PA 15244

This existing facility is located in Robinson Township, **Allegheny County**

Description of Proposed Action/Activity: Permit amendment application.

**WQM Permit No. 6576417-A4**, Sewerage, **Unity Township Municipal Authority**, 370 Pleasant Unity Road, Greensburg, PA 15601

This existing facility is located in Unity Township, **Westmoreland County**

Description of Proposed Action/Activity: Permit amendment application.

**WQM Permit No. 0412402**, Sewerage, **Frank J. Pelly, Jr.**, 150 Lake Drive, Suite 105, Wexford, PA 15090

This proposed facility is located in New Sewickley Township, **Beaver County**

Description of Proposed Action/Activity: Application for the construction and operation of a small flow sewage treatment facility.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 151214	PA Turnpike Commission 700 South Eisenhower Boulevard Middletown, PA 17057	Chester and Montgomery	Tredyffrin Township; Upper Merion Township	Valley Creek (EV) and Trout Creek (WWF)
PAI01 2311001-1	Quarry Center, LP 940 Haverford Road, Suite 102 Bryn Mawr, PA 19010	Delaware	Haverford Township	Cobbs Creek (WWF-MF)

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 4612002	Luren Lambrugo PO Box 311 Norristown, PA 19404	Montgomery	Norristown Municipality	Schuylkill River (WWF-MF)
PAI01 461204	PA Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406-1525	Montgomery	West Norristown and Lower Providence Townships	Schuylkill River (WWF-MF)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023912006	Matthew Krause Krause Automotive Enterprise, LLC PO Box 608 Fogelsville, PA 18051	Lehigh	Upper Macungie Twp.	Iron Run, HQ-CWF, MF

*Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, 570-629-3060.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024506030R	Monroe Pike Land, LLC 815 Seven Bridge Rd. East Stroudsburg, PA 18301	Monroe	Stroud Twp. and Pocono Twp.	UNT to Brodhead Creek, HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024805024R	Taras W. Zawarski Nic Zawarski & Sons Builders, Inc. 1441 Linden St. Bethlehem, PA 18018	Northampton	City of Bethlehem	Monocacy Creek, HQ-CWF, MF

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802*

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030611008	East Penn Manufacturing Co., Inc. PO Box 147 Lyon Station, PA 19536	Berks	Richmond Township	Moselem Creek HQ-CWF
PAI032106009R	PANCAL 954 Centerville (Unit B), LLC/Keystone Logistics Park, Buildings A and B	Cumberland	Penn Township	Yellow Breeches Creek/HQ-CWF
PAI033606002R	Randall L. Martin Builder, Inc. 232 Wentzel Road Mohnton, PA 19540	Lancaster	Terre Hill Boro	UNT to Black Creek HQ-WWF, MF

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701*

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041412006	Louis Peachey 116 Pallet Dr Rebersburg PA 16872	Centre	Miles Township	Elk Creek HQ-CWF, MF

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

PAG-12 CAFOs

**STATE CONSERVATION COMMISSION**  
**PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS**  
**FOR NPDES PERMITS FOR CAFOs**

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

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

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Walmoore Holsteins, Inc. 1826 Howell Moore Road West Grove, PA 19390	Chester	1198.8	1481.5	Dairy	NA	NMP Update
Karlin Lynch 138 Mays Chapel Warfordsburg, PA 17267	Fulton	370.4	784.2	Dairy Heifers & Turkeys	Bear Creek—EV	Renewal
L & T Pullets 80 Creek Road East Berlin, PA 17316	York	6	161.84	Pullets	NA	Renewal

**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

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

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Permit No. 2412501, Public Water Supply**

Applicant	<b>Brockway Borough Municipal Authority</b>
Township or Borough	Horton Township
County	<b>Elk</b>
Responsible Official	Michael Arnold

Type of Facility Public Water Supply  
 Consulting Engineer N Peter Fleszar, P.E.  
 Glace Associates, Inc.  
 3705 Trindle Road  
 Camp Hill, PA 17011  
 Application Received Date May 15, 2012  
 Description of Action Connection of new public water supply well and abandonment of adjacent failed Well No. 1.

**Permit No. 1612504**, Public Water Supply  
 Applicant **Hawthorn Redbank Redbank Municipal Authority**  
 Township or Borough Redbank Township  
 County **Clarion**  
 Responsible Official John Himes  
 Type of Facility Public Water Supply  
 Consulting Engineer Michael C. Malak, P.E.  
 Senate Engineering Company  
 420 William Pitt Way  
 Pittsburgh, PA 15238  
 Application Received Date May 15, 2012  
 Description of Action Project consists of the replacement of a 50 year old water treatment plant with a new facility located on the same property. Existing structures (intake and discharge piping) are included in the design.

**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. 6412503MA, Minor Amendment.**  
 Applicant **Nevilles Mobile Home Court, LLC**  
 25 Nancy Road  
 Moscow, PA. 18444  
 [Township or Borough] Salem Township  
**Wayne County**  
 Responsible Official Ms. Nancy Haines  
 Type of Facility Public Water Supply  
 Consulting Engineer Niclaus Engineering  
 804 Sarah Street  
 Suite 201  
 Stroudsburg, PA. 18360  
 Application Received Date 04/13/12  
 Description of Action This project provides for the construction of a chlorine contact chamber consisting of 20 LF of 18-in DI pipe to provide additional chlorination contact time to meet the requirements of the Ground Water Rule.

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

**Application No. 5612504MA, Minor Amendment.**  
 Applicant **Indian Lake Borough**  
 1301 Causeway Drive  
 Central City, PA 15926  
 [Township or Borough] Indian Lake Borough  
 Responsible Official Dean Snyder, Operator  
 Indian Lake Borough  
 1301 Causeway Drive  
 Central City, PA 15926  
 Type of Facility Water system  
 Consulting Engineer CME Management LP  
 165 East Union Street  
 Suite 100  
 Somerset, PA 15501  
 Application Received Date May 23, 2012  
 Description of Action Waterline relocation associated with lake embankment modifications.

**SAFE DRINKING WATER**

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

*Southeast Region: Safe Drinking Water Program Manager, 2 East Main Street, Norristown, PA 19401*

**Application No. WA-09-1004** Public Water Supply  
 Applicant **Township of Falls Authority**  
 Township Falls  
 County **Bucks**  
 Responsible Official David L. Busch  
 435 Alden Avenue  
 PMB No. 63  
 Morrisville, PA 19067-4805  
 Type of Facility PWS  
 Application Received Date January 25, 2012  
 Description of Action A New Subsidiary water allocation to include four (4) interconnections with the Lower Bucks Joint Municipal Authority.

**Application No. WA-09-1005** Public Water Supply  
 Applicant **Bucks County Water & Sewer Authority**  
 Township Multiple Counties  
 County **Bucks**  
 Responsible Official John Butler  
 1275 Almshouse Road  
 Warrington, PA 18976  
 Type of Facility PWS  
 Application Received Date March 26, 2012  
 Description of Action A new subsidiary water allocation as part of a joint water transmission main project with the North Wales Water Authority and North Penn Water Authority.

**Application No. 1511520** Public Water Supply  
 Applicant **Aqua Pennsylvania, Inc.**  
 Township Schuylkill  
 County **Chester**  
 Responsible Official Marc Lucca  
 762 W. Lancaster Avenue  
 Bryn Mawr, PA 19010  
 Type of Facility PWS  
 Application Received Date July 18, 2011  
 Description of Action Installation of new aluminum sulfate tanks and transfer pumps.

**Application No. 0911544** Public Water Supply  
 Applicant **Aqua Pennsylvania, Inc.**  
 Township New Britain Township  
 County **Bucks**  
 Responsible Official Aqua Pennsylvania, Inc.  
 762 W. Lancaster Avenue  
 Bryn Mawr, PA 19010  
 Type of Facility PWS  
 Application Received Date July 19, 2011  
 Description of Action Construction of an in-ground pitless adapter booster station consisting of (2) 80 gpm pumps. Station is known as the Doseet Booster Pump Station.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall

not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

*Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**W. Brooks 1V/5H Well Site**, 13915 Strickland Hill Road, Springville Township, **Susquehanna County**. James Pinta and David Testa, URS Corporation, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 submitted a Notice of Intent to Remediate on behalf of their client, Cabot Oil & Gas Corporation, 5 Penn Center West, Suite 401, Pittsburgh, PA 15276, concerning the remediation of soil found to have been impacted by drilling mud and brine as a result of a release from a torn reserve pit liner. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard and the Background Standard for soil. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future. A Final Report was simultaneously submitted.

**Gesford 3 Well Site**, Carter Road, Dimock Township, **Susquehanna County**. James Pinta and David Testa, URS Corporation, 501 Holiday Drive, Foster Plaza 4, Suite 300, Pittsburgh, PA 15220 have submitted a Notice of Intent to Remediate (on behalf of their client, Cabot Oil & Gas Corporation, 5 Penn Center West, Suite 401, Pittsburgh, PA 15276), concerning the remediation of soil found to have been impacted by a release of diesel fuel and lubricating oil due to a failure in the fuel line supplying the diesel fuel to a mud pump. The applicant proposes to meet the residential Statewide Health Standard for soil. The expected future use of the site will be for the production of natural gas. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future. A Final Report was simultaneously submitted.



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

**Eakin Residence**, 605 Hastings Drive. Harrisburg, PA 17112, Lower Paxton Township, **Dauphin County**. BL Companies, 4242 Carlisle Pike, Suite 260, Camp Hill, PA 17011, on behalf of George Eakin, 605 Hastings Drive, Harrisburg, PA 17112, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil released from an aboveground storage tank. The site will be remediated to the Residential Statewide Health standard, and future use of the site remains residential.

#### RESIDUAL WASTE GENERAL PERMITS

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

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.*

**General Permit Application No. WMGR139. Roaring Spring Biofuel, a Division of Roaring Spring Blank Book Company**, 231 Cove Lane Road, Suite 3, Roaring Spring, PA 16673. This permit application is for processing post-industrial, pre-consumer waste into fuel cubes. The application was deemed administratively complete by Central Office on June 4, 2012.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on WMGR139" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

#### DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Application(s) for Determination of Applicability Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.*

**General Permit Application No. WMGR082SW001. Jigging Technologies, LLC (dba Atoll)**, 950 Riders Road, Johnstown, PA 15906. The permit application is for the processing and beneficial use of steel slag, iron slag, and refractory bricks that were co-disposed for use as a construction material. The application for renewal of determination of applicability was deemed administratively complete by Central Office on June 4, 2012.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on WMGR082SW001" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

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

**Application received, under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act and regulations to operate a Solid Waste Processing or Disposal Area or Site.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Telephone 412-442-4000.*

**Permit ID No. 300491. EME Homer City Generation L.P.**, 1750 Power Plant Road, Homer City, PA 15748. Homer City Ash Disposal Site, 1750 Power Plant Road, Homer City, PA 15748. Application for the permit renewal of a residual waste landfill in Blacklick and Center Townships, **Indiana County** was received in the Regional office on April, 4, 2012.

#### AIR QUALITY

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

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

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

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

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operat-

ing Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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

#### PLAN APPROVALS

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

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

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

**48-322-008: Grand Central Sanitary Landfill Inc.** (910 W. Pennsylvania Avenue, Pen Argyl, PA 18072) for the replacement of the existing flare with a new flare at their facility in Plainfield Township, **Northampton County**.

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

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

**20-040I: Advanced Cast Products** (18700 Mill Street, Meadville, PA 16335), for installation of a new particulate matter collection and control system for the facility's charge & pre-heating process (Process 101) and the facility's melting-transfer magnesium treatment process (Process 102) in Vernon Township, **Crawford County**. This is a Title V facility.

**33-002D: Owens-Brockway Glass Container, Inc.—Crenshaw Plant No. 19** (3831 Route 219 North, Brockport, PA 15823) for modification of Furnace D to comply with the requirements in 40 CFR 60 Subpart CC in Snyder Township, **Jefferson County**. This is a Title V facility.

**43-196C: General Transportations—Grove City Plant** (1503 West Main Street Extension, Grove City, PA 16127-2513) for construction of a new test cell (test cell No. 6) and the modification of existing test cell No. 5 to facilitate testing of the newer, higher tier engines in Grove City Borough, **Mercer County**. This is a Title V facility.

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

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**28-05002F: Letterkenny Army Depot—US Department of Defense** (One Overcash Avenue, Chambersburg, PA 17201) for construction of a coating booth for miscellaneous metal coating operations at their facility in Greene/Letterkenny Townships, **Franklin County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

28-05002F is for the construction of a new coating booth in building 350 at the Letterkenny Army Depot Greene / Letterkenny Townships facility. The company shall be subject to and comply with the requirements of Best Available Technology (BAT) in accordance with 25 Pa. Code §§ 127.1 and 127.12(a)(5). Best available technology (BAT) for this source is the control of VOCs with an existing regenerative thermal oxidizer (RTO) and a limit on pounds of VOCs per gallon of coating solids. The company shall be subject to and comply with 25 Pa. Code § 129.52 Surface Coating Processes and 25 Pa. Code § 129.51 Sources of VOCs. Particulate emissions will be controlled by dry panel filters. 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 potential air emissions from the proposed project are less than 2 tons per year VOCs and 1 ton per year HAPs.

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 DEP's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests, or for requests for a public hearing. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Daniel C. Husted, P.E., New Source Review Chief, may be contacted at 717-705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests, or requests for a public hearing.

Plan approvals issued to sources identified in 25 Pa. Code § 127.44(b)(1)—(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

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

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

**65-00857B: Saint-Gobain, Inc.** (4702 Route 982, Latrobe, PA 15650) for installation of a natural gas-fired roller hearth kiln controlled by a high temperature exhaust system at their facility in Derry Township, **Westmoreland County**.

In accordance with 25 Pa. Code §§ 127.44—127.46 the Department of Environmental Protection intends to issue Air Quality Plan Approval PA-65-00857B for the installation of a natural gas-fired roller hearth kiln controlled by a high temperature exhaust system at their facility in Derry Township, Westmoreland County. The total capacity of the proposed kiln is 5.5 MMBtu/hr. Throughput of the kiln is rated at 455 lb/hr.

Potential to emit from the proposed kiln include 0.54 tons of nitrogen oxides (NO<sub>x</sub>), 0.66 tons of sulfur dioxide (SO<sub>2</sub>), 3.28 tons of carbon monoxide (CO), 0.02 tons of volatile organic compounds (VOC), 0.49 tons of particulate matter less than 10 microns in diameter (PM<sub>10</sub>), and 0.46 tons of hydrogen fluoride (HF) per year. The authorization is subject to State regulations including 25 Pa. Code §§ 123.31 and 123.41. Best available technology (BAT) for the proposed natural gas-fired kiln includes good combustion practices including the use of low NO<sub>x</sub> burners and proper maintenance and operation. Potential malodorous emissions will be controlled by a high temperature exhaust system with a minimum temperature of 1000° F and retention time of 0.7 seconds. Plan Approval has been conditioned to ensure compliance with all applicable regulations. This includes work practice, monitoring, recordkeeping, and reporting conditions. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently submit a State Only Operating Permit in accordance with 25 Pa. Code Subchapter F.

Interested persons may submit written comments, suggestions, or objections concerning the proposed Plan Approval to Alex Sandy, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments submitted to the Department shall include the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-65-00857B) and a concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

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

For additional information you may contact Alex Sandy at 412-442-4028.

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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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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**22-05029: Exelon Generation Company, LLC** (Route 441 South, Middletown, PA 17057) for operation of the Three Mile Island Nuclear Station in Londonderry Township, **Dauphin County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the above mentioned facility. This is a renewal of the facility's State-only (Synthetic Minor) operating permit issued in 2007.

The facility's annual emissions are expected to be around 4.9 tons of NO<sub>x</sub>, 0.3 tons of SO<sub>x</sub>, 1.2 ton of CO, and 0.2 tons of PM<sub>10</sub>. The operating permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. The facility's auxiliary boilers are subject to 40 CFR Part 63, Subpart JJJJJJ (Boiler MACT) for area sources, and the facility's emergency generators are subject to 40 CFR Part 63, Subpart ZZZZ.

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

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Mr. Thomas Hanlon, Facility Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

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

**49-00035: Warrior Run School District** (4800 Susquehanna Trail, Turbotville, PA 17772) for their Middle/High School building in Lewis Township, Elementary School building in Watsontown Borough and Elementary School Building in Turbotville Borough, **Northumberland County**. The facility's main sources include two (2) coal-fired boilers, Four (2) #2 oil-fired boilers, four (4) emergency generators, and one (1) woodworking shop. The facility has the potential to emit NO<sub>x</sub>, SO<sub>x</sub>, CO, PM (PM<sub>10</sub>), VOCs and HAPs below the major emission thresholds. The proposed 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*

**03-00215: Allegheny Mineral Corp.** (Worthington Limestone Preparation Facility) for operation of a non-metallic miner processing plant consisting of crushers, screens, stockpiles conveyors and truck load-out rated at 800 tons per hour and 2,500,000 tons per year at

Worthington facility in West Franklin Township, **Armstrong County**. This is an initial State Only Operating Permit submittal.

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

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

**25-00501: Corry Forge** (441 East Main Street, Corry PA 16407-2013) for a renewal-operating permit in Corry City, **Erie County**. The significant sources are miscellaneous natural gas combustion units, test sample cutting, billet grinding, heat treat furnaces, forge furnaces, miscellaneous storage tanks, and degreasers. The conditions of the previous plan approvals and operating permit were incorporated into the renewal permit. The Potential emissions for the existing Corry Forge are: 68 TPY NO<sub>x</sub>; 57 TPY CO; 4 TPY VOC; 5 TPY PM-10; 0.4 TPY SO<sub>2</sub>; and, 1.3 TPY HAPs. The facility is a natural minor. This renewal incorporates the requirements of the Area Source MACT for Nine Metal Fabrication and Finishing Source Categories (40 CFR 63, Subpart XXXXXX).

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

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

**AMS N11-030: ARIA Health—Frankford Campus** (4900 Frankford Avenue Philadelphia, PA 19124) for their facility's air emission source which includes two each 10.5 MMBTU/hr firing natural gas and two 750Kw diesel emergency generators in the City of Philadelphia, **Philadelphia County**.

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

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

**AMS S11-016: ARIA Health—Torresdale Campus** (Red Lion and Knights Road. Philadelphia, PA 19114) for their facility's air emission source which includes two each 10.5 MMBTU/hr and one 8.4 MMBTU/hr Cleaver Brook boilers, two (2) each 2.1 MMBTU/hr, two (2) each 1.5 MMBTU/hr, one (1) 1.7 MMBTU/hr, one (1) 0.91 MMBTU/hr, and one (1) 1.33 MMBTU/hr boilers each firing natural gas, and one (1) 1611Kw, one (1) 790Kw and one (1) 908Kw diesel emergency generators in the City of Philadelphia, **Philadelphia County**.

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

Persons wishing to file protest or comments on the above operating permit must submit the protest or com-

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

**S10-012: Mercy Hospital of Philadelphia** (501 South 54th Street, Philadelphia, PA 19143) for operation of a hospital facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one 20 MMBTU/hr boiler burning natural gas/No. 2 oil, two 15 MMBTU/hr Boilers burning natural gas/No. 2 oil, and three standby generators burning #2 oil.

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

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

**S11-029: Philadelphia Tramrail Company** (2207 East Ontario Street, Philadelphia, PA 19134) for the manufacturing of overhead cranes and hydraulic balers and compactors in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three (3) 1.75 MMBTU/hr #2 oil-fired space heaters and three (3) painting stations with filters.

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

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

**S11-024: Richard S. Burns and Company, Inc** (4300 Raising Sun Avenue, Philadelphia, PA 19140) for crushing operation facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include Roll Screens, Crashers, Gruendler Grinder, Shot Blasting operations, Cement Silo, Dust collectors and Paint booth.

The operating permit will be issued under 25 Pa. Code, 3 Philadelphia Code and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University

Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

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

### 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*

**48-399-072: Data Based Systems International, Inc.** (3949 Schelden Circle, Bethlehem, PA 18017) for construction and operation of three (3) emergency generators for their facility in Hanover Township, **Northampton County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Data Based Systems International Inc. (3949 Schelden Circle, Bethlehem, PA 18017) for their facility located in Hanover Twp., Northampton County. This Plan Approval No. 48-399-072 will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 48-399-072 is for the construction and operation of three emergency generators. The facility must comply with 123.13 for particulate emissions. The facility must comply with 123.21 for sulfur emissions. The VOC emissions from the facility will not equal or exceed 50 TPY, based on a 12-month rolling sum. The NO<sub>x</sub> emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. Total PM, SO<sub>x</sub>, 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 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.

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.: 48-399-072.

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*

**56061301 and NPDES Permit No. PA0235709. RoxCOAL, Inc.**, (P. O. Box 149, Friedens, PA 15541). To revise the permit for the Kimberly Run Mine in Somerset Township, **Somerset County** and related NPDES permit for surface support facilities and for a new NPDES discharge point. Surface Acres Proposed 40.0. Receiving stream: Unnamed tributary to Kimberly Run, classified for the following use(s): CWF. The application was considered administratively complete on May 25, 2012. Application received: October 14, 2011.

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

**56070103 and NPDES No. PA0262366. PBS Coals, Inc.**, 1576 Stoystown Road, P. O. Box 260, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface mine in Stonycreek Township, **Somerset County**, affecting 338.3 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: May 25, 2012.

**56020102 and NPDES No. PA0249157. Croner, Inc.**, P. O. Box 260, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface mine in Brothersvalley and Summit Townships, **Somerset County**, affecting 170.8 acres. Receiving stream(s): UNT to Bluelick Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: May 22, 2012.

**32070104 and NPDES No. PA0262404. P & N Coal Company, Inc.**, P. O. Box 322, Punxsutawney, PA 15767, permit renewal for the continued operation and restoration of a bituminous surface mine in Banks Township, **Indiana County**, affecting 137.3 acres. Receiving stream(s): unnamed tributary to South Branch of Bear Run, unnamed tributary to Cush Creek and unnamed tributary to Brady Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: May 29, 2012.

**56090102 and NPDES No. PA0262722. PBS Coals, Inc.**, 1576 Stoystown Road, P. O. Box 260, Friedens, PA 15541, transfer of an existing bituminous surface and auger mine from Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563, located in Somerset Township, **Somerset County**, affecting 83.5 acres. Receiving stream(s): Wells Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: May 29, 2012.

**56120107 and NPDES No. PA0269000. Beeghly Holdings, LLC**, 219 Hillvale Road, Somerset, PA 15501, commencement, operation and restoration of a bituminous surface mine in Black Township, **Somerset County**, affecting 40.0 acres. Receiving stream(s): unnamed tributaries to Coxes Creek classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 22, 2012.

**56860105 and NPDES No. PA0597686. Croner, Inc.**, 1576 Stoystown Road, P. O. Box 260, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 184.2 acres. Receiving stream(s): UNTS to Blue Lick Creek; Swamp Creek classified for the following use(s): cold water fishery; cold water fishery. (There are no potable water supply intakes within 10 miles downstream). Application received: May 11, 2012.

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

**26060106 and NPDES Permit No. PA0250988. Charles L. Swenglich & Sons Coal Co., Inc.** (2 Swenglich Lane, Smithfield, PA 15478). Renewal application for continued mining to an existing bituminous surface mine, located in Georges and Springhill Townships, **Fayette County**, affecting 529.9 acres. Receiving streams: unnamed tributaries to Rubles Run and Mountain Creek, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: May 18, 2012.

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

**10120101 and NPDES Permit No. PA0259292. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Commencement, operation and restoration of a bituminous surface mine in Clearfield Township, **Butler County** affecting 73.2 acres. Receiving streams: Unnamed tributaries to Buffalo Creek and unnamed tributaries to Buffalo Run, classified for the following uses: HQ-CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: May 29, 2012.

**33850118 and NPDES No. PA0106682. P. and N. Coal Co., Inc.** (P. O. 332, Punxsutawney, PA 15767). Renewal of an existing bituminous surface mine in Winslow Township, **Jefferson County** affecting 173.3 acres. Receiving streams: Unnamed tributary to Soldier Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: May 29, 2012.

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

**17980127 and NPDES No. PA023201. Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830). Revision to an existing bituminous surface mine for change in land use from forest land to unmanaged natural habitat in Lawrence Township, **Clearfield County**, affecting 53.0 acres. Receiving streams: Unnamed Tributaries to Hogback Run and West Branch Susquehanna River, classified for the following use: Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: May 18, 2012.

**MINING ACTIVITY NPDES DRAFT PERMITS**

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

The Department of Environmental Protection (Depart-

ment) 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)	3.0mg/l	6.0mg/l	7.0mg/l
Manganese (Total)	2.0mg/l	4.0mg/l	5.0mg/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	35mg/l	70mg/l	90mg/l
Alkalinity exceeding acidity*			
pH*		greater than 6.0; less than 9.0	

\*The parameter is applicable at all times.

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

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

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

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

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

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

the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

*Coal NPDES Draft Permits*

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

**NPDES Permit No. PA021683. (Mining Permit No. 32850701), AMFIRE Mining Company, LLC,** (One Energy Place, Latrobe, PA 15650). A revision to the NPDES and mining activity permit for the Clymer Refuse Disposal Site in Cherryhill Township, **Indiana County** to relocate existing outfall points 009, 010, and 012 and reevaluation of effluent limits for all permitted outfalls. Surface Acres Affected 143.8. Receiving streams Dixon Run, Unnamed Tributary to Dixon Run, and Unnamed Tributary to Buck Run, all classified for the following use: CWF. Kiskiminetas-Conemaugh River Watershed TMDL. The application was considered administratively complete on March 22, 2012. Application received November 9, 2011.

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

The proposed average daily discharge rate for Outfall 006 is .004 MGD

Outfall 006 discharges to: Unnamed Tributary to Dixon Run The proposed effluent limits for Outfall 006 Lat: 40° 41' 01" Long: 79° 00' 21" are:

<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)		1.6	2.49	4.0
Manganese (mg/l)		0.95	1.48	2.375
Aluminum (mg/l)		0.75	1.16	1.875
Alkalinity greater than acidity <sup>1</sup>				

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

The proposed average daily discharge rate for Outfall 007 is .004 MGD

Outfall 007 discharges to: Unnamed Tributary to Buck Run

The proposed effluent limits for Outfall 007 Lat: 40° 41' 04" Long: 78° 59' 59" are:

<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)		3.0	4.67	7.5
Manganese (mg/l)		1.8	2.80	4.5
Aluminum (mg/l)		1.7	2.64	4.25
Alkalinity greater than acidity <sup>1</sup>				
Flow				Report

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

The proposed average daily discharge rate for Outfall 008 is .004 MGD

Outfall 008 discharges to: Unnamed Tributary to Buck Run

The proposed effluent limits for Outfall 008 Lat: 40° 41' 04" Long: 79° 59' 59" are:

<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)		3.0	4.67	7.5
Manganese (mg/l)		1.9	2.96	4.75
Aluminum (mg/l)		1.8	2.80	4.5
Alkalinity greater than acidity <sup>1</sup>				
Flow				Report

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

The proposed average daily discharge rate for Outfall 009 is .0002 MGD

Outfall 009 discharges to: Unnamed Tributary to Dixon Run



The proposed effluent limits for Outfall 009 Lat: 40° 41' 06" Long: 79° 00' 19" are:

<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)		1.5	2.34	3.75
Manganese (mg/l)		0.95	1.48	2.375
Aluminum (mg/l)		0.75	1.16	1.875
Alkalinity greater than acidity <sup>1</sup>				
Flow				Report

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

The proposed average daily discharge rate for Outfall 010 is .004 MGD

Outfall 010 discharges to: Dixon Run

The proposed effluent limits for Outfall 010 Lat: 40° 41' 20" Long: 79° 00' 35" are:

<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)		2.1	3.27	5.25
Manganese (mg/l)		1.6	2.49	4.0
Aluminum (mg/l)		1.0	1.59	2.5
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Total Settable Solids (ml/l)				
Flow				Report
Osmotic Pressure (mOs/kg)		50.0	100.0	125.0
Total Dissolved Solids (mg/l)				Report
Sulfates (mg/l)				Report
Chlorides (mg/l)				Report

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

The proposed average daily discharge rate for Outfall 011 is .004 MGD

Outfall 011 discharges to: Unnamed Tributary to Buck Run

The proposed effluent limits for Outfall 011 Lat: 40° 41' 16" Long: 79° 00' 00" are:

<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)		1.4	2.18	3.5
Manganese (mg/l)		1.8	2.80	4.5
Aluminum (mg/l)		0.70	1.09	1.75
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Total Settable Solids (ml/l)				
Flow				Report
Osmotic Pressure (mOs/kg)		50.2	100.4	125.5
Total Dissolved Solids (mg/l)				Report
Sulfates (mg/l)				Report
Chlorides (mg/l)				Report

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

The proposed average daily discharge rate for Outfall 012 is .0002 MGD

Outfall 012 discharges to: Dixon Run

The proposed effluent limits for Outfall 012 Lat: 40° 41' 20" Long: 79° 00' 35" are:

<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)		3.0	4.67	7.5
Manganese (mg/l)		2.0	3.12	5.0
Aluminum (mg/l)		1.55	2.42	3.875
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Total Settable Solids (ml/l)				
Flow				Report
Osmotic Pressure (mOs/kg)		56	112	140
Total Dissolved Solids (mg/l)				Report

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Sulfates (mg/l)				Report
Chlorides (mg/l)				Report

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

**NPDES Permit No. PA0033677 (Mining Permit No. 56841328), Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). A revision to the NPDES and mining activity permit for Mine 78 in Adams Township, **Cambria County** to add NPDES discharge point 005 to discharge treated mine water from the St. Michael Treatment Plant. Surface Acres Affected 4.8, Receiving stream: Unnamed Tributary to South Fork Little Conemaugh River, classified for the following use: CWF. Kiskiminetas-Conemaugh River Watershed TMDL. The application was considered administratively complete on December 29, 2011. Application received September 29, 2011.

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

The proposed average daily discharge rate for Outfall 005 is 4.32 MGD with a daily maximum of 14.4 MGD

Outfall 005 discharges to: Unnamed Tributary to South Fork Little Conemaugh River (Topper Run)

The proposed effluent limits for Outfall 005 Lat: 40° 19' 52" Long: 78° 46' 11" are:

<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)		1.5	3.0	2.75
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.48	0.96	1.2
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Flow (MGD)			14.4	
Osmotic Pressure (mOs/kg)		50	100	125
Total Dissolved Solids (mg/l)			Monitor and Report	
Sulfates (mg/l)			Monitor and Report	
Specific Conductance (umho)			Monitor and Report	

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

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

**NPDES No. 0269000 (Mining permit no. 56120107), Beeghly Holding, LLC**, 219 Hillvale Road, Somerset, PA 15501, new NPDES permit for surface coal mining operation in Black Township, **Somerset County**, affecting 40.0 acres. Receiving stream(s): unnamed tributary to Coxes Creek, classified for the following use(s): warm water fishery. This receiving stream is included in the Coxes Creek TMDL. Application received: March 22, 2012.

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

The outfall(s) listed below discharge to unnamed tributaries to Coxes Creek.

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

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

<i>Outfalls: 001—Treatment Pond 1 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35.0	70.0	90.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times

Alkalinity must exceed acidity at all times

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

<i>Outfalls: 002—Sediment Pond 2 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)			7.0
Total Settleable Solids (ml/l)			0.5

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times

Alkalinity must exceed acidity at all times

## 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*

**E15-831. Phoenixville Borough**, 140 Church St, Phoenixville, PA 19466. Phoenixville Borough, **Chester County**, ACOE Philadelphia District.

To remove the existing office buildings, and to construct and maintain the proposed Phoenixville Borough Hall in the floodplain of French Creek. This work includes construction and maintenance of a stormwater management facility.

The site is located approximately in the northwest intersection of Bridge Street (S.R. 0113) and Taylor Alley in Phoenixville Borough, Chester County.

**E23-497. RHM Sewer Authority**, 600 Glenolden Road, Havertown, Haverford Township, **Delaware County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities within the floodplain of Darby Creek (TSF) associated with Radnor, Haverford Sewer Authority storage tank project:

1) To install and maintain an approximately 150-foot diameter storage tank.

2) To construct and maintain an underground stormwater management facility.

3) To conduct and maintain an approximately 260-foot long, 16-foot wide access road.

4) To construct and maintain a small pump station on the north side of the proposed storage tank.

5) To construct and maintain two 5-foot diameter manholes.

6) To construct and maintain a short strip of macadam walkway and fishing platform.

The project is located approximately 681 feet south of the intersection of Fairview Avenue and Glendale Road in Haverford Township, Delaware County (Lansdowne, PA USGS Quadrangle N: 15.47 inches; W: 11.57 inches)

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, Telephone 570-826-2511.*

**E45-575. Arrowhead Lake Community Association**, 961 Arrowhead Drive, Pocono Lake, PA 18347-8901, in Coolbaugh and Tobyhanna Townships, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments in Arrowhead Lake and North Arrowhead Lake:

1. wo 4-foot wide, 32-foot long, removable, roll-in docks in Arrowhead Lake at an existing beach area (Beach #1) located near the intersection of Arrowhead Drive and Comanche Trail (Latitude: 41° 09' 10"; Longitude: -75° 34' 37").

2. A 4-foot wide, 32-foot long, removable, roll-in dock in Arrowhead Lake at an existing beach area (Beach #2) located near the intersection of Lake Shore Drive and Onawa Trail (Latitude: 41° 09' 28"; Longitude: -75° 34' 30").

3. Two 4-foot wide, 32-foot long, removable, roll-in docks in Arrowhead Lake at an existing beach area (Beach #3) located 0.1 mile north of the intersection of Lake Shore Drive and Towanda Trail (Latitude: 41° 09' 11"; Longitude: -75° 33' 46").

4. A 150 square-foot T-shaped, removable, roll-in dock and a 4-foot wide, 32-foot long, removable, roll-in dock in Arrowhead Lake at the southwestern tip of an existing island at the end of Island Pool Road (Latitude: 41° 09' 17"; Longitude: -75° 33' 43").

5. A 4-foot wide, 32-foot long, removable, roll-in dock in North Arrowhead Lake at an existing beach area (Beach #4) located near the intersection of North Arrowhead Drive and Cresco Drive (Latitude: 41° 09' 46"; Longitude: -75° 33' 41").

The project is located within the Arrowhead Lakes Residential Development (Thornhurst, PA Quadrangle Latitude: 41° 09' 23"; Longitude: -75° 33' 55") in Coolbaugh and Tobyhanna Townships, Monroe County.

**E45-574. Anselmo Plumitallo**, 158 Bay 49th Street, Brooklyn, NY 11214, in Tobyhanna Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To maintain a 20-foot wide driveway crossing of a de minimus area of wetlands equal to 0.02 acre within the Dry Sawmill Run Watershed (HQ-CWF). The project is located on Lots 4801 and 4802, Section C-2B of the Emerald Lakes Subdivision (Pocono Pines, PA Quadrangle, Latitude: 41°5'20"; Longitude: -75°25'4.5").

**E35-441. Pennsylvania Department of Transportation, Engineering District 4-0**, 55 Keystone Industrial Park, Dunmore, PA 18512, in Jefferson Township, **Lackawanna County**, U.S. Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct a roadway crossing of a tributary to West Branch Wallenpaupack Creek (HQ-CWF) consisting of a 32.5-foot long, 16 foot x 7 foot precast concrete box culvert with fish baffles and with the invert depressed 1-foot below the streambed elevation. The project is located at S.R. 348, Segment 0090, Offset 0000 in Jefferson Township, Lackawanna County (Lake Ariel, PA Quadrangle, Latitude: 41°24'43"; Longitude: -75°29'14").

**E40-729. Pennsylvania Department of Transportation**, 55 Keystone Industrial Park, Dunmore, PA 18512, in Pittston Township and Dupont Borough, **Luzerne County**, U.S. Army Corps of Engineers, Philadelphia District. (Pittston and Avoca, PA Quadrangle, Latitude: 41°19'31"; Longitude: -75°44'2").

To authorize the following water obstructions and encroachments associated with roadway improvements for SR0081Sec 397/AIR:

1. To construct and maintain a stream enclosure of Lidy Creek (CWF, MF) consisting of a 148-foot long, precast concrete arch culvert with a normal span of 24 feet and an approximate underclearance of 7.8 feet.

2. To relocate 373 feet of a tributary to Lidy Creek (CWF, MF). The relocation consists of a new stream enclosure consisting of 155-foot long pipe with a riprap apron that outlets into a new 190-foot long grouted R-4channel having a 2-foot bottom width and 2:1 side slopes.

3. To construct and maintain four stormwater outfalls in Lidy Creek (CWF, MF) which consist of pipes with riprap aprons.

4. To construct and maintain two stormwater outfalls in tributaries to Lidy Creek (CWF, MF) one consisting of a pipe with a riprap apron and one consisting of channel outfall.

The overall improvements will impact 0.02 acre PFO wetlands, and require 2 stream crossings, totaling 729 feet of permanent impacts and 387-feet of temporary impacts. The permittee is required to provide 93 feet of stream mitigation. The proposed project is located at Exit 178 off of I-81 starting at the intersection of SR 315 and ending at a new intersection of Navy Way Road and Commerce Road.

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

**E36-893: Craig Kimmel, RLPS Partners II, LLC** (RLPS Walking Trail), 1910 Harrington Drive, Lancaster, Pennsylvania 17601, in Manheim Township, **Lancaster County**, ACOE Baltimore District

To construct and maintain: 1) a 16.0-foot long, 6.0-foot, 8.0-inch wide wooden pedestrian bridge having an underclearance of 2.89 feet over Landis Run (WWF, MF) and associated floodplain wetlands, permanently impacting 0.01 acre of Palustrine Emergent (PEM) wetland (Lat./Long.); 2) a 190.0-foot long, 6.0-foot, 8.0-inch wide elevated wooden pedestrian trail having an underclearance of 1.6 feet over an unnamed tributary to Landis Run (WWF, MF), impacting 0.03 acre of PEM/Palustrine Scrub Shrub wetlands. The project is located approximately 0.5

mile southwest of the intersection of Landis Valley Road and SR 272 (Latitude: 40°05'13.51" N; Longitude: -76°17'20.52" W) in Manheim Township, Lancaster County.

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

**E02-1313-A1. David A. Rohrich**, 2020 West Liberty Avenue, Pittsburgh, PA 15226, Marshall Township, **Allegheny County**; ACOE Pittsburgh District.

Applicant proposes to construct, operate and maintain a 240 foot stream fill and to place fill in 0.0062 acre of wetland to construct buildings and parking areas. The proposed structures will be constructed in an UNT to Brush Creek (WWF). The project is located along SR 19 (Perry Highway) near the intersection with Rowan Road (Mars, PA Quadrangle; N: 3.9 inches, W: 10.3 inches; Latitude: 40° 38' 46"; Longitude: 80° 4' 25").

**E02-1669. Pennsylvania Turnpike Commission, LP**; 700 S. Eisenhower Boulevard, Middletown, PA 17057-5529; Indiana Township, **Allegheny County**; ACOE Pittsburgh District.

Applicant proposes 285 feet of impacts (128 feet of stream enclosure, 131 feet of stream re-alignment, and 26 feet of riprap placement) in order to replace, operate, and maintain WB-427 (Bridge over Pa Turnpike—Gibsonia Road) within Cedar Run and Unnamed Tributaries to Cedar Run (CWF). The project is located at the Pa Turnpike (I76) milepost 44.32 (Glenshaw, PA Quadrangle; N: 16.25 inches, W: 1.75 inches; Latitude: 40° 35' 23"; Longitude: 79° 53' 15").

**E63-643. Montour Trail Council**, 304 Hickman St., Suite #3, Bridgeville, PA 15017, Peters Township, **Washington County**; ACOE Pittsburgh District.

Applicant proposes to construct, operate, and maintain a 92.8 foot bridge over Brush Run (WWF). The project is located along Valley Brook Road near the intersection with SR 19 (Bridgeville, PA Quadrangle; N: 8 inches, W: 15 inches; Latitude: 40° 17' 32.77"; Longitude: 80° 06' 24.51").

**E56-362. PA Game Commission**, 2001 Elmerton Ave., Harrisburg, PA 17110-9797, Lower Turkey Foot Township, **Somerset County**; ACOE Pittsburgh District.

The applicant proposes to construct and maintain a single span bridge, with a span of 43', a width of 14' and an underclearance of approximately 4'; of steel beam construction with a treated wood deck; for the purpose of replacing an existing ford and foot bridge. The project is on Cranberry Glade Run (HQ-CWF) on State Game Lands 111 in Lower Turkeyfoot Township, Somerset County, PA (Pittsburgh ACOE District, Kingwood, PA quadrangle, N 4.82", W 16.63"; Latitude 39° 54' 5.55", Longitude 79° 22' 6.84")

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

**E4129-009: Anadarko Marcellus Midstream, LLC**, PO Box 1330, Houston, TX 77251, Mifflin, Cogan House, and Lewis Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 2,441 square feet of a palustrine

emergent (PEM) wetland adjacent to an unnamed tributary to Larrys Creek (EV) (Salladasburg Quadrangle 41°17'01"N 77°12'41"W);

(2) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 119 linear feet of an unnamed tributary to Larrys Creek (EV) (Salladasburg Quadrangle 41°17'02"N 77°12'43"W);

(3) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 7,671 square feet of a palustrine forested (PFO) wetland adjacent to Larrys Creek (EV) (Salladasburg Quadrangle 41°17'08"N 77°12'41"W);

(4) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 45 linear feet of an unnamed tributary to Larrys Creek (EV) (Salladasburg Quadrangle 41°17'07"N 77°12'44"W);

(5) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 57 linear feet of an unnamed tributary to Larrys Creek (EV) (Salladasburg Quadrangle 41°17'07"N 77°12'45"W);

(6) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 55 linear feet of Larrys Creek (EV) (Salladasburg Quadrangle 41°17'08"N 77°12'45"W);

(7) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 10,550 square feet of a palustrine emergent (PEM) wetland adjacent to Larrys Creek (EV) (Salladasburg Quadrangle 41°17'14"N 77°12'45"W);

(8) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 104 linear feet of an unnamed tributary to Larrys Creek (EV) (Salladasburg Quadrangle 41°17'47"N 77°13'00"W);

(9) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 102 linear feet of an unnamed tributary to Larrys Creek (EV) (Salladasburg Quadrangle 41°18'24"N 77°12'49"W);

(10) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 103 linear feet of an unnamed tributary to Mash Run (EV) (Salladasburg Quadrangle 41°19'04"N 77°12'51"W);

(11) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 227 square feet of a palustrine emergent (PEM) wetland (Salladasburg Quadrangle 41°20'08"N 77°12'53"W);

(12) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 525 square feet of a water body (POW) (Salladasburg Quadrangle 41°22'29"N 77°13'57"W);

(13) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 856 square feet of a palustrine emergent (PEM) wetland (White Pine Quadrangle 41°22'40"N 77°14'05"W);

(14) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 542 square feet of a palustrine forested (PFO) wetland (White Pine Quadrangle 41°23'09"N 77°14'10"W);

(15) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 9,806 square feet of a palustrine scrub-shrub (PSS) wetland adjacent to Second Fork Larrys Creek (EV) (White Pine Quadrangle 41°23'54"N 77°14'07"W);

(16) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 62 linear feet of Second Fork Larrys Creek (EV) adjacent to state route 184 (White Pine Quadrangle 41°23'53"N 77°14'08"W);

(17) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 101 linear feet of an unnamed tributary to Lick Run (EV) (White Pine Quadrangle 41°25'04"N 77°13'04"W);

(18) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 38 linear feet of Wendell Run (EV) adjacent to state route 184 (White Pine Quadrangle 41°24'49"N 77°11'48"W);

(19) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 1,681 square feet of a palustrine forested (PFO) wetland adjacent to Wendell Run (EV) (White Pine Quadrangle 41°24'49"N 77°11'47"W);

(20) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 46 linear feet of an unnamed tributary to Larrys Creek (EV) (White Pine Quadrangle 41°25'06"N 77°10'54"W);

(21) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 50 linear feet of Wolf Run (EV) (White Pine Quadrangle 41°25'22"N 77°10'22"W);

(22) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 5,844 square feet of a palustrine forested (PFO) wetland adjacent to Wolf Run (EV) (White Pine Quadrangle 41°25'23"N 77°10'22"W);

(23) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 123 linear feet of an unnamed tributary to Wolf Run (EV) (White Pine Quadrangle 41°25'29"N 77°10'11"W);

(24) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 7,256 square feet of a palustrine forested (PFO) wetland adjacent to an unnamed tributary to Wolf Run (EV) (White Pine Quadrangle 41°25'28"N 77°10'11"W);

(25) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 506 square feet of a palustrine forested (PFO) wetland adjacent to an unnamed tributary to Larrys Creek (EV) (White Pine Quadrangle 41°25'32"N 77°09'25"W);

(26) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 334 square feet of a palustrine forested (PFO) wetland adjacent to an unnamed tributary to Larrys Creek (EV) (White Pine Quadrangle 41°25'30"N 77°09'24"W);

(27) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 88 linear feet of an unnamed tributary to Larrys Creek (EV) (White Pine Quadrangle 41°25'31"N 77°09'24"W);

(28) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 4,393 square feet of a palustrine emergent (PEM) wetland adjacent to Larrys Creek (EV) (White Pine Quadrangle 41°25'23"N 77°09'05"W);

(29) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 51 linear feet of Larrys Creek (EV) adjacent to state route 184 (White Pine Quadrangle 41°25'24"N 77°09'04"W);

(30) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 9,380 square feet of a palustrine forested (PFO) wetland (White Pine Quadrangle 41°24'53"N 77°07'32"W);

(31) two 6 inch waterlines, one 24 inch gas pipeline, and electrical line impacting 119 linear feet of Wolf Run (HQ-CWF) (Trout Run Quadrangle 41°25'10"N 77°06'39"W).

The project will result in 1,263 linear feet of stream impacts and 1.42 acres of wetland impacts from utility line crossings all for the purpose of installing a natural gas gathering line and waterline with associated access roadways for Marcellus well development.

**E5729-032: Appalachia Midstream, LLC**, 100 IST Center, Horseheads, NY 14845, Colley Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate and maintain:

1. one 8 inch diameter natural gas line and a temporary timber mat bridge impacting 203 square feet of a Palustrine Emergent Wetland (EV) (Jenningsville, PA Quadrangle, Latitude: 41°32'37", Longitude: -76°14'58");

2. one 8 inch diameter natural gas line and a temporary timber mat bridge impacting 897 square feet of a Palustrine Emergent Wetland (Colley, PA Quadrangle, Latitude: 41°32'30", Longitude: -76°15'05");

3. one 8 inch diameter natural gas line and a temporary timber mat bridge impacting 2,044 square feet of a Palustrine Emergent Wetland (Colley, PA Quadrangle, Latitude: 41°31'51", Longitude: -76°14'46");

The project will result in 3,144 square feet (0.07 acre) of PEM wetland impacts all for the purpose of installing a natural gas line with associated access roadways for Marcellus shale production.

**E0829-043: Appalachia Midstream, LLC**, 100 IST Center, Horseheads, NY 14845, Wilmot Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. one 8 inch diameter natural gas line and a temporary timber mat bridge impacting 130 linear feet of an unnamed tributary to Sciota Brook (CWF, MF) (Jenningsville, PA, Latitude: 41°33'43", Longitude: -76°14'18");

2. one 8 inch diameter natural gas line and a temporary timber mat bridge impacting 2,735 square feet of a Palustrine Emergent Wetland (Jenningsville, PA Quadrangle, Latitude: 41°33'42", Longitude: -76°14'27");

3. one 8 inch diameter natural gas line and a temporary timber mat bridge impacting 123 linear feet of an unnamed tributary to Sugar Run Creek (CWF, MF) (Jenningsville, PA, Latitude: 41°33'34", Longitude: -76°14'31");

4. one 8 inch diameter natural gas line and a temporary timber mat bridge impacting 129 linear feet of an unnamed tributary to Sugar Run Creek (CWF, MF) (Jenningsville, PA, Latitude: 41°33'23", Longitude: -76°14'37");

5. one 8 inch diameter natural gas line and a temporary timber mat bridge impacting 122 linear feet of an unnamed tributary to Sciota Brook (CWF, MF) and impacting 1,638 square feet of an adjacent Palustrine Emergent Wetland and Palustrine Forested Wetland (EV) (Jenningsville, PA Quadrangle, Latitude: 41°33'19", Longitude: -76°14'53");

6. one 8 inch diameter natural gas line and a temporary timber mat bridge impacting 590 square feet of a Palustrine Emergent Wetland (EV) (Jenningsville, PA Quadrangle, Latitude: 41°33'01", Longitude: -76°14'57");

7. one 8 inch diameter natural gas line and a temporary timber mat bridge impacting 438 square feet of a Palustrine Emergent Wetland (EV) (Jenningsville, PA Quadrangle, Latitude: 41°32'58", Longitude: -76°14'57");

8. one 8 inch diameter natural gas line impacting 14 linear feet of Sciota Brook (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: 41°32'50", Longitude: -76°14'50");

9. one 8 inch diameter natural gas line impacting 8 linear feet of an unnamed tributary to Sciota Brook (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: 41°32'48", Longitude: -76°14'50");

10. one 8 inch diameter natural gas line and a temporary timber mat bridge impacting 123 linear feet of an unnamed tributary to Sciota Brook (CWF, MF) (Jenningsville, PA, Latitude: 41°32'40", Longitude: -76°14'50");

The project will result in 649 linear feet or 4,353 square feet of temporary stream impacts and 5,401 square feet (.12 acre) of PEM wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development.

**E4129-044: Anadarko E&P Company LP**, 33 West Third Street, Suite 200, Williamsport, PA 17701, Mifflin Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a single-span steel-beam bridge over an existing bridge and stone stream bank stabilization impacting 85 linear feet Little Harbor Run (EV, MF) (Salladasburg, PA Quadrangle 41°19'38"N 77°14'09"W);

2) a 24 inch culvert impacting 37 linear feet of an unnamed tributary to Little Harbor Run (EV, MF) (Salladasburg, PA Quadrangle 41°20'10"N 77°13'58"W).

The project will result in 122 linear feet of stream impacts for the purpose of providing access to Marcellus Shale well pads.

**E5729-033: Chesapeake Appalachia, LLC**, 101 North Main Street, Athens, PA 18810, Forks Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 23 linear feet of an unnamed tributary to Big Bottom Run (EV) (Overton, PA Quadrangle 41°31'35"N, 76°33'20"W);

2) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 25 linear feet of an unnamed tributary to Big Bottom Run (EV) (Overton, PA Quadrangle 41°31'36"N, 76°33'16"W);

3) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 28 linear feet of an unnamed tributary to Big Bottom Run (EV) (Overton, PA Quadrangle 41°31'39"N, 76°33'11"W);

4) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 21 linear feet of an unnamed tributary to Big Bottom Run (EV) (Overton, PA Quadrangle 41°31'28"N, 76°32'57"W);

5) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 27 linear feet of an unnamed tributary to Big Bottom Run (EV) (Overton, PA Quadrangle 41°31'27"N, 76°32'55"W).

The project will result in 124 linear feet of temporary stream impacts for the purpose of installing fresh waterlines for Marcellus well development in Forks Township, Sullivan County.

**E5729-034: Chesapeake Appalachia, LLC**, 101 North Main Street, Athens, PA 18810, Cherry Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 23 linear feet of an unnamed tributary to Lick Creek (EV) (Dushore, PA Quadrangle 41°33'03"N, 76°27'29"W);

2) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 796 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Dushore, PA Quadrangle 41°33'02"N, 76°27'25"W);

3) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 724 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 24 linear feet of Lick Creek (EV) (Dushore, PA Quadrangle 41°33'06"N, 76°27'20"W).

The project will result in 47 linear feet of temporary stream impacts and 1,520 square feet (0.03 acre) of temporary wetland impacts all for the purpose of installing fresh waterlines for Marcellus well development.

**E4129-042: Anadarko E&P Company LP**, 33 West Third Street, Suite 200, Williamsport, PA 17701, Cogan House Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain a sediment forebay upstream of an existing pond inflow, and to construct, operate, and maintain a stream stabilization project including longitudinal peaked stone toe protection, rock deflectors, cross vanes, and outlet protection. The project will result in 207 linear feet of impacts to Wendell Run (EV) for the purpose of provided stabilization of the eroded stream banks and a sediment management system for the adjacent pond.

**E5729-035: Chesapeake Appalachia, LLC**, 101 North Main Street, Athens, PA 18810, Cherry Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 292 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Dushore, PA Quadrangle 41°30'29"N, 76°25'29"W);

2) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 5,171 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Dushore, PA Quadrangle 41°30'26"N, 76°25'10);

The project will result in 5,463 square feet (0.13 acre) of temporary wetland impacts for the purpose of installing fresh waterlines for Marcellus well development in Cherry Township, Sullivan County.

**E0829-051: Appalachia Midstream, LLC**, 100 IST Center, Horseheads, NY 14845, Wilmot Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. one 6 inch diameter natural gas line and a temporary timber mat bridge impacting 1,852 square feet of a Palustrine Emergent Wetland (Colley, PA Quadrangle, Latitude: 41°36'55", Longitude: -76°17'26");

The project will result in 1,852 square feet (.04 acre) of PEM wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA36-026: John Smucker, Millcreek Preservation Association, Farm and Home Center**, 1383 Arcadia Road, Room 200, Lancaster, Pennsylvania 17601, in Earl Township, **Lancaster County**, ACOE Baltimore District

To construct and maintain a stream restoration project including:

1) bank grading along 2,600.0 feet of Mill Creek (WWF);

2) bank grading along 600.0 feet of Groff Run (WWF); and the installation and maintenance of:

3) seven log vanes, six rock/log cross vanes, five moundsills, and three livestock crossings in Mill Creek (WWF);

4) four moundsills, six log vanes and one livestock crossing in Groff Run (WWF); and

5) livestock fencing in the floodways of Mill Creek (WWF) and Groff Run (WWF), for the purpose of stabilizing highly eroded banks and improving aquatic habitat. No wetlands will be impacted by this project. The project is located near the intersection of Maple Grove Road and Stonecrest (Lancaster, PA Quadrangle, N: 13.77 inches, W: 13.28 inches; Latitude: 40°04'33", Longitude: -76°05'41.9") in Earl Township, Lancaster County

## ACTIONS

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

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

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

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

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

#### I. NPDES Renewal Permit Actions

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2553.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0065072	Pilot Travel Centers LLC Flying J # 710 1623 Oliver Road New Milford, PA 18834-7517	Susquehanna County New Milford Township	Unnamed Tributary of Nine Partners Creek Cold Water Fishes (4-F)	Y
PA0020745 (Sewage)	Nescopeck WWTP 45 Mifflin Road Nescopeck, PA 18635-1101	Luzerne County Nescopeck Borough	Brodhead Creek and Nescopeck Creek (1-E and 5-D)	Y
PA0065129 (Sewage)	David Holbert Small Flow Treatment Facility 696 State Highway Route 590 Lackawaxen, PA 18435	Pike County Lackawaxen Township	Unnamed Tributary to Delaware River (1-D)	Y

*Southcentral Region: Clean 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>
PA0021229 (Sew)	Littlestown Borough Authority 10 South Queen Street Littlestown, PA 17340-1612	Adams County Littlestown Borough	UNT of Alloway Creek / 13-D	N

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0112631 (Sewage)	Allen Wargo Res 1746 Old Reading Road Catawissa, PA 17820-8058	Columbia County Roaring Creek Township	Unnamed Tributary to Roaring Creek (5-E)	Y

*Southwest Region: Clean Water 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>
PA0021768 Sewage	Somerset Main STP 340 West Union Street Somerset, PA 15501	Somerset County Somerset Township	East Branch Coxes Creek	N



<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>
PA0253472 Sewage	Bavington STP Bavington Road Burgettstown, PA 15021	Washington County Hanover Township	Raccoon Creek	Y

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

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

**NPDES Permit No. PA0056502 Amendment No. 1, IW, JERC Partners XIII, LP**, 171 State Route 173, Suite 201, Asbury, NJ 08802-1365.

This proposed facility is located in Lower Moreland Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the transfer of an NPDES permit from White Pine Partners II, LLC to JERC Partners and is authorized to discharge from a facility known as Island Tributary to Huntingdon Valley Creek in Watershed 3-J.

**NPDES Permit No. PA0244333, SEW, East Brandywine Township Municipal Authority**, 1214 Horseshoe Pike, Downingtown, PA 19335.

This proposed facility is located in East Brandywine Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the issuance of an NPDES permit to discharge 137,680 MGD of treated sewage from a facility known as Overlook Road Farm WWTP to Beaver Creek in Watershed 3H.

**NPDES Permit No. PA0010944 Amendment No. 1, IW, Glenn Springs Holdings Inc.**, 5005 Lyndon B Johnson Freeway, Suite 1350, Dallas, TX 75244-6150.

This proposed facility is located in Lower Pottsgrove Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the amendment of an NPDES permit to remove Monitoring Point 103 and 303 from a facility known as Occidental Chemicals Ground Water Remediation Site to Schuylkill River in Watershed 3-D.

**NPDES Permit No. PA0012637 A-1, IW, Phillips 66 Company**, 4101 Post Road, Trainer, PA 19061-5052.

This proposed facility is located in Trainer Borough, **Delaware County**.

Description of Proposed Action/Activity: Approval for the transfer of an NPDES permit from Conoco Phillips to Phillips 66 Co from a facility known as Trainer Refinery to Marcus Hook Creek, Delaware River Estuary Zone 4 and Stony Creek in Watershed 3-G.

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

**NPDES Permit No. PA0044997**, Sewage, SIC Code 4952, **Mount Pocono Municipal Authority**, 303 Pocono Boulevard, Mount Pocono, PA 18344.

This existing facility is located in Mount Pocono Borough, **Monroe County**.

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

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

**PABIS 4821. Leslie's Septic Service**, Pine Township, **Potter County**. Mr. David Hinman, 491 Yahn Road, Galeton, PA, 16922 is approved to beneficially use their biosolids on the Woodcock farm in Clymer Township, **Tioga County**.

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

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

**WQM Permit No. 1501401**, Sewage, **Amendment 4, Penn Township**, 260 Lewis Road, West Grove, PA 19390-0039.

This proposed facility is located in Penn Township, **Chester County**.

Description of Action/Activity: Modifications to sewage treatment plant. To increase flow from 0.35 mgd to 0.39 mgd.

**WQM Permit No. 4611407**, Sewage, **Upper Gwynedd Township**, P. O. Box 1, Parkside Place, West Point, PA 19486.

This proposed facility is located in Upper Gwynedd Township, **Montgomery County**.

Description of Action/Activity: Modifications to a wastewater treatment plant and the construction of a gravity sanitary sewer system.

**WQM Permit No. 1500419**, Sewage, **South Coventry Township**, 1371 New Philadelphia Road, Pottstown, PA 19465.

This proposed facility is located in South Coventry Township, **Chester County**.

Description of Action/Activity: Renewal of continued operation of a sewage treatment plant with drip irrigation system.

**WQM Permit No. 1512405**, Sewage, **Willistown Township**, 688 Sugartown Road, Malvern, PA 19355.

This proposed facility is located in Willistown Township, **Chester County**.

Description of Action/Activity: Upgrades to the pump station by replacing pumps with higher capacity pumps and installing new pump controls.

**WQM Permit No. 1512403**, Sewage, **Tredyffrin Township**, 1100 Duportail Road, Berwyn, PA 19312.

This proposed facility is located in Tredyffrin Township, **Chester County**.

Description of Action/Activity: Replacement of approximately 7,100 LF of sanitary sewer lines in Tredyffrin Township.

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

**WQM Permit No. 3512404**, Sewage, SIC Code 4952, **Greenfield Township Sewer Authority Lackawanna County**, PO Box 501, Carbondale, PA 18407-501.

This proposed facility is located in Greenfield Township, **Lackawanna County**.

Description of Proposed Action/Activity: This project involves replacing the existing chlorine disinfection system with ultraviolet disinfection.

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

**WQM Permit No. 6791403, Amendment 12-1**, Sewerage, **East Prospect Borough Authority**, PO Box 334, East Prospect, PA 17317.

This proposed facility is located in East Prospect Borough, **York County**.

Description of Proposed Action/Activity: Replacement of the existing comminutor with a new sewage grinder/spiral screen and a bypass bar screen.

**WQM Permit No. 0183401 Amendment 11-1**, Sewerage, **Littlestown Borough Authority Adams County**, 10 South Queen Street, Littlestown, PA 17340-1612.

This proposed facility is located in Littlestown Borough, **Adams County**.

Description of Proposed Action/Activity: WWTP BNR Upgrade.

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

**WQM Permit No. 5902403**, Sewage, SIC Code 4952, **Blossburg Municipal Authority**, 245 Main Street, Blossburg, PA 16912-1125.

This existing facility is located in Blossburg Borough, **Tioga County**.

Description of Proposed Action/Activity: Part II Permit Amendment for Blossburg Municipal Authority STP. The permit has been amended to include the phosphorus removal system. To meet the Chesapeake Bay level of 0.8 mg/L and the existing total phosphorus level of 2.0 mg/L, the Authority proposes to use ferric chloride to remove phosphorus.

**WQM Permit No. WQG02531201**, SIC Code 4952, **PA DCNR**, 262 Sizerville Road, Emporium, PA 15834.

This proposed facility is located in Ulysses Township, **Potter County**.

Description of Proposed Action/Activity: The construction and installation of a new pump station wet well and sewer extension to serve the proposed addition of the Pennsylvania Lumber Museum of Galeton, PA. This will be a gravity and pressurized system that conveys the sewage to the existing Denton Hill State Park sewage treatment plant. The new construction will consist of gravity mains, pressure laterals, pressure force mains, a duplex individual grinder pump, a duplex grinder pump station utilizing the existing pumps, and a new 8' wet well. This project will also include minor upgrades to the controls at the pump station and Denton Hill plant.

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

**WQM Permit No. 1111404**, Sewerage, **Highland Sewer and Water Authority**, 120 Tank Drive, Johnstown, PA 15904

This proposed facility is located in Geistown Borough/Richland Township, **Cambria County**

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

**WQM Permit No. WQG016191**, Sewerage, **Lifesteps, Inc.**, 383 New Castle Road, Butler, PA 16001

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

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

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

**WQM Permit No. 2512401**, Sewage, **Millcreek Township Sewer Authority**, 3608 West 26th Street, Erie, PA 16506.

This existing facility is located in City of Erie, **Erie County**.

Description of Proposed Action/Activity: WQM permit for upgrades to the Glenwood Interceptor.

**WQM Permit No. WQG018840**, Sewage, **John Peterson**, 797 Logan Road, Warren, PA 16365.

This proposed facility is located in Conewango Township, **Warren County**.

Description of Proposed Action/Activity: Issuance of a new permit for a Single Residence Sewage Treatment Plant to replace a malfunctioning on-lot system.

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**IV. NPDES Stormwater Discharges from MS4 Permit Actions**


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**V. NPDES Waiver Stormwater Discharges from MS4 Actions**


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


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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 091106	Solomon Asser 115 West 29th St, Ste 801 New York, NY 10001	Bucks	Springfield Township	Cooks Creek (EV-MF)
PAI01 5106002-R	City of Philadelphia Division of Aviation Department of Planning and Environmental Stewardship Philadelphia International Airport Terminal E, 5th Floor Philadelphia, PA 19153	Philadelphia	City of Philadelphia	Mingo Creek/Schuylkill River (WWF-MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025811002	New Milford Senior Housing, L.P. 33 Public Avenue Montrose, PA 18801	Susquehanna	New Milford Borough	Salt Lick Creek, HQ-CWF, MF
PAI023511001	Lackawanna College 501 Vine St. Scranton, PA 18509	Lackawanna	Covington Township	Spring Brook, HQ-CWF
PAI024511016	Tobyhanna Army Depot 11 Hap Arnold Blvd. Mail Stop 5086 Tobyhanna, PA 18466	Monroe	Coolbaugh Township	Hummler Run, HQ-CWF, MF
PAI024510003	Northampton Community College 3835 Green Pond Road Bethlehem, PA 18020	Monroe	Pocono Township	Unnamed Tributary to Pocono Creek, HQ-CWF, MF
PAI023910004	Alexander Tamerler 1628 Barkwood Drive Orefield, PA 18069	Lehigh	Lower Milford Township	Tributary to Unami Creek, HQ-TSF
PAI024511012	New Glenbrook East, LP P. O. Box 240 Wynnewood, PA 19096	Monroe	Stroudsburg Borough	Pocono Creek, HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032111008	Naraj R. Parekh Rays Hospitality (Holiday Inn Express & Suites) One Foxfield Court Mechanicsburg, PA 17050	Cumberland	Middlesex Township	Letort Spring Run/ HQ-CWF, MF
PAI035010002	Albert C. Kuhn (A. C. Kuhn Property) PO Box 121 Carlisle, PA 17013	Perry	Jackson and Southwest Madison Townships	UNT to Shermans Creek/HQ-CWF, Bixler Run/CWF, and Little Valley Creek/ CWF

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701*

*Tioga County Conservation District: 50 Plaza Lane, Wellsboro, PA 16901, (570) 724-1801, X 3*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045912001	Drew Remley 1170 Salt Spring Rd Roaring Branch PA 17765	Tioga	Liberty Township	Salt Spring Run HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050311001	PennDOT District 10-0 2550 Oakland Ave Indiana PA, 15701	Armstrong	Boggs Township	UNT to North Fork Pine Creek (HQ-CWF)

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

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

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

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

#### *General Permit Type—PAG-02*

#### *Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Warwick Township Bucks County	PAG0200 0905003-R	Mignatti Companies 2310 Terwood Drive Huntingdon Valley, PA 19006	Little Neshaminy Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Doylestown Township Bucks County	PAG0200 0910074	DBD Realty, Ltd., LLC 301 Oxford Valley Rd, Ste 501A Yardley, PA 19067	Unnamed Tributary Neshaminy Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Plumstead Township Bucks County	PAG0200 0912020	Bruce Hellerick 4949 Stump Road Plumsteadville, PA 18949	North Branch Neshaminy Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<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>
Warrington Township Bucks County	PAG0200 0906014-R	Toll PA XIV, LP 250 Gibraltar Road Horsham, PA 19044	Little Neshaminy Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bristol Township Bucks County	PAG0200 0909071-R	Franks A Greek & Sons, Inc. 33 Cotters Lane New Brunswick, NJ 08901	Mill Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Skippack Township Montgomery County	PAG0200 4605057-R	Christian Budenz 2052 Lucon Road Skippack, PA 19474	Skippack Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitpain Township Montgomery County	PAG0200 4612022	Ralph Philomeno 545 West Germantown Pike Plymouth Meeting, PA 19462	Prophecy Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
New Hanover Township Montgomery County	PAG0200 4610011-R	Steve Lampmann 104 Mill Road Sellersville, PA 18960	Swamp Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Scranton, Lackawanna County	PAG02003512001	Glenn Worgan 722 Yorklyn Rd. Suite 350 Hockessin, DE 19707	Lackawanna River, CWF	Lackawanna Co. Cons. Dist. 570-281-9495
Bethlehem Twp., Northampton County	PAG02004812001	Edwin Novak 7065-A William Penn Highway, LLC 1655 Jonathan Lane Bethlehem, PA 18015	Nancy Run, CWF, MF	Northampton Co. Cons. Dist. 610-746-1971
Hazle Twp., Luzerne County	PAG02004011020	NBTY PAH, LLC Hans Lindgren 90 Orville Dr. Bohemia, NY 11716	Catawissa Creek, CWF	Luzerne Co. Cons. Dist. 570-674-7991

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

<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>
Straban Township Adams County	PAG02000112014	Larry D. Blount, President Hunterstown Ruritan Club, Inc. 59 Red Bridge Road Gettysburg, PA 17325	Beaverdam Creek/WWF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Gettysburg Borough Adams County	PAG02000109014R	John Spangler Lutheran Theological Seminary 61 Seminary Ridge Gettysburg, PA 17325	UNT to Stevens Run/Rock Creek/WWF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636

<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>
Reading Township Adams County	PAG02000108011R	Jeffrey Powers Porto Vecchio Properties, LLC 113 Westminster Road Reisterstown, MD 21136	UNT to West Branch Conewago Creek/WWF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Lyons Borough Berks County	PAG02000611054	Bryan Miller East Penn Manufacturing Deka Road, PO Box 147 Lyon Station, PA 19536	Sacony Creek/ CWF, MF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
S. Heidelberg Twp. Berks County	PAG02000612018	Peter Eisenhauer RLP Land Holdings PO Box 146 Wernersville, PA 19565	Manor Creek/ TSF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Maidencreek Twp. Berks County	PAG02000610026R	Marco Folino Rodolfo Folino & Sons 68 South Hampton Drive Wyomissing, PA 19610	Willow Creek/ CWF, MF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Hampden Township Cumberland County	PAG02002112011	Brian Soyka Sheetz, Inc. 5700 Sixth Avenue Altoona, PA 16602	Cedar Run/ CWF	Cumberland Co Conservation Dist 310 Allen Road, Suite 301 Carlisle PA 17013 717.240.7812
West Hanover Twp. Dauphin County	PAG02002207021R	Drew Williams 2325 Paxton Church Road Harrisburg, PA 17110	Manada Creek/ WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
South Hanover Twp. Dauphin County	PAG02002207022R	William Kotsalas 204 Poplar Avenue Hummelstown, PA 17036	Swatara Creek/ WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Harrisburg City Dauphin County	PAG02002212017	Boys & Girls Club of Central PA 1227 Berryhill Street Harrisburg, PA 17104-1799	Paxton Creek/ WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100

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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>
Londonderry Twp. Dauphin County	PAG02002211034	Dennis Schmidt 2905 Orchard Lane Middletown, PA 17057	Conewago Creek/WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Antrim Township Franklin County	PAG02002809008R	Brad Fulton Molly Pitcher LLC 11535 Hopewell Road Hagerstown, MD 21740	West Branch Conococheague Creek/WWF	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg PA 17201 717.264.5499
Antrim Township Franklin County	PAG02002805045R	R. Lee Royer (Paradise Estates) Accent Developers 10764 Buchanan Trail E Waynesboro, PA 17268	UNT to Conococheague Creek/WWF	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg PA 17201 717.264.5499
Greene Township Franklin County	PAG02002811039	Victor Johnson Brownsville Church of God PO Box 1 Fayetteville, PA 17222	UNT to Conococheague Creek/CWF	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg PA 17201 717.264.5499
Rapho Township Lancaster County	PAG02003606103R	Loss Investors 630 Delp Road Lancaster, PA 17601	Chickies Creek/ Little Chickies Creek/ WWF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717.299.5361, Ext. 5
Penn Township Lancaster County	PAG02003610029R	Thomas Kile Centerville Associates 987 Chapel Forge Road Lancaster, PA 17601	Chickies Creek/ WWF, MF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717.299.5361, Ext. 5
Akron Borough Lancaster County	PAG02003612031	Latitude 17, LLC 100 Highlands Drive, Suite 200 Lititz, PA 17543	Cocalico Creek/ WWF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717.299.5361, Ext. 5
Earl Township Lancaster County	PAG02003612038	Daniel Lapp 100 New Holland Road Gordonville, PA 17529	UNT Mill Creek/WWF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717.299.5361, Ext. 5

*Facility Location:  
Municipality &  
County*

<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>
Union Township Lebanon County	PAG02003809011(8)	Joel Sattazahn 1500 York Road Annville, PA 17003-5161	Qureg Run/Swatara Creek/WWF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
S. Londonderry Twp. Lebanon County	PAG02003812014	Jay Crouse Midway Church of the Brethren 13 Evergreen Road Lebanon, PA 17042	Snitz Creek/ TSF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4

*Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, Pa 17701  
570.327.3636*

*Facility Location:  
Municipality &  
County*

<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>
Wysox Township Bradford County	PAG02000812007	K&H Venture Groups LP Carl V Bankert 1952 Waddle Rd State College PA 16803	Laning Creek WWF Susquehanna River WWF	Bradford County Conservation District Stoll Natural Resource Center 200 Lake Rd Ste E Towanda PA 18848 (570) 265-5539 X 120
Sayre Borough Bradford County	PAG02000812027	Zaremba Group Sean McDermott 14600 Detroit Ave Lakewood OH 44107	Cayuta Creek WWF	Bradford County Conservation District Stoll Natural Resource Center 200 Lake Rd Ste E Towanda PA 18848 (570) 265-5539 X 120
Ferguson Township Centre County	PAG02001412008	Dorsey Houtz LAMAH Ventures LLC 55 Aloha St Port Matilda PA 16870	UNT to Big Hollow & Spring Creek CWFs	Centre County Conservation District 414 Holmes Ave Suite 4 Bellefonte PA 16823 Phone: (814) 355-6817
Lawrence Township Clearfield County	PAG02001712004	Clearfield Municipal Auth 107 E Market St Clearfield PA 16830	WB Susquehanna River WWF Clearfield Creek WWF	Clearfield County Conservation District 511 Spruce St Ste 6 Clearfield PA 16830 Phone: (814) 765-2629
City of Lock Haven Clinton County	PAG02001812001	City of Lock Haven 20 E Church St Lock Haven PA 17745	West Branch of Susquehanna River WWF, MF	Clinton County Conservation District 45 Cooperation Lane Mill Hall PA 17751 (570) 726-3798



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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>
Fairfield Township Lycoming County	PAG02004112011	Christine Weigle PO Box 186 Montoursville PA 17754	W.B. Susquehanna River WWF Bennetts Run WWF	Lycoming County Conservation District 542 County Farm Rd Suite 202 Montoursville PA 17754 (570) 433-3003
Williamsport Lycoming County	PAG02004112013	Sue Gaylor 700 College Place Williamsport PA 17701	UNTs to W. B. Susquehanna River WWF, MF	Lycoming County Conservation District 542 County Farm Rd Suite 202 Montoursville PA 17754 (570) 433-3003
Cooper & Mahoning Townships & Danville Borough Montour County	PAG02004712002	Cooper Twp Munic Auth 19 Steltz Rd Danville PA 17821	Mahoning Creek CWF, MF Sechler Run CWF, MF	Montour County Conservation District 112 Woodbine Ln Ste 2 Danville PA 17821 Phone: (570) 271-1140
Farmington Township Tioga County	PAG02005912006	UGI Storage Co Joseph Hartz 1 Meridian Blvd Ste 2C01 Wyomissing PA 19610	UNT to Elkhorn Creek WWF, MF	Tioga County Conservation District 50 Plaza Ln Wellsboro PA 16901 (570) 724-1801 Ext. 5

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Cecil Township Washington County	PAG02006305025R	JND Properties, LLC 3625 Washington Pike Bridgeville, PA 15017	UNT to Millers Run (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Hanover Township Washington County	PAG02006312017	Live Nation Michael Gentille 665 Rt. PA-18 Burgettstown, PA 15021	UNT to Harmon Creek (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Cranberry Township Butler County	PAG02001012011	Georgetown Square Associates LP Attn: Mr. Pat Minnock 7202 McKnight Road Pittsburgh PA 15237	UNT Brush Creek WWF	Butler County Conservation District 724-284-5270
Slippery Rock Township Butler County	PAG02001012005	Slippery Rock Municipal Authority Attn: Mr. Paul Dickey PO Box 57 Slippery Rock PA 16057	Slippery Rock Creek CWF	Butler County Conservation District 724-284-5270

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Piney Township Clarion County	PAG02001612004	Piney Creek LP 428 Power Lane Clarion PA 16214	Piney Creek CWF	Clarion County Conservation District 814-297-7813
Girard Borough Erie County	PAG02002510012(1)	Sheetz Inc 817 Brookfield Drive Seen Fields PA 16046	Girard Borough	Erie County Conservation District 814-825-6403
Greene Township Erie County	PAG02002512004	Greene Township 9333 Tate Road Erie PA 16509	Fourmile Creek WWF; MF	Erie County Conservation District 814-825-6403
Summit Township Erie County	PAG02002512007	Summit Township 8900 Old French Road Erie PA 16509-5461	Le Boeuf Creek TSF	Erie County Conservation District 814-825-6403

*General Permit Type—PAG-03**Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant's Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Hatfield Township Bucks County	PAR120006	Rosenberger's Dairies LLC 847 Forty Foot Road Hatfield, PA 19440	Unnamed Tributary to West Branch Neshaminy Creek-2F	DEP Southeast Region Clean Water Program 484.250.5970
Marlborough Township Montgomery County	PAR600061	Green Lane Auto Sales & Parts Inc. 3000 Geryville Pike Pennsburg, PA 18073	Unnamed Tributary to Macoby Creek -3E	DEP Southeast Region Clean Water Program 484.250.5970

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481**Facility Location:  
Municipality &  
County*

<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>
City of Erie, Erie County	PAR208322	PSB Industries, Inc. 1202 West 12th Street, Erie, PA 16501	Municipal Storm Sewers to Cascade Creek 15	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

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

<i>Facility Location: Municipality &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>
Douglass Township Montgomery County	PAG040179	Cheryl & Jason Kulp 184 Lone Pine Road Barto, PA 19504-9210	West Branch Perkiomen Creek—3-E	Southeast Region Clean Water Program 484-250-5970
Douglass Township Montgomery County	PAG040178	Liebermann Peter E. 161 Papermill Road Barto, PA 19504-9232	Unnamed Tributary to West Branch Perkiomen Creek—3-E	Southeast Region Clean Water Program 484-250-5970
Amwell Township Washington County	PAG046435	Lifesteps, Inc. 383 New Castle Road Butler, PA 16001	Tributary to Little Tenmile Creek	Southwest Regional Office: Clean Water Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

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

*Facility Location:*

<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>
Conewago Township Warren County	PAG041073	John Petereson 797 Logan Road, Warren, PA 16365	Unnamed Tributary to Jackson Run 16-B	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*Permit Type—PAG-5*

*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>
Adams County Conewago Township	PAG053558	Terry L. Lawrence Terry and Laverne Motors, Inc. 1726 Carlisle Pike Hanover, PA 17331	UNT to South Branch Conewago Creek / WWF	DEP— SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

*General Permit Type—PAG-10*

*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>
Lehman & Dallas Township Luzerne County	PAG152202	PA American Water 100 North Pennsylvania Avenue Wilkes-Barre, PA 18701	Huntsville Creek—5-B	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2553
Auburn Township Susquehanna County	PAG102228	Williams Field Services Company, LLC (Round Top Pipeline) 1605 Coraopolis Heights Road Moon Township, PA 15108-4310	Dority Creek (CWF,MF), Nick Creek (CWF,MF) and Riley Creek (CWF,MF)—4-G	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2553

*General Permit Type—PAG-12*

*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>
Hickory Hollow Farms 491 Barnsley Road Oxford, PA 19363 East Nottingham Chester County	PAG120002	R. Lamar Harnish 491 Barnsley Road Oxford, PA 19363	Northeast Creek	Southeast Region Clean Water Program 484.250.5970
Granville Township, Bradford County	PAG124842	John Pepper Enterprise LLC 2642 Granville Road, Granville Summit, PA 16926	North Branch Towanda Creek, CWF	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3636

**STATE CONSERVATION COMMISSION**  
**NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES**  
**PERMITS FOR CAFOs**

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

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

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

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

**NUTRIENT MANAGEMENT PLAN PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Will-O-Bett Farm 137 Bomboy Lane, Berwick, PA 18603	Luzerne	23.9	726.12	Swine/Beef/ Goat	NA	Approved

**PUBLIC WATER SUPPLY PERMITS**

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

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

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

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

**SAFE DRINKING WATER**

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

*Southeast Region: Safe Drinking Water Program Manager, 2 East Main Street, Norristown, PA 19401*

**Operations Permit** issued to: **Entech Engineering, Inc.**, 4 South Fourth Street P. O. Box 32 Reading, PA 19603

**[(PWSID)] Superior Water Company** 1885 Swamp Pike, Gilbertsville, PA 19525-9666, **Montgomery County** on April 26, 2012 for the operation of underground chlorine contact at the Ivy Ridge Community Water System approved under construction permit #4611527.

**Permit No. 1511523**, Public Water Supply.

Applicant	<b>Comprehensive Addiction Programs, Inc.</b> 101 Ponds Edge Drive Suite 200 Chadds Ford, PA 19317
Township	New Garden
County	<b>Chester</b>
Type of Facility	PWS
Consulting Engineer	Applied Water Management
Permit to Construct Issued	April 19, 2012

**Permit No. 0911558**, Public Water Supply.  
 Applicant **Plumstead Township**  
 5186 Stump Road  
 Plumstead, PA 18948  
 Township Plumstead  
 County **Bucks**  
 Type of Facility PWS  
 Consulting Engineer Pennoni Associates, Inc.  
 62 Rockford Road  
 Wilmington, Delaware 19806  
 Permit to Construct Issued April 19, 2012

**Permit No. 0911568**, Public Water Supply.  
 Applicant **Aqua Pennsylvania, Inc.**  
 762 West Lancaster Avenue  
 Bryn Mawr, PA 19010  
 Township Bristol  
 County **Bucks**  
 Type of Facility PWS  
 Consulting Engineer Hatch Mott MacDonald  
 27 Bleeker Street  
 Milburn, NJ 07041  
 Permit to Construct Issued April 19, 2012

**Permit No. 4611533**, Public Water Supply.  
 Applicant **Aqua Pennsylvania, Inc.**  
 762 West Lancaster Avenue  
 Bryn Mawr, PA 19010  
 Borough Hatboro  
 County **Bucks**  
 Type of Facility PWS  
 Consulting Engineer Aqua Pennsylvania, Inc.  
 762 West Lancaster Avenue  
 Bryn Mawr, PA 19010  
 Permit to Construct Issued May 11, 2012

**Permit No. 4612506**, Public Water Supply.  
 Applicant **Saint Gabriel's Hall**  
 1250 Pawlings Road  
 P. O. Box 7280  
 Audubon, PA 19407  
 Township Lower Providence  
 County **Montgomery**  
 Type of Facility PWS  
 Consulting Engineer Tarson, LLC  
 Permit to Construct Issued April 23, 2012

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

**Permit No. 5012501 MA, Minor Amendment**, Public Water Supply.  
 Applicant **Country View Village, LP**  
 Municipality Centre Township  
 County **Perry**

Responsible Official John M. Stoltzfus, Managing Partner  
 PO Box 375  
 Gap, PA 17527  
 Type of Facility Greensand filtration.  
 Consulting Engineer Charles A Kehew II, P.E.  
 James R. Holley & Associates, Inc.  
 18 South George Street  
 York, PA 17401  
 Permit to Construct Issued: 5/29/2012

**Permit No. 3412502 MA, Minor Amendment**, Public Water Supply.  
 Applicant **Aqua Pennsylvania, Inc.**  
 Municipality Delaware Township  
 County **Juniata**  
 Responsible Official Patrick R. Burke, Regional Manager, Northeast & Central Operations  
 One Aqua Way  
 White Haven, PA 18661  
 Type of Facility Installation of approximately 36' of 36" chlorine contact pipe to increase chlorine contact time. Demonstration of 4-Log Treatment of Viruses for GWR.  
 Consulting Engineer William A LaDieu, P.E.  
 CET Engineering Services  
 1240 N Mountain Road  
 Harrisburg, PA 17112  
 Permit to Construct Issued: 5/31/2012

**Permit No. 0512504 MA, Minor Amendment**, Public Water Supply.  
 Applicant **Bedford Township Municipal Authority**  
 Municipality Bedford Township  
 County **Bedford**  
 Responsible Official Eric Zembower, Chairman  
 PO Box 371  
 Bedford, PA 15522  
 Type of Facility Sweet Root Road Chlorine Booster.  
 Consulting Engineer Timothy A Cooper, P.E.  
 Stiffler McGraw & Associates Inc  
 19 N Juniata Street  
 Hollidaysburg, PA 16648  
 Permit to Construct Issued: 5/29/2012

**Permit No. 2111509 MA, Minor Amendment**, Public Water Supply.  
 Applicant **Hodges MHP**  
 Municipality Silver Spring Township  
 County **Cumberland**  
 Responsible Official Lawrence D. Hodges, Owner  
 25 Longview Drive  
 Mechanicsburg, PA 17050

Type of Facility 4-log treatment of viruses demonstration.

Consulting Engineer 1 - Not Available

Permit to Construct Issued: 5/29/2012

**Permit No. 2112505**, Public Water Supply.

Applicant **Conodoquinet Mobile Estates**

Municipality Lower Mifflin Township

County **Cumberland**

Responsible Official John D Walter, Owner  
105 Carlisle Road  
Newville, PA 17241

Type of Facility Greensand filtration for iron and manganese removal.

Consulting Engineer Charles A Kehew II, P.E.  
James R. Holley & Associates, Inc.  
18 South George Street  
York, PA 17401

Permit to Construct Issued: 5/29/2012

**Permit No. 0612505 MA, Minor Amendment**, Public Water Supply.

Applicant **Mountain View Apartments**

Municipality South Heidelberg Township

County **Berks**

Responsible Official Robert A Nass, Owner  
905 Biscayne Boulevard  
Suite 1  
Deland, Fl 32724

Type of Facility This project consists of switching from UV disinfection to sodium hypochlorite disinfection and installation of approximately 100 L.F. of 10" contact pipe to increase chlorine contact time at Well No. 3. Demonstration of 4-Log Treatment of Viruses for GWR for Entry Point 103

Consulting Engineer Charles A Kehew II, P.E.  
James R. Holley & Associates, Inc.  
18 South George Street  
York, PA 17401

Permit to Construct Issued: 5/29/2012

**Permit No. 0612507 MA, Minor Amendment**, Public Water Supply.

Applicant **Mountain Springs Camping Resort Enterprises, LLC**

Municipality Upper Bern Township

County **Berks**

Responsible Official Jim Miller, Vice President-Mountain Springs Camping Resort  
PO Box 365  
Shartsville, PA 19554

Type of Facility Installation of approximately 225 L.F. of 12" contact pipe to increase chlorine contact time. Demonstration of 4-Log Treatment of Viruses for GWR.

Consulting Engineer Karen C. Pollock, P.E.  
Systems Design Engineering  
1032 James Drive  
Lessport, PA 19533

Permit to Construct Issued: 5/29/2012

**Permit No. 3612511 MA, Minor Amendment**, Public Water Supply.

Applicant **City of Lancaster**

Municipality West Lampeter Township

County **Lancaster**

Responsible Official Charlotte Katzenmoyer, Public Works Director  
120 North Duke Street  
Lancaster, PA 17608-1559

Type of Facility Repairs, renovations and repainting to the Willow Street Tank.

Consulting Engineer Robert J. Ruth, P.E.  
City of Lancaster  
120 N. Duke Street  
Lancaster, PA 17608-1599

Permit to Construct Issued: 5/29/2012

**Operations Permit** issued to: **Pennsylvania-American Water**, 7220017, South Hanover Township, Dauphin County on 5/30/2012 for the operation of facilities approved under Construction Permit No. 2210503.

**Operations Permit** issued to: **Quentin Water Company**, 7380031, West Cornwall Township, **Lebanon County** on 6/4/2012 for the operation of facilities approved under Construction Permit No. 3812501 MA.

**Operations Permit** issued to: **Mt. Gretna Authority**, 7380024, Mount Gretna Borough, **Lebanon County** on 6/4/2012 for the operation of facilities approved under Construction Permit No. 3811508 MA.

**Operations Permit** issued to: **Lebanon Valley MHC**, 7380016, Bethel Township, **Lebanon County** on 5/17/2012 for the operation of facilities approved under Construction Permit No. 3811510 MA.

**Operations Permit** issued to: **Aqua Pennsylvania, Inc.—Links at Gettysburg**, 7010057, Mt. Joy Township, **Adams County** on 5/31/2012 for the operation of facilities approved under Construction Permit No. 0111516 MA.

**Operations Permit** issued to: **Sensenig Meats**, 7670861, Heidelberg Township, **York County** on 6/4/2012 for the operation of facilities approved under Construction Permit No. 6712505 MA.

**Operations Permit** issued to: **Paradise Mobile Home Park, Inc.**, 7500003, Wheatfield Township, **Perry County** on 5/31/2012 for the operation of facilities submitted under Application No. 5012504 MA.

**Operations Permit** issued to: **Urban Perry Manor LLC**, 7500026, Oliver Township, **Perry County** on 5/29/2012 for the operation of facilities submitted under Application No. 7500026.

**Operations Permit** issued to: **Fairview Golf Course**, 7381039, West Cornwall Township, **Lebanon County** on 5/17/2012 for the operation of facilities submitted under Application No. 7381039.

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

**Permit No. 1012501** Public Water Supply  
 Applicant **Bernard McKruit d/b/a Bernie's Mobile Home Park**  
 Township or Borough Winfield Township  
 County **Butler**  
 Type of Facility Public Water Supply  
 Consulting Engineer William J. McGarvey, P.E.  
 McGarvey Engineering  
 172 Woodcrest Road  
 Butler, PA 16001  
 Permit to Construct May 31, 2012  
 Issued

**Operation Permit** issued to **Scenic Mobile Home Park, Inc.**, PWSID #6430001, Pymatuning Township, **Mercer County**. Permit Number 4388506-MA1 issued May 31, 2012 for the operation of the Scenic Mobile Home Park water Treatment System located at 156 Shenango Park Road, Transfer, Pennsylvania 16154. This permit is issued in response to an operation inspection conducted by Department of Environmental Protection personnel on May 30, 2012.

**Operation Permit** issued to **Girard Borough**, PWSID #6250049, Girard Borough, **Erie County**. Permit Number 2511505 issued May 31, 2012 for the operation of the upgrades at the Mohring Well Facility and the Butternut Well Facility. This permit is issued in response to an operation inspection conducted by Erie County Department of Health personnel on March 19, 2012.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

*Plan Location:* Sanitary Sewer Extension: Fritch Drive Planning Area

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Bethlehem Township	4225 Easton Ave. Bethlehem, PA 18020	Northampton

*Plan Description:* This Planning Module provides for the extension of Public Sanitary Sewer Service from existing Sanitary Manhole 2-2106 located at the intersection of Christian Springs Road and Brodhead Avenue, to twelve existing light industrial/commercial properties along Fritch Drive that currently utilize on-lot disposal systems. The Public Sewer Extension will also provide a means for future sewer services to seven adjacent properties along Tracy Lane and Brodhead Road that are also served currently by on-lot disposal systems.

Flow projections identified in the Planning Module represent the ultimate wastewater flow of 39,034 gpd which encompasses the 19 total properties. The wastewater from the extension project will flow to the township's Pump Station #4 and then to conveyance facilities owned

by the City of Bethlehem which will provide public sewage conveyance and treatment facilities as well as public water to the project.

A developer has prepared the design and associated contract documents for the sewer extension. The developer will obtain all of the necessary permits and pay for the sewer extension construction.

The individual property owners will be responsible for contracting with a plumber to install their own lateral to connect to the sewer main.

The Griffin Land Development Project located in Lower Nazareth Township at the Northern end of Fritch Drive is not included in this Planning Module approval. A separate Planning Module submission from Lower Nazareth Township will be required for the Griffin Tract.

It is the responsibility of Bethlehem Township to implement this Act 537 Planning Module Plan in accordance with the schedule contained in the Planning Module. Any required NPDES Permits or WQM Permits will be obtained by the private developer.

*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>
Windsor Township	1480 Windsor Road, Red Lion PA 17356	York

*Plan Description:* The approved plan provides for the implementation of a Township wide on-lot sewage disposal system operation and management program. The Plan also provides for sanitary sewer extension numbers 1, 2A and 10 within 5 years, project numbers 2B, 3, 4B, and 11 within 10 years and project numbers 5B, 5C, 5D, 6A, 6B, 6C, 7A, 7B, 8, 9A, 9D and 9E within 20 years. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 2**

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania*

*Bulletin.* These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**W. Brooks 1V/5H Well Site, 13915 Strickland Hill Road, Springville Township, Susquehanna County.** James Pinta and David Testa, URS Corporation, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 submitted a Final Report on behalf of their client, Cabot Oil & Gas Corporation, 5 Penn Center West, Suite 401, Pittsburgh, PA 15276, concerning the remediation of soil found to have been impacted by drilling mud and brine as a result of a release from a torn reserve pit liner. The report was submitted to document attainment of the Residential Statewide Health Standard and the Background Standard for soil. A Notice of Intent to Remediate was simultaneously submitted.

**Gesford 3 Well Site, Carter Road, Dimock Township, Susquehanna County.** James Pinta and David Testa, URS Corporation, 501 Holiday Drive, Foster Plaza 4, Suite 300, Pittsburgh, PA 15220 have submitted a Final Report (on behalf of their client, Cabot Oil & Gas Corporation, 5 Penn Center West, Suite 401, Pittsburgh, PA 15276), concerning the remediation of soil found to have been impacted by a release of diesel fuel and lubricating oil due to a failure in the fuel line supplying the diesel fuel to a mud pump. The report was submitted to document attainment of the Residential Statewide Health Standard for soil. A Notice of Intent to Remediate was simultaneously submitted.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document

cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**D. Grosvenor 1H/2V Well Site, State Route 3001 and State Route 3019, Dimock Township, Susquehanna County.** James Pinta and David Testa, URS Corporation, 501 Holiday Drive, Foster Plaza 4, Suite 300, Pittsburgh, PA 15220 submitted a Final Report on behalf of their client, Cabot Oil & Gas Corporation, Five Penn Center West, Suite 401, Pittsburgh, PA 15276, concerning the remediation of soil found to have been impacted by brine fluid as a result of an accidental overflow of an aboveground storage tank. The report documented attainment of the Residential Statewide Health Standard and the Background Standard for soil and was approved on May 22, 2012.

**Miller Property, 198 Peggy Runway Road, Berlin Township, Wayne County.** Martin Gilgallon and Dean Cruciani, Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403 submitted a Final Report on behalf of their client, Stacy Miller, 198 Peggy Runway Road, Beach Lake, PA 18405, concerning the remediation of soil found to have been impacted by No 2 fuel oil as a result of a



release from a corrosive, unregulated 275-gallon aboveground storage tank. The report documented attainment of the Residential Statewide Health Standard for soil and was approved on May 22, 2012.

**Fraser 1V/3H/5H/7H/8H Well Site**, Forest Lake Township, **Susquehanna County**. James Pinta and David Testa, URS Corporation, 501 Holiday Drive, Foster Plaza 4, Suite 300, Pittsburgh, PA 15220 submitted a Final Report on behalf of their client, Cabot Oil & Gas Corporation, Five Penn Center West, Suite 401, Pittsburgh, PA 15276, concerning the remediation of soil found to have been impacted by a release of production fluid. The report documented attainment of the Statewide Health Standard and the Background Standard for soil and was approved on May 30, 2012. The report was originally submitted within 90 days of the release.

**Knapik Well Pad**, Valley View Road, Liberty Township, **Susquehanna County**. David Bender, Environmental Resources Management, Inc., 5788 Widewaters Parkway, DeWitt, NY 13214 submitted a Final Report on behalf of his client, WPX Energy Appalachia, LLC, 1645 State Route 11, Nicholson, PA 18446, concerning the remediation of soil found to have been impacted by diesel fuel from a D8 caterpillar bulldozer as a result of a possible act of vandalism. The report documented attainment of the Statewide Health Standard for soil and was approved on May 30, 2012. The report was originally submitted within 90 days of the release.

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

**Shakespeare and Sons, Inc.**, City of Dubois, **Clearfield County**. Skelly & Loy, Inc., 449 Eisenhower Blvd., Suite 300, Harrisburg, Pa 17111 on behalf of DuBois Ventures, Inc., 486 Bush Court, Dubois, PA 15801 has submitted a Final Report concerning the remediation of site soil contaminated with Lead, Arsenic, and the groundwater was contaminated with Lead, Dissolved. The Final report demonstrated attainment of the Statewide Health Standard for groundwater and the Site-Specific Standard for soil and was approved by the Department on June 5, 2012.

**State Game Lands 219**, Warren Township, **Bradford County**. Golder Associates, Inc., 209 North Main Street, Horseheads, NY 14845 on behalf of Talisman Energy USA, Inc., 337 Daniel Zenker Drive, Horseheads, NY 14845 has submitted a Final Report concerning the remediation of site soils contaminated with Naphthalene, Trimethylbenzene, 1,2,4, Trimethylbenzene, 1,3,5, Aluminum, Barium and compounds, Chromium, Copper, Iron, Lead, Manganese/zinc. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 12, 2012.

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

**Hunt Marcellus Operating Company Lease/Pennsylvania Timber, LP**, Jones Township, **Elk County**. Hull & Associates, Inc., 300 Business Center Drive, Pittsburgh, PA 15205 on behalf of Integrated Production Services, Inc., 1558 Mt. Pleasant Connellsville Road, Suite 66, Mt. Pleasant, PA 15666 and Pennsylvania Timber, LP, c/o PA Landvest Timberland Division, 628 N. Fraley Street, Suite 1, Kane, PA 16735 has submitted a Final Report concerning the remediation of site soil contaminated with Benzene, Toluene, Ethylbenzene, MTBE, Cumene, Naphthalene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, Fluorene, Anthracene, Phenanthracene, Pyrene, Chrysene, Benzo[a]anthracene,

Benzo[a]pyrene, Benzo[g,h,i]perylene. The site was remediated with 90 days of the release. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 29, 2012.

**Lincoln Metal Processing Corporation (Fmr. Lincoln Metal Site)**, Millcreek Township, **Erie County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412 on behalf of Lincoln Metal Processing Company, 1602 Selinger Avenue, Erie, PA 16505 has submitted a Request for Determination of Non-Use Aquifer for the site located at 1602 Selinger Avenue, Erie, PA 16505. The Request for Determination of Non-Use Aquifer was approved by the Department on May 22, 2012.

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

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

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

**Permit No. 400633. Wheelabrator Falls, Inc.**, 1201 New Ford Mill Road, Morrisville PA 19067-3701. This application is for the 10-year renewal of the solid waste permit for the continuing operation for Wheelabrator Falls, Inc., Facility, located at 1201 New Ford Mill Road, Morrisville, PA 19067-3701, in Falls Township, **Bucks County**. The permit was issued by the Southeast Regional Office on May 29, 2012.

#### AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

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

**GP9-09-0034: KPK Development Co., L.P.** (700 Penn Valley Road, Fairless Hills, PA 19067) on May 31, 2012, to operate seven (7) diesel/#2 fuel-fired internal combustion engines in Falls Township, **Bucks County**.

**GP3-46-0104: David Erb Contractors—Florig Equipment Jobsite** (906 Ridge Pike, Conshohocken, PA 19428) on May 31, 2012, to operate a portable nonmetallic mineral processing plant in Plymouth Township, **Montgomery County**.

**GP9-46-0059: David Erb Contractors—Florig Equipment Jobsite** (906 Ridge Pike, Conshohocken, PA 19428) On May 31, 2012, to operate two (2) diesel/#2 fuel-fired internal combustion engines in Plymouth Township, **Montgomery County**.

**GP14-46-0279: Legacy Crematory, LLC.** (19 East Germantown Pike, East Norriton, PA 19401) on May 31, 2012, to operate 150 lbs/ hr human cremation unit in East Norriton Township, **Montgomery County**.

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

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

**52-310-015GP3: Holbert Brothers Bluestone Co.** (237 Masthope Plank Road, Lackawaxen, PA 18435) on May 23, 2012, to construct and operate a Portable Crushing Operation with water sprays at their site in Lackawaxen Township, **Pike County**.

**52-329-003GP9: E.R. Holbert Brothers Bluestone Co.** (237 Masthope Plank Road, Lackawaxen, PA 18435) on May 23, 2012, to construct and operate diesel IC engines at their site in Lackawaxen Township, **Pike County**.

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

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

**GP5-57-058A: Appalachia Midstream Service, LLC** (6100 North Western Avenue, Oklahoma City, OK 73118-6114) on May 8, 2012, to construct and operate three (3) 605-hp generator-engines at the Cherry Compressor Station pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5). Additionally, this authorization revises the allowable emissions from the three (3) dehydration units at the Cherry Compressor Station in Cherry Township, **Sullivan County**.

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

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

**GP5-33-152A: Dominion Transmission - Stoney Run Station** (Route 36, Boomersville, PA 15767) on June 1, 2012, to operate three (3) rich burn, 2 stroke natural gas engines (Ajax Models), one (1) TEG natural gas dehydrator (Lakota Model), one (1) 4,200 gallon produced water storage tank, and one (1) 1,050 gallon dehydrator waste water storage tank, (BAQ-GPA-GP-5) in Gaskill Township, **Jefferson County**.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

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

**48-399-070: Pan Glo** (1230 Win Drive, Bethlehem, PA 18017) on May 21, 2012, for modification of their existing pan cleaning and recoating operation at their facility in Bethlehem, **Northampton County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**ER-28-05012B: Volvo Road Machinery, Inc.** (312 Volvo Way, Shippensburg, PA 17257-9209) on May 25, 2012, for an Air Quality Emission Reduction Credit (ERC)

approval of 6.20 tons of volatile organic compounds (VOC) from the shutdown of Sources 104 and 112 (Small Asphalt Pre-Paint and Small Parts Prime Paint Booth) at the road machinery manufacturing facility in Shippensburg Borough, **Franklin County**.

**06-05061A: Cambridge-Lee Industries, LLC** (P. O. Box 14026, Reading, PA 19612-4026) on May 25, 2012, to install and for temporary operation of a copper tube continuous casting system at their Reading facility in Ontelaunee Township, **Berks County**.

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

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

**57-00004A: Central New York Oil & Gas, LLC** (800 Robinson Road, Owego, NY 13827-6801) on May 30, 2012, to construct an 8,180 horsepower, natural gas-fired compressor engine equipped with an oxidation catalyst, a 6,135 horsepower, natural gas-fired compressor engine equipped with an oxidation catalyst, a 1,450 horsepower, natural gas-fired emergency generator, three VOC-containing storage tanks, a parts washer and a 0.35 million Btu per hour, natural gas-fired space heater at their compressor station in Davidson Township, **Sullivan County**.

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

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

**20-123E: Lord Corp.** (124 Grant Street, Cambridge Springs, PA 16403) on May 29, 2012, to construct and operate an additional metal parts passivation tank line for the passivation of stainless steel parts at their existing Cambridge Springs Plant in **Crawford County**. This is a Title V facility.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**46-0200C: John Middleton Co.** (475 North Lewis Road, Limerick, PA 19468) on May 24, 2012, to operate a regenerative thermal oxidizer in Upper Merion Township, **Montgomery County**

**46-0020G: Superior Tube Co., Inc.** (3900 Germantown Pike, Collegeville, PA 19426) on May 25, 2012, to operate a pickling and passivate tanks stack operations in Lower Providence Township, **Montgomery County**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**44-05001C: Standard Steel** (500 North Walnut Street, Burnham, PA 17009-1644) on May 31, 2012, to construct a baghouse and modify existing fume control system for existing electric arc furnaces at their steel manufacturing facility in Burnham Borough, **Mifflin County**. The plan approval was extended.

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

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

**08-00030A: Angelina Gathering Co.** (2350 North Sam Houston Parkway East, Houston, TX 77009) on May 14, 2012, to extend authorization to construct four (4) natural-gas-fired compressor engines each equipped with oxidation catalysts and to construct two (2) natural gas glycol dehydration units each equipped with reboiler fireboxes at their Greenzweig Compressor Station in Herrick Township, **Bradford County** to November 8, 2012. The plan approval has been extended.

**41-00079A: Eureka Resources, LLC** (454 Pine Street, Williamsport, PA 17701) on May 29, 2012, to extend authorization to operate a gas well water treatment operation at their facility in Williamsport, **Lycoming County** on a temporary basis to November 25, 2012. The plan approval has been extended.

**59-00005J: Dominion Transmission, Inc.** (445 West Main Street, Clarksburg, WV 26301) on May 30, 2012, to extend the authorization to construct a 12.07 million Btu per hour ETI model THE-1207 natural-gas fired salt bath heater (Source ID 044) and a 3.0 million Btu per hour Ajax model WRFG-3000 natural-gas fired boiler (Source ID 045) at their Sabinsville Compressor Station in Clymer Township, **Tioga County** to November 29, 2012. The plan approval has been extended.

**59-00002C: Dominion Transmission, Inc.** (445 West Main Street, Clarksburg, WV 26301) on May 30, 2012, to extend authorization to install oxidation catalysts (Control Devices C101 and C102) to control the carbon monoxide and non-methane hydrocarbon emissions from the two (2) existing natural gas-fired compressor engines (Source ID P101 and P102) and to modify the volatile organic compounds emission limitations for Source IDs P101 and P102 at the Dominion Transmission, Inc. Tioga Compressor Station in Farmington Township, **Tioga County** to November 29, 2012. The plan approval has been extended.

**17-00001D: GenON REMA, LLC** (121 Champion Way, Canonsburg, PA 15317) on May 26, 2012, to extend the temporary period of operation of the carbon injection system on Units 3 and 4 for 180 days. The plan approval contains monitoring, recordkeeping and reporting requirements to demonstrate compliance with State and Federal regulatory requirements. The plan approval has been extended.

**08-00031A: Appalachia Midstream Services, LLC** (6100 North Western Avenue, Oklahoma City, OK 73118-6114) on May 30, 2012, to extend the temporary period of operation of the eight (8) compressor-engines for 180 days. The plan approval contains monitoring, recordkeeping and reporting requirements to demonstrate compliance with State and Federal regulatory requirements. The plan approval has been extended.

**19-00028A: White Pines Corp.** (515 SR 442, Millville PA 17846) on May 30, 2012, to extend the temporary period of operation of the ammonia stripper for 180 days. The plan approval contains monitoring, recordkeeping and reporting requirements to demonstrate compliance with State and Federal regulatory requirements. The plan approval has been extended.

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

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

**04-00730: Lindy Paving, Inc.** (586 Northgate Circle, New Castle, PA 16105) on June 13, 2012, for an extension with an expiration date of December 13, 2012, to authorize continued temporary operation of air contamination sources and controls at their Big Beaver Asphalt Plant in Big Beaver Borough, **Beaver County**.

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

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

**10-325A: Butler VA Medical Center** (325 New Castle Road, Butler, PA 16001) on May 31, 2012, for three (3) existing 25.4 MMBtu/hr capacity gas and #2 fuel oil fired boilers at their facility in Butler Township, **Butler County**.

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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, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**06-05105: Green Gas-Pioneer Crossing Energy, LLC** (4251 SW High Meadows Avenue, Palm City, FL 34990-3726) on May 30, 2012, for their landfill-gas-to-energy plant at the Pioneer Crossing Landfill in Exeter Township, **Berks County**.

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

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

**47-00001: PPL Montour LLC** (PO Box 128, Washingtonville, PA 17884-0128) on May 30, 2012, to issue a renewal Title V Operating Permit 47-00001 for their facility in Derry Township, **Montour County**. Renewal Title V Operating Permit 47-00001 contains monitoring, recordkeeping and reporting conditions to ensure compliance with all applicable Federal and State air regulatory requirements for stationary sources. Additionally, the Title V operating permit includes monitoring requirements from 40 CFR Part 64, relating to Compliance Assurance Monitoring, and the requirements from the Clean Air Interstate Rule (CAIR) are included in the operating permit. The Phase II Acid Rain Permit, Title IV Operating Permit 47-00001, was also issued with renewal Title V Operating Permit 47-00001.

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#### **Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

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

**64-00006: Hanson Aggregates Pa, LLC—Lake Ariel Hot Mix Asphalt Plant** (7660 Imperial Way, Allentown, PA 18195) on May 31, 2012, for asphalt paving mixtures and blocks in Lake Township, **Wayne County**. The sources consist of a Batch Hot Mix Asphalt Plant, hot oil heaters (2), and a RAP Facility. The sources are consid-

ered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), and VOC's. This is a renewal of the State-Only Synthetic Minor operating permit. The State-Only operating permit includes applicable state and federal requirements, work practice standards, testing, monitoring, recordkeeping and reporting requirements.

**64-00012: Wayne County Memorial Hospital** (601 Park Street, Honesdale, PA 18431) on May 31, 2012, for operation of a facility State-only natural minor operating permit for the ETO sterilizer and catalytic incinerator operations in Honesdale Borough, **Wayne County**. The renewal permit contains requirements including monitoring, recordkeeping and reporting conditions to ensure compliance with applicable Federal and State regulations.

**40-00096: DMS Shredding, Inc.** (9 Fellow Avenue, Wilkes-Barre, PA 18706-5231) on June 4, 2012, for operation of a metal shredding operation in Hanover Township, **Luzerne County**. The source is a light metal shredder whose emissions are controlled by a cyclone and venture scrubber. The source is considered a minor source of particulate emissions. This is a renewal of a State-Only Operating Permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**39-00095: American Atelier, Inc.** (2132 Downyflake Lane, Allentown, PA 18103) on May 31, 2012, to operate a spray coating operation in the City of Allentown, **Lehigh County**. The source consists of eleven spray booths that are considered a minor source of volatile organic compounds (VOCs) emissions. This is a new State-Only Operating Permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**39-00083: Filmtech Corp.** (2121 31st Street, Allentown, PA 18103) on May 31, 2012, for renewal of a Facility State-only Natural Minor Operating Permit to operate Polyethylene Extrusion Lines in the City of Allentown, **Lehigh County**. The renewal Permit contains applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards designed to ensure facility compliance with Federal and State air pollution regulations.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**36-03055: New Enterprise Stone & Lime Co., Inc.** (PO Box 550, Blue Ball, PA 17506-0550) on May 23, 2012, for the stone quarry operation in Salisbury Township, **Lancaster County**. The State-only permit was renewed.

**38-05020: Keystone Protein Co.** (PO Box 37, Fredericksburg, PA 17026-0037) on May 30, 2012, for the rendering and meat by-product processing facility in Bethel Township, **Lebanon County**. The State-only permit was renewed.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636*

**25-00095: Lord Corp., MPD** (1635 West 12th Street, Erie, PA 16514) on May 24, 2012, to re-issue a Synthetic Minor Permit to operate a Fabricated Rubber Products Manufacturing Facility located in Erie City, **Erie County**. The facility has voluntary limits for VOC and HAP emissions in order to maintain Synthetic Minor status.

**25-00891: Corry Contract Inc.** (21 Maple Avenue, Corry, PA 16407-1630) on June 1, 2012, for a renewal Synthetic Minor Permit to operate an office furniture manufacturing facility in City of Corry, **Erie County**. The emitting sources included, 1) Miscellaneous natural gas usage, 2) Boiler, 3) Third floor paint booth (5), 4) Touch up booths (3), 5) Batch oven (Touch-Up), 6) Cure oven, 7) Pyrolysis oven, 8) Liquid paint booths, 9) Plant II curing oven, 10) Degreaser unit, 11) Two old laser cutters and, 12) One new laser cutter with dust collector. The facility is synthetic minor because the facility has taken an elective emission restriction on the VOC emissions of less than 49.9 tons per year based on a 12-month rolling total.

**37-00274: Kasgro Rail Corp.** (121 Rundle Road, New Castle, PA 16101) on May 29, 2012, for a renewal operating permit in Taylor Township, **Lawrence County**. The facility manufactures and surface coats rail cars. The significant sources at the facility are the M/U air furnace, a paint booth, a blast booth, welding / fabricating operations. The VOC emissions from the facility are less than 10 TPY. The conditions of the previous plan approvals and operating permit were incorporated into the renewal permit.

**62-00172: Glenn O. Hawbaker, Inc.,** (711 East College Avenue, Bellefonte, PA 16823) on June 1, 2012, issued a new State Only Operating Permit for the Brokenstraw Mine in Pittsfield Township, **Warren County**. The facility is a Natural Minor. The primary sources at the facility are sand and gravel processing plants and diesel engines. The permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. The conditions of previous plan approvals were incorporated into the new operating permit. The permit incorporates the applicable requirements of New Source Performance Standards for Nonmetallic Mineral Processing Plants (40 CFR Part 60 Subpart OOO) and New Source Performance Standards for Stationary CI ICE (40 CFR Part 60 Subpart IIII) and NESHAPS for Stationary RICE (40 CFR Part 63 Subpart ZZZZ).

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**67-05041: DLA Installation Support—Susquehanna** (S Avenue & 3rd Street, Building 750, New Cumberland, PA 17070) on May 29, 2012, for their DLA Installation Support facility in Fairview Township, **Cumberland County**. The Title V permit was administratively amended to incorporate the provisions of Plan Approval No. 67-05041A.

**06-05096: Reading Hospital & Medical Center** (PO Box 16052, Reading, PA 19612) on May 29, 2012, for the boilers, generators and turbines at the Reading Hospital in West Reading Borough, **Berks County**. The State-only permit was administratively amended to incorporate the requirements of Plan Approval No. 06-05096C.

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

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

**37-00328: Resco Products, Inc.—Shenango Advanced Ceramics** (606 McCleary Avenue, New Castle, PA 16101) on May 29, 2012, issued an administrative amendment to the State Operating Permit to incorporate the change in responsible official and permit contact for their facility in New Castle City, **Lawrence County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).**

### *Coal Applications Returned*

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

**56950702 and NPDES Permit No. PA0214914. PBS Coals, Inc.**, (P. O. Box 260, Friedens, PA 15541-0260). To revise the permit for the Cambria Refuse Disposal Area in Stonycreek Township, **Somerset County** to add acreage for a haulroad and add an NPDES discharge point. In conjunction with this approval, the Department is granting 401 Water Quality Certification certifying that the approved activities will comply with the applicable provisions of Sections 301—303, 306, and 307 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341) and will not violate applicable Federal and State Water Quality Standards. Coal Refuse Disposal Support Acres Proposed 17.6. Receiving stream: Schrock Run; classified for the following use: CWF/TMDL. The application was considered administratively complete on June 4, 2010. Application received: November 9, 2009. Application withdrawn: May 17, 2012.

### *Coal Permits Actions*

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

**33071301 and NPDES Permit No. PA0236080. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201-9642). To operate the Kocjancic Mine in Snyder Township, **Jefferson County** and Horton Township, **Elk**

**County** a new underground coal mine and related NPDES permit. Surface Acres Proposed 33.3, Underground Acres Proposed 1735.0, Subsidence Control Plan Acres Proposed 1735.0. Receiving streams: East Branch Walburn Run and Unnamed Tributary #1 to East Branch Walburn Run, both classified for the following use: CWF. The application was considered administratively complete on August 13, 2007. Application received: June 29, 2007. Permit issued: May 24, 2012.

**32971303 and NPDES Permit No. PA0215066. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201-9642). To revise the permit for the Penn View Mine in West Wheatfield and Burrell Townships, **Indiana County** for a post-mining land use change from pastureland and forestland to unmanaged natural habitat for 17.4 surface acres. No additional discharges. The application was considered administratively complete on October 21, 2010. Application received: July 8, 2010. Permit issued: June 4, 2012.

**03961301 and NPDES Permit No. PA0214787. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201-9642). To revise the permit for the Tracy Lynne Mine in Parks and Kiskiminetas Townships, **Armstrong County** to add underground mine permit and subsidence control plan area acres. Underground Acres Proposed 248.0, Subsidence Control Plan Acres Proposed 248.0. No additional discharges. The application was considered administratively complete on December 19, 2011. Application received: August 29, 2011. Permit issued: June 4, 2012.

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

**11070101 and NPDES No. PA0262285. Bedrock Mines, LP**, 111 Freeport Road, Pittsburgh, PA 15215, permit renewal for reclamation only of a bituminous surface mine in Elder Township, **Cambria County**, affecting 24.2 acres. Receiving stream(s): Chest Creek; Brubaker Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 27, 2012. Permit issued: May 25, 2012.

**56060108 and NPDES No. PA0249921. Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, revision of an existing bituminous surface mine to add a haul road to the SMP in Brothersvalley Township, **Somerset County**, affecting 98.3 acres. Receiving stream(s): UTS to/and Millers Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 19, 2011. Permit issued: May 11, 2012.

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

**16060107 and NPDES No. PA0258199. Ancient Sun, Inc.** (P. O. Box 129, Shippenville, PA 16254). Renewal of an existing bituminous surface mine in Ashland Township, **Clarion County** affecting 62.0 acres. This renewal is issued for reclamation only. Receiving streams: Unnamed tributary to Little East Sandy Creek. Application received: February 24, 2012. Permit issued: May 30, 2012.

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

**17010108 and NPDES No. PA0243108. Swisher Contracting, Inc.** (P. O. Box 1223, Clearfield, PA 16830). Renewal permit issued for reclamation only to an existing bituminous surface mine, located in Lawrence Township,

**Clearfield County**, affecting 76 acres. Receiving stream: Orr's Run to West Branch Susquehanna River, classified for the following uses: Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: April 25, 2012. Permit issued: May 23, 2012.

*Noncoal Permits Actions*

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

**34102801. Quarry Cut, Inc.**, 77 Wells Road, Parker Ford, PA 19457, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Spruce Hill Township, **Juniata County**, affecting 5.0 acres. Receiving stream(s): Hunters Creek and unnamed tributaries to Tuscarora Creek. Application received: May 7, 2010. Permit issued: May 25, 2012.

**SNC No. 34102801-GP104. Quarry Cut, Inc.**, 77 Wells Road, Parker Ford, PA 19457. General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. SNC 34102801 in Spruce Hill and Turbett Townships, **Juniata County**. Receiving streams: Hunter's Creek and unnamed tributary to Tuscarora Creek classified for the following uses: CWF, MF. There are no potable supplies located within 10 miles downstream. Notice of Intent to Coverage received: March 23, 2011. Coverage approved: May 25, 2012.

**34092803. Quarry Cut, Inc.**, 77 Wells Road, Parker Ford, PA 19457, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Sprucehill Township, **Juniata County**, affecting 5.0 acres. Receiving stream(s): Hunters Creek and unnamed tributaries to Tuscarora Creek. Application received: December 24, 2009. Permit issued: May 24, 2012.

**SNC No. 34092803-GP104. Quarry Cut, Inc.**, 77 Wells Road, Parker Ford, PA 19457. General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. SNC 34092803 in Spruce Hill and Turbett Townships, **Juniata County**. Receiving streams: Hunter's Creek and unnamed tributary to Tuscarora Creek classified for the following uses: CWF, MF. There are no potable supplies located within 10 miles downstream. Notice of Intent to Coverage received: March 23, 2011. Coverage approved: May 24, 2012.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501–508 and 701–704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483.

TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

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**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1–693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

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*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E03-457. Pennsylvania Department of Transportation, District 10-0**, PO Box 429, Indiana, PA 15701, Boggs Township, **Armstrong County**; ACOE Pittsburgh District.

The applicant has been given consent to construct and maintain the following:

1. remove the existing SR 28 two lane, 16.5 foot wide, single span bridge having a total length of 40 feet, and having a minimum underclearance of 7.5 feet in the North Fork of Pine Creek (HQ-CWF) with a drainage area of 3.5 square miles; construct and maintain a two lane 45.5 foot wide by 210 foot long two span bridge having a minimum underclearance of 23 feet;
2. remove the existing SR 28, 6 foot wide, 3.5 foot radius, open bottom arch culvert having a total length of 84 feet; construct and maintain a replacement 6 foot diameter 132 foot long RCP enclosure depressed 1 foot in an unnamed tributary to the North Fork of Pine Creek (HQ-CWF) with a drainage area of 0.14 square miles;
3. remove the existing SR 1018, 3 foot diameter culvert having a total length of 261 feet; construct and maintain a replacement 6 foot diameter 48 foot long RCP culvert depressed 1 foot in an unnamed tributary to the North Fork of Pine Creek (HQ-CWF) with a drainage area of 0.14 square miles;
4. in addition a total of 0.22 acre of permanent PEM/PSS exceptional value wetland will be filled and maintained; construct and maintain 260 feet of stream relocation on drainage areas less than 100 acres; installation of road associated stormwater outfalls; and the construction and maintenance of 930 feet of stream restoration to the

North Fork of Pine Creek (HQ-CWF) and the construction and maintenance of 0.44 acre of replacement wetland will be created at the site.

This project is associated with Slabtown SR 28 improvement work with these encroachments extending approximately 0.25 mile east and 0.25 mile west of the SR 28 intersection with SR 1018 in the Boggs Township, Armstrong County (beginning Templeton PA Quadrangle, North 0.4 inch and West 3.4 inches; Latitude 40° 52' 38" and Longitude -79° 23' 59" and extending North 0.7 inches and West 2.6 inches; Latitude 40° 52' 40" and Longitude -79° 23' 40")

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335.*

**E10-475, PA Department of Transportation, District 10-0**, P. O. Box 429, Indiana, PA 15701, in Adams Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 40°, 41', 10.4"; W: 80°, 0', 6.3").

To conduct the following activities associated with the Concrete Arch Culvert extension over Breakneck Creek, reconstruction and widening of State Route 0228 and improvements to the signalized intersection of SR 228 and Mars-Valencia Road (SR 3015).

1. To fill a total of 0.25 acre of wetland area.
2. To install and maintain a 75ft long, Concrete Arch Culvert extension over Breakneck Creek (WWF).
3. To place a Rock apron along 17 ft. of stream within Breakneck Creek (WWF).
4. To replace and maintain a 32 ft. long, 24 in. RCP Culvert within a Tributary to Breakneck Creek (WWF).
5. To install and maintain a 220 ft. long, 54 in. CMP Culvert and Manhole, that outlets into a proposed Storm Water Management Pond impacting 266 ft. of a Tributary to Breakneck Creek (WWF).
6. To install and maintain a 35 ft. long, 18 in. to 24 in. CMP Culvert and Manhole that outlets to a Tributary to Breakneck Creek (WWF).

Project includes replacement of 0.25 acre of impacted wetlands in conjunction with the SR79/SR228 Interchange Project under DEP Permit No. E10-472.

**E37-176A, Mahoning Township**, 4538 West State Street, Hillsville, PA 16132. Mahoning Township WWTP and Sewer Line Project, in Mahoning Township, **Lawrence County**, ACOE Pittsburgh District (Edinburg, PA Quadrangle N: 41°, 0', 59.0"; W: 80°, 26', 31.1").

To amend permit No. E37-176, which authorized the construction and maintenance of a 0.36 MGD wastewater treatment plant and associated sewage collection system. The proposed amendment will modify the project to eliminate the originally proposed underground siphon pipe sewer line stream crossing of the Mahoning River in favor of a gravity sewer line that will be attached to the structure of the S.R. 224 bridge over the Mahoning River and buried within an approximate 15 foot high earthen embankment along the western side of S.R. 224 from the southern end of the bridge to the S.R. 551 intersection. The construction of the earthen embankment along S.R. 224 will result in the filling of three PSS/PFO wetlands, totaling 0.15 acre. In addition to the 0.04 acre of previously permitted wetland impacts, the total combined wetland impacts associated with the project is 0.19 acre. The applicant has proposed contribution to the PA Wetland Replacement Fund for replacement of 0.19 acre of wetland impact.

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

**E5929-022: SWEPI LP**, 190 Thorn Hill Road, Warrendale, PA 15086, Union Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using 20 foot long, 18 inch diameter corrugated metal pipe, an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 140 linear feet of an unnamed tributary to West Mill Creek (HQ-CWF) (Ralston, PA Quadrangle 41° 33'40"N 77°02'34"W);

2) a temporary road crossing using 20 foot long, 18 inch diameter corrugated metal pipe, an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 65 linear feet of an unnamed tributary to West Mill Creek (HQ-CWF) (Ralston, PA Quadrangle 41°33' 36"N 77°02'49"W);

3) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 2,315 square feet of a palustrine emergent (PEM) wetland (Ralston, PA Quadrangle 41°34'50"N 76°58'16" W);

4) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 904 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Ralston Quadrangle 41°33'12"N 77°03'15"W);

5) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 1,535 square feet of a palustrine emergent (PEM) wetland (Ralston Quadrangle 41°33'27"N 77°03'25"W).

The project will result in 205 linear feet of temporary stream impacts, 3,850 square feet (.09 acre) of temporary wetland impacts, and 904 square feet (0.02 acre) of permanent wetland impacts all for the purpose of installing a natural gas gathering line, fresh water lines, a fiber optic cable, and associated access roadways.

**E5829-009. Williams Marcellus Gathering, LLC**; 1000 Town Center, Suite 130, Canonsburg, PA 15317; Bridgewater and Silver Lake Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) an 8" steel natural gas gathering line and a 16" HDPE waterline crossing an unnamed tributary to Fall Brook (Chap. 93 CWF, MF—EV) impacting 4 lineal feet (Laurel Lake, PA Quadrangle; Latitude 41° 52' 36", Longitude -75° 53' 37"),

2) an 8" steel natural gas gathering line, a 16" HDPE waterline, and timber mat bridge crossing an unnamed tributary to Fall Brook (Chap. 93 CWF, MF—EV) impacting 48 lineal feet (Laurel Lake, PA Quadrangle; Latitude 41° 52' 38", Longitude -75° 53' 42"),

3) an 8" steel natural gas gathering line, a 16" HDPE waterline, and a timber mat bridge crossing a Palustrine Emergent Wetlands (PEM) impacting 156 square feet (Laurel Lake, PA Quadrangle; Latitude 41° 52' 46", Longitude -75° 53' 42"),

4) an 8" steel natural gas gathering line, a 16" HDPE waterline, and a timber mat bridge crossing an unnamed tributary to Fall Brook (Chap. 93 CWF, MF—EV) impacting 43 lineal feet (Laurel Lake, PA Quadrangle; Latitude 41° 52' 52", Longitude -75° 53' 41"),

5) an 8" steel natural gas gathering line, a 16" HDPE waterline, and a timber mat bridge crossing an unnamed tributary to Fall Brook (Chap. 93 CWF, MF—EV) impacting 43 lineal feet (Laurel Lake, PA Quadrangle; Latitude 41° 52' 53", Longitude -75° 53' 41"),

6) a 12" steel natural gas gathering line, a 16" HDPE waterline, and a timber mat bridge crossing an unnamed tributary to Fall Brook (Chap. 93 CWF, MF—EV) impacting 41 lineal feet (Laurel Lake, PA Quadrangle; Latitude 41° 53' 04", Longitude -75° 53' 37"),

7) a 12" steel natural gas gathering line, a 16" HDPE waterline, and a timber mat bridge crossing a Palustrine Emergent Wetlands (PEM) impacting 718 square feet (Laurel Lake, PA Quadrangle; Latitude 41° 53' 10", Longitude -75° 53' 38"),

8) a 12" steel natural gas gathering line and a 16" HDPE waterline crossing a Palustrine Emergent Wetlands/Scrub Shrub (PEM/PSS) impacting 1,503 square feet (Laurel Lake, PA Quadrangle; Latitude 41° 53' 19", Longitude -75° 53' 38"),

9) a 12" steel natural gas gathering line and a 16" HDPE waterline crossing Fall Brook (Chap. 93 CWF, MF—EV) impacting 75 lineal feet (Laurel Lake, PA Quadrangle; Latitude 41° 53' 19", Longitude -75° 53' 38"),

10) a 12" steel natural gas gathering line, a 16" HDPE waterline, a timber mat bridge crossing a Palustrine Emergent Wetlands (PEM) impacting 61 square feet (Laurel Lake, PA Quadrangle; Latitude 41° 53' 30", Longitude -75° 53' 44"),

11) a 12" steel natural gas gathering line, a 16" HDPE waterline, and a timber mat bridge crossing an unnamed tributary to Fall Brook (Chap. 93 CWF, MF—EV) impacting 78 lineal feet (Laurel Lake, PA Quadrangle; Latitude 41° 53' 32", Longitude -75° 53' 45"),

12) a 12" steel natural gas gathering line, a 16" HDPE waterline, and a timber mat bridge crossing an unnamed tributary to Fall Brook (Chap. 93 CWF, MF—EV) impacting 59 lineal feet (Laurel Lake, PA Quadrangle; Latitude 41° 53' 34", Longitude -75° 53' 45"),

13) a 12" steel natural gas gathering line, a 16" HDPE waterline, and a timber mat bridge crossing an unnamed tributary to Fall Brook (Chap. 93 CWF, MF—EV) impacting 40 lineal feet (Laurel Lake, PA Quadrangle; Latitude 41° 53' 38", Longitude -75° 53' 46"),

14) a 12" steel natural gas gathering line, a 16" HDPE waterline, and a timber mat crossing a Palustrine Emergent Wetlands (PEM) impacting 274 square feet (Laurel Lake, PA Quadrangle; Latitude 41° 53' 38", Longitude -75° 53' 51"),

15) a 12" steel natural gas gathering line, a 16" HDPE waterline, and a timber mat crossing an unnamed tributary to Fall Brook (Chap. 93 CWF, MF - EV) impacting 49 lineal feet (Laurel Lake, PA Quadrangle; Latitude 41° 53' 37", Longitude -75° 54' 03"),

16) a 12" steel natural gas gathering line, a 16" HDPE waterline, and a timber mat crossing a Palustrine Emergent Wetlands (PEM) impacting 470 square feet (Laurel Lake, PA Quadrangle; Latitude 41° 53' 36", Longitude -75° 54' 05"),

17) a temporary timber mat crossing a Palustrine Emergent Wetlands (PEM) impacting 59 square feet (Laurel Lake, PA Quadrangle; Latitude 41° 53' 31", Longitude -75° 54' 21"),

18) a 12" steel natural gas gathering line, a 16" HDPE waterline, and a timber mat bridge crossing an unnamed tributary to Fall Brook (Chap. 93 CWF, MF—EV) impacting 45 lineal feet (Laurel Lake, PA Quadrangle; Latitude 41° 53' 29", Longitude -75° 54' 30"),

19) a 12" steel natural gas gathering line and a 16" HDPE waterline crossing a Palustrine Emergent Wetlands (PEM) impacting 50 square feet (Laurel Lake, PA Quadrangle; Latitude 41° 53' 28", Longitude -75° 54' 34"),

20) a 12" steel natural gas gathering line and a 16" HDPE waterline crossing an unnamed tributary to Fall Brook (Chap. 93 CWF, MF—EV) impacting 10 lineal feet (Laurel Lake, PA Quadrangle; Latitude 41° 53' 28", Longitude -75° 54' 36"),

21) a 12" steel natural gas gathering line and a 16" HDPE waterline crossing a Palustrine Emergent Wetlands (PEM) impacting 50 square feet (Laurel Lake, PA Quadrangle; Latitude 41° 53' 28", Longitude -75° 54' 36"),

22) a 12" steel natural gas gathering line, a 16" HDPE waterline, and a timber mat bridge crossing an unnamed tributary to Fall Brook (Chap. 93 CWF, MF—EV) impacting 48 lineal feet (Laurel Lake, PA Quadrangle; Latitude 41° 53' 29", Longitude -75° 54' 53"),

23) a 12" steel natural gas gathering line, a 16" HDPE waterline, and a timber mat crossing a Palustrine Forested Wetlands (PFO) impacting 1,532 square feet (Laurel Lake, PA Quadrangle; Latitude 41° 53' 28", Longitude -75° 54' 58").

The project will begin at the existing Markovitch Well Pad and convey natural gas 3.07 miles, within 8" and 12" natural gas gathering line, to a meter station at the Hayes well pad; prior to entering the existing Laser Northeast Natural Gas Pipeline System. This project will result in the impact of 613 lineal feet of stream channel. The project will result in the impact of 3,623 square feet (0.08 acre) of wetlands.

**E5829-006: Appalachia Midstream Services, LLC**, 101 N. Main Street, Athens, PA 18810, Elkland Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. a 20.0-inch diameter natural gas gathering line impacting 50 feet of unnamed tributary to Deer Lick Creek (CWF) (Auburn Center, PA Quadrangle, Latitude: 41° 44' 07", Longitude: 76° 02' 58"),

2. a 20.0-inch diameter natural gas gathering line impacting 9,400 square feet of a palustrine emergent (PEM) wetland (Auburn Center, PA Quadrangle, Latitude: 41° 44' 07", Longitude: 76° 02' 07"),

3. a 20.0-inch diameter natural gas gathering line impacting 50 feet of unnamed tributary to Deer Lick Creek (CWF) (Auburn Center, PA Quadrangle, Latitude: 41° 44' 33", Longitude: 76° 01' 44"),

4. a 20.0-inch diameter natural gas gathering line impacting 75 feet of unnamed tributary to Deer Lick Creek (CWF) (Auburn Center, PA Quadrangle, Latitude: 41° 44' 44", Longitude: 76° 01' 34"),

5. a 20.0-inch diameter natural gas gathering line boring beneath Deer Lick Creek (CWF) impacting 8 feet (Auburn Center, PA Quadrangle, Latitude: 41° 44' 56", Longitude: 76° 01' 14"),



6. one 87 inch x 66 inch elliptical culvert for a permanent access road across Deer Lick Creek (CWF) impacting 44 feet (Auburn Center, PA Quadrangle, Latitude: 41° 44' 57", Longitude: 76° 01' 17"),

7. a 16.0-inch diameter natural gas gathering line impacting 4,880 square feet of a palustrine emergent wetland (Lawton, PA Quadrangle, Latitude: 41° 45' 44", Longitude: 76° 01' 36"),

8. a 16.0-inch diameter natural gas gathering line impacting 50 feet of Lake Stream (CWF) (Lawton, PA Quadrangle, Latitude: 41° 46' 00", Longitude: 76° 01' 31"),

9. a permanent access road impacting 1,529 square feet of a palustrine emergent (PEM) wetland (Lawton, PA Quadrangle, Latitude: 41° 45' 52", Longitude: 76° 01' 38").

The project will result in 311 lineal feet of temporary stream impacts, 64 lineal feet of permanent stream impacts, and 0.22 acre of temporary wetland impacts from the natural gas gathering line installation and associated access roads all for the purpose of constructing, operating, and maintaining a natural gas gathering line with associated access roads for Marcellus gas well development.

**E5329-007. Victory Energy Corporation**, 220 Airport Road, Indiana, PA, 15701-8944. Pike Township, **Potter County**, ACOE Baltimore District. (Marshlands, PA Quadrangle, N: 21.41 inches; W: 15.29 inches, Latitude: 41°44'33.26"N, Longitude: 77°36'41.82"W).

To construct, operate and maintain a water withdrawal on Pine Creek (EV) utilizing a 4 inch flexible hose connected to a submerged intake structure on the southern side of Pine Creek impacting 14.1 feet of Pine Creek, 117 feet of EV wetlands in the floodplain of Pine Creek, and 25 feet of an overflow channel of Pine Creek all for the purpose of obtaining water to utilize for obtaining natural gas from the Marcellus Shale.

**E4129-019: Anadarko Marcellus Midstream, L.L.C.**, 33 West Third Street, Suite 200, Williamsport, PA 17701, Cascade and Gamble Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 24 inch gas line, one 16 inch steel waterline, and one electric/fiber optic line impacting 3,730 square feet of a palustrine forested (PFO) wetland (Bodines PA Quadrangle 41°26' 22"N 76°55'32"W),

2) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gas line, one 16 inch steel waterline, and one electric/fiber optic line impacting 83 linear feet of an unnamed tributary to Slacks Run (HQ-CWF, MF) (Bodines PA Quadrangle 41°26'22"N 76°55'32"W),

3) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gas line, one 16 inch steel waterline, and one electric/fiber optic line impacting 79 linear feet of an unnamed tributary to Slacks Run (HQ-CWF, MF) (Bodines PA Quadrangle 41°26'24"N 76°55'31"W),

4) two six inch flex steel gas lines, one 16 inch gas line, one 16 inch steel waterline, and one electric/fiber optic line impacting 9701 square feet of palustrine forested (PFO) wetland adjacent to Slacks Run Road (Bodines PA Quadrangle 41°26'47"N 76°55'09"W),

5) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 24 inch gas line, one 16 inch steel waterline, and one electric/fiber optic line impacting 17044 square feet of a palustrine forested (PFO) wetland (Bodines PA Quadrangle 41°26' 59"N 76°54'51"W),

6) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 16 inch gas line, one 16 inch steel waterline, and one electric/fiber optic line impacting 177 linear feet of an unnamed tributary to Slacks Run (HQ-CWF, MF) (Bodines PA Quadrangle 41°26'59"N 76°54'51"W),

7) a temporary road crossing using a timber mat bridge, two 6 inch flex steel gas lines, one 24 inch gas line, one 16 inch steel waterline, and one electric/fiber optic line impacting 1378 square feet of a palustrine forested (PFO) wetland (Bodines PA Quadrangle 41°27' 18"N 76°54'50"W).

The project will result in 339 linear feet of temporary stream impacts and 0.73 acre of temporary wetland impacts all for the purpose of installing a natural gas and water pipelines with associated access roadways for Marcellus well development.

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105*

**D64-001. Reservoir #7 Dam, Aqua Pennsylvania, Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010. To operate and maintain the Reservoir #7 Dam across Racket Brook (CWF), having no proposed impacts to waterways or wetlands, for the purpose of complying with Department regulations. (Waymart, PA Quadrangle N: 15.0 inches; W: 11.0 inches) in Canaan Township, **Wayne County**.

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESX12-115-0088  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers, Jr.  
 Address 100 Ist Center  
 City, State, Zip Horseheads, NY 14845  
 County Susquehanna County  
 Township(s) Rush Township  
 Receiving Stream(s) and Classification(s) Tributary 29822 to East Branch Wyalusing Creek, Tributary 29823 to East Branch Wyalusing Creek, Tributary 29901 to Middle Branch Wyalusing Creek, (All CWF), Wysox-Wyalusing Creeks Watershed;  
 Secondary: Wyalusing Creek Watershed

ESCGP-1 # ESX12-081-0067  
 Applicant Name Southwestern Energy Production Company  
 Contact Person Dave Sweeley  
 Address 917 State Route 92 North  
 City, State, Zip Tunkhannock, PA 18657  
 County Lycoming County  
 Township(s) Cogan House Township  
 Receiving Stream(s) and Classification(s) UNT to Flicks Run, Flicks Run, UNT to Steam Valley Run, Steam Valley Run (All EV)

ESCGP-1 # ESX12-015-0102  
 Applicant Name Angelina Gathering Company, LLC  
 Contact Person Danny Spaulding  
 Address 2350 N. Sam Houston Parkway E., Suite 125  
 City, State, Zip Houston, TX 77032  
 County Bradford County  
 Township(s) Herrick Township  
 Receiving Stream(s) and Classification(s) UNT to Rummerfield Creek (WWF, MF)

ESCGP-1 # ESX12-115-0091  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers, Jr.  
 Address 100 Ist Center  
 City, State, Zip Horseheads, NY 14845  
 County Susquehanna County  
 Township(s) Rush Township  
 Receiving Stream(s) and Classification(s) UNT to Deer Lick Creek, Tributary 29788 of Deer Lick Creek (Both CWF), Wysox-Wyalusing Creek Watershed

ESCGP-1 # ESX11-015-0215  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers, Jr.  
 Address 100 Ist Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford and Susquehanna Counties  
 Township(s) Tuscarora and Auburn Townships  
 Receiving Stream(s) and Classification(s) Susquehanna River, Trib 29503 to Susquehanna River (WWF/MF), Little Tuscarora Creek, Trib 29500 to Little Tuscarora Creek, Tuscarora Creek, Trib. 29473 to Fargo Creek, Fargo Creek, Transue Creek, Benninger Creek (All CWF/MF) Susquehanna Water Shed

ESCGP-1 # ESX12-113-0024  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers, Jr.  
 Address 100 Ist Center  
 City, State, Zip Horseheads, NY 14845  
 County Sullivan County  
 Township(s) Fox Township  
 Receiving Stream(s) and Classification(s) UNT to Porter Creek, Trib. 20072 to Hoagland Branch (Both EV), Loyalsock Watershed;  
 Secondary: Porter Creek, Hoagland Branch (Both EV)

ESCGP-1 # ESG12-117-0041  
 Applicant Name Talisman Energy USA, Inc.  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Tioga County  
 Township(s) Ward Township  
 Receiving Stream(s) and Classification(s) UNT to Fall Brook (CWF/MF);  
 Secondary: Fall Brook, Tioga River (Both CWF/MF)

ESCGP-1 # ESG12-115-0084  
 Applicant Name Chief Gathering, LLC  
 Contact Person Nicholas Bryan  
 Address 999 N. Loyalsock Ave. Suite G  
 City, State, Zip Montoursville, PA 17754  
 County Susquehanna County  
 Township(s) Lathrop Township  
 Receiving Stream(s) and Classification(s) UNT to Horton Creek, East Branch Field Brook (Both CWF/MF)

ESCGP-1 # ESX12-015-0119  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers, Jr.  
 Address 100 Ist Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford County  
 Township(s) Sheshequin Township  
 Receiving Stream(s) and Classification(s) Trib. 30212 to Laning Creek, Trib 30799 to Susquehanna River (Both WWF/MF)

ESCGP-1 # ESX12-035-0008  
 Applicant Name Great Mountain Operating  
 Contact Person James Smith  
 Address 611 South Main Street  
 City, State, Zip Grapevine, TX 76051  
 County Clinton County  
 Township(s) Gallagher Township  
 Receiving Stream(s) and Classification(s) Lick Run (EV)

ESCGP-1 # ESX12-081-0070  
 Applicant Name PVR Partners  
 Contact Person Kevin Roberts  
 Address 100 Matsonford Road  
 City, State, Zip Radnor, PA 19087  
 County Lycoming County  
 Township(s) Cogan House Township  
 Receiving Stream(s) and Classification(s) UNT to Larry's Creek

ESCGP-1 # ESX12-115-0072  
 Applicant Name Williams Field Services Company, LLC  
 Contact Person Kristy Flavin  
 Address 1605 Coraopolis Heights Road  
 City, State, Zip Moon Township, PA 15108  
 County Susquehanna County  
 Township(s) Harford and Gibson Townships  
 Receiving Stream(s) and Classification(s) Bell Creek, a trib. to Bell Creek, a trib. to Butler Creek, a trib. to Tunkhannock Creek/Upper Susquehanna—Tunkhannock Watershed

ESCGP-1 # ESX12-117-0031  
 Applicant Name PVR Marcellus Gas Gathering, LLC  
 Contact Person Kevin Roberts  
 Address 100 Penn Tower, Suite 201-202, 25 West 3rd Street  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming, Bradford and Tioga Counties  
 Township(s) Jackson, Canton, Union and Liberty Townships  
 Receiving Stream(s) and Classification(s) UNT to Roaring Branch, Roaring Branch, Little Elk Run, UNT to Brion Creek, Brion Creek, UNT to Salt Spring Run, West Mill Creek, Mill Creek, Sugar Works Run, UNT Lycoming Creek, Towanda Creek (EV/HQ/Other);  
 Secondary: Beech Flats Creek, Lycoming Creek

ESCGP-1 # ESX11-115-0144 (01)  
 Applicant Name Chief Gathering, LLC  
 Contact Person Ted Wurfel  
 Address 6051 Wallace Road, Suite 210  
 City, State, Zip Wexford, PA 15090  
 County Susquehanna County  
 Township(s) Springville Township  
 Receiving Stream(s) and Classification(s) Field Brook (CWF, MF)

ESCGP-1 # ESX12-117-0051  
 Applicant Name SWEPI LP  
 Contact Person H. James Sewell  
 Address 190 Thorn Hill Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga County  
 Township(s) Nelson Township  
 Receiving Stream(s) and Classification(s) UNT to Thornbottom Creek/Susquehanna River Basin in PA—Tioga River (List H), UNT to Cowanesque River/Susquehanna River Basin in PA—Tioga River (List H) (WWF/MF)

ESCGP-1 # ESX12-115-0093  
 Applicant Name Williams Field Services Company, LLC  
 Contact Person Kristy Flavin  
 Address 1605 Coraopolis Heights Road  
 City, State, Zip Moon Township, PA 15108  
 County Susquehanna County  
 Township(s) Bridgewater Township  
 Receiving Stream(s) and Classification(s) Meshoppen Creek, an UNT to Meshoppen Creek, an UNT to Hop Bottom Creek, and UNT to Snake Creek/Upper Susquehanna—Tunkhannock and Upper Susquehanna—New York Watershed (Other)

ESCGP-1 # ESX12-115-0079  
 Applicant Name Cabot Oil & Gas Corporation  
 Contact Person Kenneth Marcum  
 Address Five Penn Center West, Suite 401  
 City, State, Zip Pittsburgh, PA 15276  
 County Susquehanna County  
 Township(s) Harford Township  
 Receiving Stream(s) and Classification(s) Partners Run to Tunkhannock (CWF, MF)

ESCGP-1 # ESX12-015-0043 (01)  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers, Jr.  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford County  
 Township(s) Wilmot Township  
 Receiving Stream(s) and Classification(s) UNT to Foster Branch, UNT to Sugar Run, (Both CWF)—Wysox-Wyalusing Watershed;  
 Secondary: Sugar Run (CWF)

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

*Washington County Conservation District: 2800 North Main St, Suite 105, Washington PA, 15301 (724) 705-7098*

<i>ESCGP-1 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
0063128002	MarkWest Liberty Midstream & Resource, LLC 601 Technology Drive Suite 130 Cannonsburg, PA 15317	Washington	Blaine Township	Buffalo Creek (HQ-WWF)

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX12-073-0012-Pulaski-Whiting Central Facility  
 Applicant Hilcorp Energy  
 Contact Jeffrey Robertson  
 Address 1201 Louisiana Street Suite 1400  
 City Houston State TX Zip Code 77002  
 County Lawrence Township(s) Pulaski(s)  
 Receiving Stream(s) and Classification(s) UNT to Shenango River Watershed—WWF

ESCGP-1 #ESX12-083-0065—Brennan & Backwards L Project  
 Applicant Catalyst Energy, Inc.  
 Contact Douglas Jones  
 Address 424 South 27th Street, Suite 304  
 City Pittsburgh State PA Zip Code 15203  
 County McKean Township(s) Hamilton(s)  
 Receiving Stream(s) and Classification(s) Chapel Fork

Creek—CWF, Unnamed Tribs—HQ, Allegheny River

ESCGP-1 #ESX12-019-0139—Meyer Pipeline  
 Applicant Keystone Midstream Services, LLC  
 Contact Patrick A Redalen  
 Address 11400 Westmoor Circle, Suite 325  
 City Westminster State CO Zip Code 80021  
 County Butler Township(s) Jackson(s)  
 Receiving Stream(s) and Classification(s) UNT to Breakneck Creek & Breakneck Creek—WWF, Connoquenessing Creek

ESCGP-1 #ESX12-019-0137-Zacherl to Jefferson Pipeline  
 Applicant Mountain Gathering LLC  
 Contact Dewey Chalos  
 Address 810 Houston Street  
 City Fort Worth State TX Zip Code 76102  
 County Butler Township(s) Jefferson(s)  
 Receiving Stream(s) and Classification(s) UNT Little Buffalo Creek—HQ TSE, UNT Thorn Creek—CWF

ESCGP-1 #esx12-047-0046—Toby Valley Marcellus Well Project  
 Applicant EQT Production Company  
 Contact Todd Klaner  
 Address 455 Racetrack Road, Suite 101  
 City Washington State PA Zip Code 15301  
 County Elk Township(s) Fox(s)  
 Receiving Stream(s) and Classification(s) McCauley Run, Little Toby Creek—CWF, Clarion River

ESCGP-1 #ESX12-073-0017—Mahoning Leeper Central Facility  
 Applicant Hilcorp Energy Company  
 Contact Stephanie McMurray  
 Address 1201 Louisiana Street, Suite 1400  
 City Houston State TX Zip Code 77002  
 County Lawrence Township(s) Mahoning(s)  
 Receiving Stream(s) and Classification(s) UNT to Mahoning River—WWF, Mahoning River

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## STORAGE TANKS

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### SITE-SPECIFIC 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—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, PO Box 8763, Harrisburg, PA 17105-8763.**

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
12-41-006	Integrity Industries Inc. 2710 East Corral Kingsville, TX 78363 Attn: James H. Long	Lycoming	Muncy Creek Township	32 ASTs storing synthetic oil and drilling fluids	648,480 gallons total

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## SPECIAL NOTICES

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### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of May 2012 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P. L. 238, No. 43 (63 P. S. Sections 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Robert Beattie	851 Bangor Road Nazareth, PA 18064	Testing
Anthony Bizzarri, Jr.	12442 Jackson Avenue Waynesboro, PA 17268	Testing
Patrick Borkowski	P. O. Box 63827 Philadelphia, PA 19147	Testing
Robert Corcia	309 Grouse Run Cresco, PA 18326	Testing
Brian Cousins	279 Hartman Road Honesdale, PA 18431	Mitigation
Victor Delfi	1023 Hawk Drive Stroudsburg, PA 18360	Testing
Enviroquest, Inc.	1738 N. 3rd Street, Ste. A Harrisburg, PA 17102	Mitigation
Paul Fletecher Alpha Energy Labs, Inc.	2501 Mayes Road, Ste. 100 Carrollton, TX 75006	Laboratory Analysis
Adam Ginocchi	407 Jenny Lane New Castle, PA 16101	Testing
Vilas Godbole	6314 Hilltop Drive Brookhaven, PA 19015	Mitigation
Walter Hanes	516 Paradise Valley Road St. Marys, PA 15857	Mitigation
John Jenkins, Jr.	72 Glenmaura National Blvd. Moosic, PA 18507	Testing
David Konow	1050 Street Road, #1640 Southampton, PA 18966	Testing & Mitigation

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Dominick Marciano	1090 Bristol Road Mountainside, NJ 07092	Testing
Frank Marsico	5156 Kylock Road Mechanicsburg, PA 17055	Testing
Tom McArdle Seitz Bros.	83 Claremont Avenue Tamaqua, PA 18252	Mitigation
David Murdick	498 Eagle Mill Road Butler, PA 16057	Testing
Leonard Petty	6192 Boxer Drive Bethel Park, PA 15102	Testing
James Rossi A.R.R.T. Accredited Radon Removal Team	18 Nutgrove Road Pine Grove, PA 17963	Mitigation
Edward Schluth	242 Newtown Road Warminster, PA 18974	Testing
Malissa Sears	1675 N. Commerce Parkway Weston, FL 33326	Laboratory
Brian Seitz Seitz Bros.	83 Claremont Avenue Tamaqua, PA 18252	Testing
Jon Shaffer	1115 Cornell Street Pittsburgh, PA 15212	Mitigation
Steven Shallenberger	3418 Allegheny Road Erie, PA 16508	Mitigation
Cesare Sportelli	3636 Kelchner Street Bethlehem, PA 18020	Testing Testing
Greg Stewart	5 Franklin Street Pittsburgh, PA 15209	Mitigation
John Sykes	P. O. Box 384 Holicong, PA 18928	Testing & Mitigation
William Thacker	33 Cherry Road Airville, PA 17314	Mitigation
Timothy A. Musser, Co.	213 N. 14th Street Allentown, PA 18102	Mitigation

### Water Obstruction and Encroachment Permit

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

**CDO-003. Cumberland Coal Company, LP**, 158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370. Whiteley Creek Wetland Mitigation Project in Whiteley Township, **Greene County**, Pittsburgh ACOE District (Garards Fort, PA Quadrangle (Whiteley Creek) project area centroid N: 9.79 inches, W: 15.02 inches). The applicant proposes to mitigate a loss of wetlands within the Cumberland Mine permit boundary.

This is a Chapter 105 Water Obstruction and Encroachment permit application and 401 Water Quality Certification request.

Written comments or objections on the request for Section 401 Water Quality Certification or to the issuance of the Water Obstruction and Encroachment Permit may be submitted to the Department within 30 days of the date of this notice to the California District Office, 25 Technology Park, Coal Center, PA 15423, Phone: 724.769.1100. Comments should contain the name, address, and telephone number of the person commenting. Identification of the request for 401 Water quality Certification and Chapter 105 permit application, to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including relevant facts upon which they are based.

The Water Obstruction and Encroachment permit application is available for review at the California District Office, by appointment, at the address listed above.

Application Received: February 13, 2012

### Act 181 Notification

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

**Act 181 Notification: Treatment Project in Somerset County.** The work will include the construction of treatment ponds on the Flight 93 Pump Well treatment site. This project issues on June 16, 2012; and proposals will be opened on July 5, 2012. A mandatory pre-proposal meeting will be conducted on June 28, 2012 at 10:00 a.m. at the Cambria District Mine Office located at 286 Industrial Park, Ebensburg, PA 15931.

For more information call, Malcolm Crittenden c. 814-242-6834, 814-472-1908 or email at [mcrittende@pa.gov](mailto:mcrittende@pa.gov).

**Project Proposal under the Environmental Good Samaritan Act**

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

**EGS24003. Clean Streams Foundation, Inc.** (520 West Short Street, Lexington, KY 40507) in conjunction with the Pennsylvania Game Commission and Bennett Branch Watershed Association has submitted a project proposal under the Environmental Good Samaritan Act. The project proposes to improve the water quality and aquatic habitat of Dents Run, restore the natural stream connectivity, and restore the overall aquatic, riparian and terrestrial ecosystem structure throughout the Dents Run Watershed in Benetette Township, **Elk County**. Receiving streams: Porcupine Hollow to Dents Run, classified for the following uses: HQ. There are no potable surface water supply intakes within 10 miles downstream. Project proposal received: May 29, 2012.

**Request for Comments on the Proposed Total Maximum Daily Loads (TMDLs)  
Developed for the Hoffer Creek Watershed in Snyder County**

The Department of Environmental Protection will accept comments on the proposed TMDLs developed for the Hoffer Creek Watershed in Snyder County, PA. These TMDLs were established in accordance with the requirements of Section 303(d) of the Clean Water Act. The Pennsylvania Integrated Water Quality Monitoring and Assessment Report included impaired stream segments in this watershed. The listings of these waterbodies were due to use impairments caused by excessive siltation.

There currently are no state or federal instream numerical water quality criteria for siltation. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. These proposed TMDLs set allowable loading of sediment Hoffer Creek Watershed. The sediment loading was allocated among cropland, hay/pasture land, transitional land and streambank categories present in the watershed. Data used in establishing these TMDLs was generated using a water quality analysis model (AVGWLF) designed by the Pennsylvania State University.

The following table shows the estimated current sediment loading for the watershed. Overall load reductions necessary in order to meet the TMDLs are also identified.

*Summary of TMDL Based Load Reductions in the Hoffer Creek Watershed*

<i>Pollutant</i>	<i>Existing Load (lbs./yr.)</i>	<i>Existing Load (lbs./day)</i>	<i>TMDL (lbs./yr.)</i>	<i>TMDL (lbs./day)</i>	<i>Percent Reduction</i>
Sediment	864,600	2,451	816,876	2,238	5.1%

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. The proposed TMDLs and information on the TMDL program can be viewed on the Department's website ([www.dep.state.pa.us/watermanagement\\_apps/tmdl/](http://www.dep.state.pa.us/watermanagement_apps/tmdl/)). To request a copy of any of the proposed TMDLs contact Sean Kilmartin, Civil Engineer Hydraulic, Bureau of Point and Non-Point Source Management, Central Office, Department of Environmental Protection, Rachel Carson State Office Building, Harrisburg, PA 17105, Phone: 717-783-2958, e-mail: [sekilmarti@state.pa.us](mailto:sekilmarti@state.pa.us).

The Department will consider all comments in developing the final TMDLs, which will be submitted to EPA for approval. Written comments will be accepted at the above address and must be postmarked by 30 days after publication in the *PA Bulletin*. A public meeting to discuss the technical merits of the TMDLs will be held upon request.

**Request for Comments on the Proposed Total Maximum Daily Loads (TMDLs)  
Developed for the Montour Run Watershed in Columbia and Montour Counties**

The Department of Environmental Protection will accept comments on the proposed TMDLs developed for the Montour Run Watershed in Columbia County and Montour County, PA. These TMDLs were established in accordance with the requirements of Section 303(d) of the Clean Water Act. The Pennsylvania Integrated Water Quality Monitoring and Assessment Report included impaired stream segments in this watershed. The listings of these waterbodies were due to use impairments caused by excessive siltation.

There currently are no state or federal instream numerical water quality criteria for siltation. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. These proposed TMDLs set allowable loadings of sediment in the Montour Run Watershed. The sediment loading was allocated among cropland, hay/pasture land, transitional land and streambank categories present in the watershed. Data used in establishing these TMDLs was generated using a water quality analysis model (AVGWLF) designed by the Pennsylvania State University.

The following table shows the estimated current sediment loading for the watershed. Overall load reductions necessary in order to meet the TMDLs are also identified.

*Summary of TMDL Based Load Reductions in the Montour Run Watershed*

<i>Pollutant</i>	<i>Existing Load (lbs./yr.)</i>	<i>Existing Load (lbs./day)</i>	<i>TMDL (lbs./yr.)</i>	<i>TMDL (lbs./day)</i>	<i>Percent Reduction</i>
Sediment	4,248,000	11,638	3,050,999	8,359	28.2

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. The proposed TMDLs and information on the TMDL program can be viewed on the Department's website ([www.dep.state.pa.us/watermanagement\\_apps/tmdl/](http://www.dep.state.pa.us/watermanagement_apps/tmdl/)). To request a copy of any of the proposed TMDLs contact Sean Kilmartin, Civil Engineer Hydraulic, Bureau of Point and Non-Point Source Management, Central Office, Department of Environmental Protection, Rachel Carson State Office Building, Harrisburg, PA 17105, Phone: 717-783-2958, e-mail: [sekilmarti@pa.gov](mailto:sekilmarti@pa.gov).

The Department will consider all comments in developing the final TMDLs, which will be submitted to EPA for approval. Written comments will be accepted at the above address and must be postmarked by 30 days after publication in the *PA Bulletin*. A public meeting to discuss the technical merits of the TMDL will be held upon request.

**Request for Comments on the Proposed Total Maximum Daily Loads (TMDLs)  
Developed for the Mud Run Watershed in Columbia County**

The Department of Environmental Protection will accept comments on the proposed TMDLs developed for the Mud Run Watershed in Columbia County, PA. These TMDLs were established in accordance with the requirements of Section 303(d) of the Clean Water Act. The Pennsylvania Integrated Water Quality Monitoring and Assessment Report included impaired stream segments in this watershed. The listings of these waterbodies were due to use impairments caused by excessive siltation.

There currently are no state or federal instream numerical water quality criteria for siltation. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. These proposed TMDLs set allowable loadings of sediment in the Mud Run Watershed. The sediment loading was allocated among cropland, hay/pasture land, transitional land and streambank categories present in the watershed. Data used in establishing these TMDLs was generated using a water quality analysis model (AVGWLF) designed by the Pennsylvania State University.

The following table shows the estimated current sediment loading for the watershed. Overall load reductions necessary in order to meet the TMDLs are also identified.

*Summary of TMDL Based Load Reductions in the Mud Run Watershed*

<i>Pollutant</i>	<i>Existing Load (lbs./yr.)</i>	<i>Existing Load (lbs./day)</i>	<i>TMDL (lbs./yr.)</i>	<i>TMDL (lbs./day)</i>	<i>Percent Reduction</i>
Sediment	4,394,800	12,040	3,524,315	9,656	19.8

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. The proposed TMDLs and information on the TMDL program can be viewed on the Department's website ([www.dep.state.pa.us/watermanagement\\_apps/tmdl/](http://www.dep.state.pa.us/watermanagement_apps/tmdl/)). To request a copy of any of the proposed TMDLs contact Sean Kilmartin, Civil Engineer Hydraulic, Bureau of Point and Non-Point Source Management, Central Office, Department of Environmental Protection, Rachel Carson State Office Building, Harrisburg, PA 17105, Phone: 717-783-2958, e-mail: [sekilmarti@pa.gov](mailto:sekilmarti@pa.gov).

The Department will consider all comments in developing the final TMDLs, which will be submitted to EPA for approval. Written comments will be accepted at the above address and must be postmarked by 30 days after publication in the *PA Bulletin*. A public meeting to discuss the technical merits of the TMDL will be held upon request.

[Pa.B. Doc. No. 12-1097. Filed for public inspection June 15, 2012, 9:00 a.m.]

**Application Period for Municipal Recycling Program Performance Grant Applications under Act 101, Section 904 of the Municipal Waste Planning, Recycling and Waste Reduction Act; Calendar Year 2011**

The Department of Environmental Protection (Department) announces a request for applications from municipalities for recycling performance grant assistance for recycling programs under section 904 of the Municipal Waste Planning, Recycling and Waste Reduction Act (act) (53 P. S. § 4000.904). Municipalities include counties, cities, boroughs, incorporated towns, townships, home rule municipalities, their authorities, councils of governments, consortiums or similar entities established by two or more municipalities under 53 Pa.C.S. Chapter 23, Subchapter A (relating to intergovernmental cooperation). This application period is for eligible materials recycled and marketed in calendar year 2011.

Municipal Recycling Program Performance Grant (Performance Grant) funds will be awarded to municipalities based upon the weight of source separated recyclable materials identified in section 1501(c)(1)(i) of the act (53 P. S. § 4000.1501(c)(1)(i)) recovered by municipal recycling programs and the population of the municipality as determined by the most recent decennial census. Performance Grants will be calculated utilizing the same formula as for the calendar year 2010 grants.

Applicants who have failed to comply with the conditions set forth in previously awarded grants, the recycling

program performance requirements in the act of November 9, 2006 (P. L. 1347, No. 140), the grant requirements of the act or the regulations of the act may not be awarded funds under this grant program. Applicants must ensure that they are in compliance with 25 Pa. Code § 272.314(b)(2) (relating to limits on Department's authority to award grants) regarding the submittal of the annual recycling report.

Eligible materials include the following post-consumer items: clear glass, colored glass, aluminum cans, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper, other marketable grades of paper, and plastics. Grants will be awarded only for properly documented, eligible materials that were actually marketed on or after January 1, 2011, to and including December 31, 2011. Applicants should only claim those tonnages for which they have documentation at the time they complete their application. Any residues, materials not listed as eligible or any materials that cannot be documented as being generated within the municipality or marketed or recycled into new products or uses are not eligible for consideration toward the grant. In particular, recovered glass that is being stockpiled or used as daily cover at a landfill will not be considered as recycled. Applicants must be able to document the amount of residue attributable to their recycling program.

Documentation to support all claims that eligible recyclable materials were generated within the municipality and marketed must be made available for auditing by the Department, the Office of the Auditor General, the Office of the Treasurer or agents of those offices for 4 years. The

Department will not require applicants to retain hauler customer lists; however, the lists may be required to be examined in the event of an audit. It will be the applicant's responsibility to arrange for hauler customer lists to be provided, or for haulers to be present with their customer lists, during a grant audit. Supporting documentation is not required to be submitted with the application. Any tonnages not properly documented at the time of an audit will not be credited towards the applicant's Performance Grant award. No additional/supplemental documentation will be accepted after the audit is completed. Failure to submit a complete and accurate application may result in a denial of the application.

Grant applications must be on forms provided by the Department for calendar year 2011. Grant applications must be delivered by 4 p.m. on October 1, 2012, or postmarked on or before this date. Applications received by the Department after the deadline will be returned to the applicant. Grant awards are predicated on the receipt of recycling fees required under sections 701 and 702 of the act (53 P.S. §§ 4000.701 and 4000.702) and the availability of moneys in the Recycling Fund.

Applicants who filed a Performance Grant application for calendar year 2010 will be mailed a current application by the Department as soon as it is available. Applications may also be obtained from the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (Keyword: "Recycling Grants"). Inquiries concerning this notice should be directed to Mark Vottero, Bureau of Waste Management, Department of Environmental Protection, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472 or [mvottero@state.pa.us](mailto:mvottero@state.pa.us).

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-1098. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Bid Opportunity

**OSM 26(4710)101.1, Abandoned Mine Land Reclamation Project, White North, Saltlick Township, Fayette County.** The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; clearing and grubbing; grading 53,900 cubic yards; removal and disposal of solid waste 4-ton; pipe culvert; 18" smooth interior corrugated polyethylene 80 linear feet; rock lining with filter blanket 25 square yards; repaving 20 square yards; subsurface drain 175 linear feet; and seeding 8 acres. This bid issues on June 15, 2012, and bids will be opened on July 17, 2012, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or [joelmiller@state.pa.us](mailto:joelmiller@state.pa.us) for more information on this bid.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-1099. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Bid Opportunity

**OSM 35(2090)102.1, Abandoned Mine Land Reclamation Project, Jessup Cemeteries, Jessup Borough, Lackawanna County.** The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; grading 1,325 cubic yards; drainage excavation 6,850 cubic yards; rock lining 4,665 square yards; and seeding 1.8 acres. This bid issues on June 15, 2012, and bids will be opened on July 17, 2012, at 2 p.m. Bid documents cost \$15 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or [joelmiller@state.pa.us](mailto:joelmiller@state.pa.us) for more information on this bid.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-1100. Filed for public inspection June 15, 2012, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Allegheny Reproductive Health Center, Inc. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Allegheny Reproductive Health Center, Inc. has requested an exception to the requirements of 28 Pa. Code § 571.1 (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 exemption from the following standards contained in this publication: 3.7-3.3, 3.7-3.3.3.2, 3.7-3.3.4, 3.7-3.3.5, 3.7-3.3.6.1 and 3.7-3.3.6.2.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](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. 12-1101. Filed for public inspection June 15, 2012, 9:00 a.m.]



### Application of Allentown Women's Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Allentown Women's Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (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 exemption from the following standards contained in this publication: 3.7-3.3, 3.7-3.3.4, 3.7-3.3.5, 3.7-3.3.6.1 and 3.7-3.3.6.2.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1102. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Application of Aria Health Frankford Campus for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Aria Health Frankford Campus has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-3.1.4.4(2) and (3) (relating to electrical outlets).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1103. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Application of Berger & Benjamin, LLP for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Berger & Benjamin, LLP has requested an exception to the requirements of 28 Pa. Code § 571.1 (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 exemption from the following standards contained in this publication: 3.7-3.3, 3.7-3.3.2.1, 3.7-3.3.2.2, 3.7-3.3.3.2, 3.7-3.3.4, 3.7-3.3.5, 3.7-3.3.6.1 and 3.7-3.3.6.2.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1104. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Application of Blue Bell Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Blue Bell Surgery Center has requested an exception to the requirements of 28 Pa. Code §§ 551.21(d)(2), 551.52, 553.1, 553.3, 553.4, 553.31, 555.1—555.4, 557.1—557.4, 563.1, 563.2, 567.2 and 569.35(7).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1105. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Application of Bryn Mawr Medical Specialists Endoscopy Associates for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Bryn Mawr Medical Specialists Endoscopy Associates has requested an exception to the requirements of 28 Pa. Code § 571.1 (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 exemption from the following standards contained in this publication: 3.7-3.8.1.1(1)—(4) (relating to outpatient surgery change area).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1106. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Application of Butler Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Butler Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-7.2.2.1 (relating to corridor width).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1107. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Application of Crozer Chester Medical Ambulatory Surgery Facility for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Crozer Chester Medical Ambulatory Surgery Facility has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation

to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1108. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Application of DuBois Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that DuBois Regional 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 standards contained in this publication: 3.1-7.2.2.1 (relating to corridor width).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1109. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Application of Erie Ambulatory Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Erie Ambulatory Surgery Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (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 exemption from the following standards contained in this publication: 3.1-3.6.7 (relating to nourishment room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1110. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Application of Geisinger Shamokin Area Community Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Geisinger Shamokin Area Community Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-3.3.6.15 (relating to anesthesia work room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1111. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Application of Hazleton Surgery Center, LLC, d/b/a Center for Advanced Surgery for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hazleton Surgery Center, LLC, d/b/a Center for Advanced Surgery has requested an exception to the requirements of 28 Pa. Code § 551.21(d) (relating to criteria for ambulatory surgery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1112. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Application of Lehigh Valley Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lehigh Valley Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-3.4.4.2(3) (relating to design configuration of the MRI suite).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation

to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1113. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Application of LifeCare Hospitals of Chester County for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that LifeCare Hospitals of Chester County has requested an exception to the requirements of 28 Pa. Code § 107.32 (relating to meetings and attendance).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1114. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Application of Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1115. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Application of Memorial Hospital Outpatient Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Memorial Hospital Outpatient Endoscopy Center has requested an exception to the requirements of 28 Pa. Code § 553.3(8)(iii) (relating to governing body responsibilities).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1116. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Application of Penn State Hershey Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Penn State Hershey Medical Center has requested an exception to the requirements of 28 Pa. Code §§ 101.12 and 147.2 (relating to exceptions for innovative programs; and maintenance of safety and sanitation).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of

Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1117. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Application of Philadelphia Women's Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Philadelphia Women's Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (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 exemption from the following standards contained in this publication: 3.7-3.3, 3.7-3.3.2, 3.7-3.3.4, 3.7-3.3.5, 3.7-3.3.6.1 and 3.7-3.3.6.2.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1118. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Application of Reproductive Health and Counseling Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Reproductive Health and Counseling Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (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 exemption from the following standards contained in this publication: 3.7-3.3, 3.7-3.3.2.1, 3.7-3.3.2.2, 3.7-3.3.3.2, 3.7-3.3.4, 3.7-3.3.5, 3.7-3.3.6.1 and 3.7-3.3.6.2.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1119. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Application of Sacred Heart Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Sacred Heart Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-6.1.4 (relating to public toilets).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1120. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Application of St. Luke's Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Luke's Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-6.1.4 (relating to public toilets).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1121. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Application of Surgical Center of York for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Surgical Center of York has requested an exception to the requirements of 28 Pa. Code § 553.3(8)(iii) (relating to governing body responsibilities).

This request is on file with the Department. Persons may receive a copy of a request for exception by request-

ing a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1122. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Application of UPMC East for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC East has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1-3.4.1.4(4), 2.1-5.3.1.2(4)(a) and 2.1-5.5.3.4 (relating to critical care units; unrestricted area; and patient toilet).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1123. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Application of UPMC Northwest for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Northwest has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-3.2.4.2 (relating to minimum clear floor area).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1124. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Application of UPMC Presbyterian University Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Presbyterian University Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-3.4.3.2 (relating to fluoroscopy rooms).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1125. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Application of The Western Pennsylvania Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Western Pennsylvania Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-2.16.2.6, 2.2-2.16.2.7 and 2.2-2.16.2.9 (relating to toilet rooms; bathing facilities; and bariatric unit).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and

Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1126. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Application of York Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that York Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-2.6.6, 3.1-3.2.2.2, 3.1-3.6.9 and 3.1-5.5.1.2.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1127. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Decisions on Requests for Exception to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exception), the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b) for exceptions to regulations contained in 28 Pa. Code Part IV, Subparts B—G.

Section 51.33(d) of 28 Pa. Code provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from January 2012, through March 2012. Future publications of decisions on exception requests will appear on a quarterly basis.

All requests for additional information on the exception request and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals and ambulatory surgical facilities shall be addressed to Charles Shaffer, Assistant Director, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120. Inquiries regarding long-term care facilities shall be addressed to Susan Williamson, Director, Division of Nursing Care Facilities, Room 528, Health and Welfare Building, Harrisburg, PA 17120.



**Hospitals**

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Berwick Hospital	28 Pa. Code § 51.23	PET scanning services	03/10/12	granted for out patient only
Hosp of University of PA	28 Pa. Code § 51.23	PET scanning services	01/21/12	granted
Mercy Suburban Hospital	28 Pa. Code § 51.23	PET scanning services	02/11/12	not necessary
Crozer-Chester Medical Center Newborn nursery	28 Pa. Code § 101.42	building occupancy	03/10/12	denied
Crozer-Chester Medical Center Outpatient Infusion Service	28 Pa. Code § 101.42	building occupancy	03/10/12	denied
St. Luke's Hospital	28 Pa. Code § 101.54	inpatient bed compliment	03/10/12	granted
St. Luke's Hospital Bethlehem	28 Pa. Code § 105.1	principle, admission and discharge	01/21/12	granted
Riddle Memorial Hosp.	28 Pa. Code § 107.1	principle, medical orders	01/21/12	granted
Hosp of University of PA	28 Pa. Code § 107.2	medical staff membership	02/11/12	granted
Kindred Hospital of South Philadelphia	28 Pa. Code § 107.2	medical staff membership	03/10/12	granted
Lansdale Hospital	28 Pa. Code § 107.2	medical staff membership	02/11/12	granted
Southwest Regional Medical Center	28 Pa. Code § 107.26(b)	additional committees	03/10/12	granted
St. Luke's Hospital Bethlehem	28 Pa. Code § 107.32	meetings and attendance	01/21/12	denied
The Reading Hospital and Medical Center	28 Pa. Code § 115.25	infant footprints	01/21/12	granted
St. Luke's Hospital	28 Pa. Code § 117.26(a)	physician on-call schedule for basic and general emergency room services	03/10/12	denied
St. Luke's Hospital—Anderson	28 Pa. Code § 117.26(a)	physician on-call schedule for basic and general emergency room services	03/10/12	denied
St. Luke's Hospital—Quakertown	28 Pa. Code § 117.26(a)	physician on-call schedule for basic and general emergency room services	03/10/12	denied
St. Luke's Miners Memorial	28 Pa. Code § 117.26(a)	physician on-call schedule for basic and general emergency room services	03/10/12	denied
Guthrie Troy Community Hosp.	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	02/11/12	granted
Lewistown Hospital	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	03/10/12	granted
Shriner's Hosp. Erie	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	02/11/12	granted
Shriners Hospital	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	01/21/12	granted
UPMC East	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	02/11/12	granted
UPMC Hamot	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	03/10/12	granted
Conemaugh Memorial Medical Center	28 Pa. Code § 125.14	removal of a dead body	03/10/12	not necessary
Conemaugh Memorial Medical Center	28 Pa. Code § 127.32	written orders—radiology	03/10/12	granted
Hospital of Fox Chase Cancer Center	28 Pa. Code § 127.32	written orders—radiology	03/10/12	granted
UPMC East	28 Pa. Code § 127.32	written orders—radiology	02/11/12	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Sharon Regional Health System	28 Pa. Code § 138.2	definitions cardiac catheterization services	01/21/12	granted
Conemaugh Miners Medical Center	28 Pa. Code § 153.1	3.1-3.2.4.2 space requirements	02/18/12	granted
Albert Einstein Med Ctr.	28 Pa. Code § 153.1	2.6-2.2.2.1 capacity	02/11/12	granted
Childrens Hosp. of Phila.	28 Pa. Code § 153.1	2.6-2.2.2.7(7) patient bathing facilities 2.6-2.2.6.12(2)(a) exam/treatment room 2.6-2.2.2.2(1) space requirements	02/11/12	granted
Clearfield Hospital	28 Pa. Code § 153.1	2.1-2.1.3.1 treatment room multi-bed rooms	01/21/12	granted
Dubois Regional Medical Center	28 Pa. Code § 153.1	3.1-3.2 exam and treatment rms. 3.1-3.2.4 treatment room 3.1-3.2.4.2 space requirements	01/21/12	granted
Ephrata Community Hospital	28 Pa. Code § 153.1	2.1-8.5.3.2 size, technology distribution room	03/10/12	granted
Grove City Medical Ctr.	28 Pa. Code § 153.1	3.1-7.2.2.2 ceiling height 3.1-7.2.2.3(b) doors and hardware 3.1-7.2.2.1 corridor width 3.12-3.8.5 toilet for patient use 3.1-3.8.1 toilet for patient use 3.12-3.4.2 hand-washing stations 3.1-3.2.2.3 hand-washing stations	03/10/12	granted
Hosp of University of PA	28 Pa. Code § 153.1	2.2-3.4.5.3 patient toilet 2.2-2.4.5.1 space requirements	01/21/12	granted
Jefferson Regional Medical Center	28 Pa. Code § 153.1	2.2-2.16.4.2 airborne infection isolation room	03/10/12	granted
Lansdale Hospital	28 Pa. Code § 153.1	3.1-3.2.4.2 space requirements	02/11/12	withdrawn
Magee-Womens Hospital of UPMC	28 Pa. Code § 153.1	2.2-2.11.6.13 adjacent bathroom	01/21/12	granted
Muncy Valley Hospital	28 Pa. Code § 153.1	2.2-3.4.3.2 tomography and radiography/fluoroscopy room	03/10/12	granted
OSS Orthopaedic Hosp. Camp Hill Clinic	28 Pa. Code § 153.1	3.1-3.8.1 toilet for patient use 3.1-6.1.1 vehicular drop off 3.1-3.2.2.3 hand-washing station, general purpose exam room 3.1-7.2.2.1 corridor width	03/10/12	granted
OSS Orthopaedic Hosp. East Clinic	28 Pa. Code § 153.1	3.1-6.1.1 vehicular drop off 3.1-7.2.2.1 corridor width 3.1-3.8.1 toilet for patient use 3.1-3.2.2.2 space requirements, general purpose exam room 3.1-3.2.2.3 hand-washing station, general purpose exam room	03/10/12	granted
OSS Orthopaedic Hosp. Hanover Clinic	28 Pa. Code § 153.1	3.1-6.1.1 vehicular drop off	03/10/12	granted

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<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
OSS Orthopaedic Hosp. Harrisburg Clinic	28 Pa. Code § 153.1	3.1-3.8.1 toilet for patient use 3.1-3.2.2.2 space requirements, general purpose exam room 3.1-6.1.1 vehicular drop off 3.1-3.2.2.3 hand-washing station, general purpose exam room	03/10/12	granted
OSS Orthopaedic Hosp. Lewisberry Clinic	28 Pa. Code § 153.1	3.1-6.1.1 vehicular drop off 3.1-3.2.2.2 space requirements, general purpose exam room 3.1-3.8.1 toilet for patient use 3.1-3.2.2.3 hand-washing station, general purpose exam room	03/10/12	granted
Pinnacle Health at Harrisburg Hospital	28 Pa. Code § 153.1	2.2-2.6.2.3 windows 2.2-2.6.2.4 patient privacy	01/21/12	granted
Pinnacle Health Hand Center	28 Pa. Code § 153.1	3.1-6.2.5 medical records 3.1-3.6.9 clean storage 3.1-3.6.7 nourishment area or room 3.1-3.6.6 medication distribution station	01/21/12	granted
Pinnacle Health Hospital Tristan Camp Hill	28 Pa. Code § 153.1	2.2-3.6.3.4 patient holding and recovery areas 2.2-3.4.5.3 ultrasound patient toilet 3.1-3.6.5 hand washing station 2.2-3.4.4.2(3) MRI suite anteroom 2.2-3.4.4.2(2) MRI suite layout 2.2-3.6.3.5 patient uptake room 3.1-3.6.7 nourishment area 2.2-3.4.4.4 MRI suite hand washing station 3.1-3.6.1 nurse station 3.1-3.2.2.3 3.1-3.6.5 hand washing station 3.1-3.6.6 medication distribution station	02/11/12	granted
Pinnacle Health Hospital Tristan Hershey	28 Pa. Code § 153.1	3.1-3.6.1 nurse station 3.1-3.6.6 medication distribution station 3.1-3.6.7 nourishment area 3.1-7.2 corridor width 2.2-3.4.3.5 hand washing station, mammography 2.2-3.4.4.2(3) MRI suite anteroom 2.2-3.4.4.2(2) MRI layout	02/11/12	granted
Pinnacle Health Hospital Tristan Lemoyne	28 Pa. Code § 153.1	2.2-3.4.5.3 patient toilet ultrasound 3.1-3.6.1 nurse station 3.1-3.6.7 nourishment area 2.2-3.4.4.2(3) MRI suite anteroom 2.2-3.4.4.2(2) MRI layout 3.1-3.6.6 medication distribution station	02/11/12	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Pinnacle Health Hospital Tristan Old Post Rd. Harrisburg	28 Pa. Code § 153.1	2.2-3.4.3.5 hand washing station mammography 3.1-3.6.6 medication distribution station 2.2-3.4.4.2(3) MRI suite anteroom 2.2-3.4.4.4 MRI suite hand washing station 3.1-3.6.1 nurse station 2.2-3.4.3.5 diagnostic x-ray hand washing station 3.1-3.6.7 nourishment area 2.2-3.4.5.3 patient toilet, ultrasound	02/11/12	granted
Pinnacle Health Hospital Tristan Union Deposit Hbg	28 Pa. Code § 153.1	2.2-3.6.3.5 patient uptake room 2.2-3.6.3.4 patient holding and recovery areas nuclear medicine 2.2-3.4.4.2(2) MRI layout 2.2-3.4.4.2(3) MRI suite anteroom 2.2-3.4.3.5 diagnostic x-ray hand washing station 2.2-3.4.5.3 patient toilet, ultrasound 3.1-7.2 corridor width 3.1-3.6.7 nourishment area 3.1-3.6.6 medication distribution station 3.1-3.6.1 nurse station	02/11/12	granted
Riddle Hospital	28 Pa. Code § 153.1	2.1-8.7.2.3(1)(3) dimensions and clearances	03/10/12	granted
St. Luke's Hospital	28 Pa. Code § 153.1	3.1-6.1.4 public toilets	03/10/12	granted
St. Vincent Health Ctr.	28 Pa. Code § 153.1	2.2-3.5.2.2 space requirements	03/10/12	granted
Temple University Hosp. Northeastern Campus	28 Pa. Code § 153.1	3.9-6.1.1 public and administrative areas, entrance	01/21/12	granted
The Western PA Hosp.	28 Pa. Code § 153.1	2.2-3.1.3.6(10) fast track area	03/10/12	granted
The Western PA Hosp.	28 Pa. Code § 153.1	2.3-2.2.2.5 hand washing station	01/21/12	granted
Thomas Jefferson Univ. Hospital	28 Pa. Code § 153.1	2.2-2.6.2.6 toilet or soiled utility room	03/10/12	denied
UPMC Hamot	28 Pa. Code § 153.1	2.2-2.5.2.2(1) space requirements	01/21/12	granted
<b>Abortion Facilities</b>				
Allegheny Reproductive Health Center Inc	28 Pa. Code § 551.22(2)	criteria for ambulatory surgery on pediatric patients	03/10/12	granted
Allentown Women's Ctr.	28 Pa. Code § 551.22(2)	criteria for ambulatory surgery on pediatric patients	03/10/12	granted
Berger and Benjamin	28 Pa. Code § 551.22(2)	criteria for ambulatory surgery on pediatric patients	03/10/12	granted
Planned Parenthood of Western PA	28 Pa. Code § 551.22(2)	criteria for ambulatory surgery on pediatric patients	03/10/12	granted
Reproductive Health and Counseling Center	28 Pa. Code § 551.22(2)	criteria for ambulatory surgery on pediatric patients	03/10/12	granted
Allegheny Reproductive Health Center Inc	28 Pa. Code § 551.22(3)(i)	anesthesia services for ambulatory surgery on pediatric patients	03/10/12	granted

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<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Allentown Women's Ctr.	28 Pa. Code § 551.22(3)(i)	anesthesia services for ambulatory surgery on pediatric patients	03/10/12	granted
Berger and Benjamin	28 Pa. Code § 551.22(3)(i)	anesthesia services for ambulatory surgery on pediatric patients	03/10/12	granted
Planned Parenthood of Western PA	28 Pa. Code § 551.22(3)(i)	anesthesia services for ambulatory surgery on pediatric patients	03/10/12	granted
Allegheny Reproductive Health Center Inc	28 Pa. Code § 551.22(3)(ii)	board certified practitioner for ambulatory surgery on pediatric patients	03/10/12	granted
Allentown Women's Ctr.	28 Pa. Code § 551.22(3)(ii)	board certified practitioner for ambulatory surgery on pediatric patients	03/10/12	granted
Berger and Benjamin	28 Pa. Code § 551.22(3)(ii)	board certified practitioner for ambulatory surgery on pediatric patients	03/10/12	granted
Allegheny Reproductive Health Center Inc	28 Pa. Code § 551.22(4)	medical professional, advanced pediatric life support	03/10/12	granted
Allentown Women's Ctr.	28 Pa. Code § 551.22(4)	medical professional, advanced pediatric life support	03/10/12	granted
Berger and Benjamin	28 Pa. Code § 551.22(4)	medical professional advanced, pediatric life support	03/10/12	granted
Planned Parenthood of Western PA	28 Pa. Code § 551.22(4)	medical professional, advanced pediatric life support	03/10/12	granted
Reproductive Health and Counseling Center	28 Pa. Code § 551.22(4)	medical professional, advanced pediatric life support	03/10/12	granted
Allegheny Reproductive Health Center Inc	28 Pa. Code § 553.4(h)	governing body shall appoint a medical director	03/10/12	not necessary
Allentown Women's Ctr.	28 Pa. Code § 553.4(h)	governing body shall appoint a medical director	03/10/12	not necessary
Berger and Benjamin	28 Pa. Code § 553.4(h)	governing body shall appoint a medical director	03/10/12	not necessary
Planned Parenthood of Western PA	28 Pa. Code § 553.4(h)	governing body shall appoint a medical director	03/10/12	denied
Reproductive Health and Counseling Center	28 Pa. Code § 553.4(h)	governing body shall appoint a medical director	03/10/12	not necessary
Allegheny Reproductive Health Center Inc	28 Pa. Code § 553.24	discharge of a minor or incompetent patient	03/10/12	granted
Allentown Women's Ctr. Center	28 Pa. Code § 553.24	discharge of a minor or incompetent patient	03/10/12	granted
Berger and Benjamin	28 Pa. Code § 553.24	discharge of a minor or incompetent patient	03/10/12	granted
Planned Parenthood of Western PA	28 Pa. Code § 553.24	discharge of a minor or incompetent patient	03/10/12	granted
Reproductive Health and Counseling Center	28 Pa. Code § 553.24	discharge of a minor or incompetent patient	03/10/12	granted
Planned Parenthood of Western PA	28 Pa. Code § 555.2	medical staff membership	03/10/12	denied
Allegheny Reproductive Health Center Inc	28 Pa. Code § 555.24(b)	post operative care—anesthesia	03/10/12	denied

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Allentown Women's Ctr.	28 Pa. Code § 555.24(b)	post operative care—anesthesia	03/10/12	denied
Berger and Benjamin	28 Pa. Code § 555.24(b)	post operative care—anesthesia	03/10/12	denied
Planned Parenthood of Western PA	28 Pa. Code § 555.24(b)	post operative care—anesthesia	03/10/12	denied
Reproductive Health and Counseling Center	28 Pa. Code § 555.24(b)	post operative care—anesthesia	03/10/12	denied
Allegheny Reproductive Health Center Inc	28 Pa. Code § 555.24(f)(5)	post operative care—protocols	03/10/12	not necessary
Allentown Women's Ctr.	28 Pa. Code § 555.24(f)(5)	post operative care—protocols	03/10/12	not necessary
Berger and Benjamin	28 Pa. Code § 555.24(f)(5)	post operative care—protocols	03/10/12	not necessary
Planned Parenthood of Western PA	28 Pa. Code § 555.24(f)(5)	post operative care—protocols	03/10/12	not necessary
Reproductive Health and Counseling Center	28 Pa. Code § 555.24(f)(5)	post operative care—protocols	03/10/12	not necessary
Allegheny Reproductive Health Center Inc	28 Pa. Code § 555.31(a)	principle, anesthesia services	03/10/12	granted
Allentown Women's Ctr.	28 Pa. Code § 555.31(a)	principle, anesthesia services	03/10/12	granted
Berger and Benjamin	28 Pa. Code § 555.31(a)	principle, anesthesia services	03/10/12	granted
Reproductive Health and Counseling Center	28 Pa. Code § 555.31(a)	principle, anesthesia services	03/10/12	granted
Planned Parenthood of Western PA	28 Pa. Code § 559.1	nursing department	03/10/12	granted
Allegheny Reproductive Health Center Inc	28 Pa. Code § 559.3(b)	nursing personnel	03/10/12	denied
Allentown Women's Ctr.	28 Pa. Code § 559.3(b)	nursing personnel	03/10/12	not necessary
Berger and Benjamin	28 Pa. Code § 559.3(b)	nursing personnel	03/10/12	not necessary
Planned Parenthood of Western PA	28 Pa. Code § 559.3(b)	nursing personnel	03/10/12	denied
Reproductive Health and Counseling Center	28 Pa. Code § 559.3(b)	nursing personnel	03/10/12	denied
Allegheny Reproductive Health Center Inc	28 Pa. Code § 567.11(5)	cardiac monitor and defibrillator	03/10/12	denied
Allentown Women's Ctr.	28 Pa. Code § 567.11(5)	cardiac monitor and defibrillator	03/10/12	denied
Berger and Benjamin	28 Pa. Code § 567.11(5)	cardiac monitor and defibrillator	03/10/12	denied
Planned Parenthood of Western PA	28 Pa. Code § 567.11(5)	cardiac monitor and defibrillator	03/10/12	denied
Allegheny Reproductive Health Center Inc	28 Pa. Code § 569.37(b)(4)	report of emergencies causing interruption in service	03/10/12	not necessary
Allentown Women's Ctr.	28 Pa. Code § 569.37(b)(4)	report of emergencies causing interruption in service	03/10/12	not necessary
Berger and Benjamin	28 Pa. Code § 569.37(b)(4)	report of emergencies causing interruption in service	03/10/12	not necessary
Reproductive Health and Counseling Center	28 Pa. Code § 569.37(b)(4)	report of emergencies causing interruption in service	03/10/12	not necessary
Planned Parenthood of Western PA	28 Pa. Code § 569.37(b)(4)	report of emergencies causing interruption in service	03/10/12	not necessary
Allegheny Reproductive Health Center Inc	28 Pa. Code § 571.1	minimum standards	03/10/12	denied
Allentown Women's Ctr.	28 Pa. Code § 571.1	minimum standards	03/10/12	denied
Berger and Benjamin	28 Pa. Code § 571.1	minimum standards	03/10/12	denied

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Planned Parenthood of Western PA	28 Pa. Code § 571.1	minimum standards	03/10/12	denied
Reproductive Health and Counseling Center	28 Pa. Code § 571.1	minimum standards	03/10/12	denied
Allegheny Reproductive Health Center Inc	28 Pa. Code § 571.2(d)	multistory buildings	03/10/12	granted
Allegheny Reproductive Health Center Inc	28 Pa. Code § 571.11	principle	03/10/12	denied
Allentown Women's Ctr.	28 Pa. Code § 571.11	principle	03/10/11	denied
Berger and Benjamin	28 Pa. Code § 571.11	principle	03/10/12	denied
Planned Parenthood of Western PA	28 Pa. Code § 571.11	principle	03/10/12	denied
Reproductive Health and Counseling Center 29 N. 9th St	28 Pa. Code § 571.11	principle	03/10/12	denied
<b>Ambulatory Surgical Facilities</b>				
Fairgrounds Surgical Center	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	03/10/12	granted
Foundation Surgery Center at Fort Washington	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	02/18/12	granted
Geisinger Medical Ctr. Outpatient Surgery—Woodbine	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	03/10/12	granted
Trevoze Specialty Care Surgical Center	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	02/18/12	granted
Shriners Hospital	28 Pa. Code § 551.22(1)	criteria for ambulatory surgery on pediatric patients	01/21/12	granted w/conditions
Hillcrest Women's Medical Center	28 Pa. Code § 551.31(a)	ASF licensure	03/10/12	denied
Grant Surgicenter	28 Pa. Code § 551.31(d)(3)	ASF licensure	02/11/12	granted
OSS Ambulatory Surgery Center	28 Pa. Code § 553.1	principle, governing body	03/10/12	granted
Chambersburg Endoscopy Center	28 Pa. Code § 553.31	administrative responsibilities	03/10/12	granted
OSS Ambulatory Surgery Center	28 Pa. Code § 553.31(a)	full time person in charge	03/10/12	granted
OSS Ambulatory Surgery Center	28 Pa. Code § 553.31(b)	administrative policies, procedures and controls	03/10/12	granted
OSS Ambulatory Surgery Center	28 Pa. Code § 555.1	principle, medical staff	03/10/12	granted
OSS Ambulatory Surgery Center	28 Pa. Code § 555.2	medical staff membership	03/10/12	granted
OSS Ambulatory Surgery Center	28 Pa. Code § 555.3	requirements for membership and privileges	03/10/12	granted
OSS Ambulatory Surgery Center	28 Pa. Code § 555.4	clinical activities and duties of physician assistants and certified registered nurse practitioners	03/10/12	granted
OSS Ambulatory Surgery Center	28 Pa. Code § 557.2	plan—quality assurance and improvement	03/10/12	granted
OSS Ambulatory Surgery Center	28 Pa. Code § 557.3	quality assurance and improvement program	03/10/12	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
OSS Ambulatory Surgery Center	28 Pa. Code § 557.4	quality assurance and improvement committee	03/10/12	granted
Chambersburg Endoscopy Center	28 Pa. Code § 559.2	director of nursing	03/10/12	granted
OSS Ambulatory Surgery Center	28 Pa. Code § 561.2	pharmaceutical service	03/10/12	granted
OSS Ambulatory Surgery Center	28 Pa. Code § 563.1	principle, medical records	03/10/12	granted
OSS Ambulatory Surgery Center	28 Pa. Code § 567.2	infection control committee responsibilities	03/10/12	granted
OSS Ambulatory Surgery Center	28 Pa. Code § 567.3	policies and procedures, infection control	03/10/12	granted
Washington Square Endoscopy Center	28 Pa. Code § 567.43	ventilation system	01/21/12	denied
East Stroudsburg ASC	28 Pa. Code § 569.35	general safety precautions	02/11/12	granted
Washington Square Endoscopy Center	28 Pa. Code § 571.1 Table 7.1	minimum standards	01/21/12	denied
<b>Nursing Care Facilities</b>				
Vincentian De Marillac	28 Pa. Code § 201.3	definitions	09/24/11	perm.—granted
LifeCare Hospitals of Pittsburgh SNF Unit	28 Pa. Code § 201.17	location	01/07/12	perm.—granted
Nugent Convalescent Home	28 Pa. Code § 201.18(e)	management	09/03/11	not necessary
RMH-HB/SNF	28 Pa. Code § 201.18(e)	management	07/30/11	temp granted
RMH-HB/SNF	28 Pa. Code § 201.18(e)	management	01/14/12	temp granted
LifeCare Hospitals of Pittsburgh-SNF Unit	28 Pa. Code § 205.3(b)	toilet facilities	08/13/11	perm.—granted
Bucktail Medical Center	28 Pa. Code § 205.6(a)	function of building	09/24/11	perm.—granted
Canterbury Place	28 Pa. Code § 205.6(a)	function of building	08/27/11	perm.—granted
Chapel Pointe at Carlisle	28 Pa. Code § 205.6(a)	function of building	09/03/11	perm.—granted
Conestoga View	28 Pa. Code § 205.6(a)	function of building	10/15/11	temp granted
Ephrata Manor	28 Pa. Code § 205.6(a)	function of building	11/19/11	perm.—granted
Fairmount Homes	28 Pa. Code § 205.6(a)	function of building	12/05/11	perm.—granted
Forest Park Health Center	28 Pa. Code § 205.6(a)	function of building	10/29/11	perm.—granted
Friendship Village of South Hills	28 Pa. Code § 205.6(a)	function of building	11/19/11	perm.—granted
Mon Valley Care Center	28 Pa. Code § 205.6(a)	function of building	10/15/11	perm.—granted
Passavanat Retirement and Health Center	28 Pa. Code § 205.6(a)	function of building	11/05/11	perm.—granted
The Williamsport Home	28 Pa. Code § 205.6(a)	function of building	09/24/11	perm.—granted
Village at Pennwood	28 Pa. Code § 205.6(a)	function of building	11/26/11	not necessary
Corry Manor	28 Pa. Code § 205.6(a)	function of building	12/17/11	perm.—granted
Milcreek Manor	28 Pa. Code § 205.6(a)	function of building	02/04/12	perm.—granted
Christ's Home Retirement Center	28 Pa. Code § 205.6(a) and (b)	function of building	09/10/11	perm.—granted
Richfield Senior Living and Rehab Center	28 Pa. Code § 205.9(c)	corridors	08/27/11	perm.—granted
Christ's Home Retirement Center	28 Pa. Code § 205.10(b)	doors	09/10/11	perm.—granted
Maple Farm	28 Pa. Code § 205.10(c)	doors	12/08/11	perm.—granted



<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
St. Ignatius Nursing Home	28 Pa. Code § 205.10(d)	doors	12/17/11	perm.—granted
St. Ignatius Nursing Home	28 Pa. Code § 205.19(b)	windows and windowsills	12/17/11	perm.—granted
Mennonite Home	28 Pa. Code § 205.20(a)	resident bedrooms	02/11/12	perm.—granted
Linwood Nursing and Rehab Center	28 Pa. Code § 205.20(f)	resident bedrooms	08/27/11	temp granted
St. Francis Country House	28 Pa. Code § 205.20(f)	resident bedrooms	12/17/11	temp granted
Maple Farm	28 Pa. Code § 205.21	special care room	12/05/11	perm.—granted
Devon Manor	28 Pa. Code § 205.24(a)	dining room	10/01/11	denied
Haven Convalescent Home	28 Pa. Code § 205.26(e)	laundry	12/05/11	perm.—granted
Devon Manor	28 Pa. Code § 205.27	lounge and recreation rooms	10/01/11	denied
Richfield Senior Living and Rehab Center	28 Pa. Code § 205.28(c)(3)	nurses' station	08/27/11	perm.—granted
Christ's Home Retirement Center	28 Pa. Code § 205.31	storage	09/10/11	perm.—granted
St. Joseph's Manor	28 Pa. Code § 205.33(a)	utility room	01/14/12	perm.—granted
St. Ignatius Nursing Home	28 Pa. Code § 205.33(b)	utility room	12/17/11	perm.—granted
Souderton Mennonite Homes	28 Pa. Code § 205.33(a) and (b)	utility room	08/13/11	perm.—granted
St. Joseph's Manor	28 Pa. Code § 205.36(f) and (h)	bathing facilities	01/14/12	perm.—granted
The Inn at Freedom Village	28 Pa. Code § 205.36(h)	bathing facilities	10/01/11	temp granted
Parkhouse, Providence Pointe	28 Pa. Code § 205.36(h)	bathing facilities	10/08/11	perm.—granted
Lutheran Community at Telford	28 Pa. Code § 205.36(g) and (h)	bathing facilities	11/26/11	perm.—granted
Masonic Village at Elizabethtown	28 Pa. Code § 205.38 (c) and (d)	toilet facilities	09/24/11	perm.—granted
Washington County Health Center	28 Pa. Code § 205.67(j)	electric requirements for existing and new construction	10/08/11	
Beacon Ridge, A Choice Community	28 Pa. Code § 205.67(k)	electric requirements for existing and new construction	10/15/11	perm.—granted
Fairways at Brookline	28 Pa. Code § 205.67(k)	electric requirements for existing and new construction	02/18/12	perm.—granted
St. Joseph's Manor	28 Pa. Code § 205.67(k)	electric requirements for existing and new construction	01/14/12	perm.—granted
Chapel Pointe at Carlisle	28 Pa. Code § 205.67(j) and (k)	electric requirements for existing and new construction	09/03/11	perm.—granted
Christ's Home Retirement Center	28 Pa. Code § 205.67(j) and (k)	electric requirements for existing and new construction	09/10/11	perm.—granted
Lutheran Community at Telford	28 Pa. Code § 205.67(j) and (k)	electric requirements for existing and new construction	08/13/11	perm.—granted
The Highlands at Wyomissing	28 Pa. Code § 205.67(j)(k)	electric requirements for existing and new construction	12/24/11	perm.—granted
John J. Kane Regional Center—Glen Hazel	28 Pa. Code § 211.9(g)	pharmacy services	10/15/11	perm.—granted
John J. Kane Regional Center—McKeesport	28 Pa. Code § 211.9(g)	pharmacy services	10/15/11	perm.—granted
John J. Kane Regional Center—Ross Township	28 Pa. Code § 211.9(g)	pharmacy services	10/15/11	perm.—granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
John J. Kane Regional Center—Scott Township	28 Pa. Code § 211.9(g)	pharmacy services	10/15/11	perm.—granted
Millcreek Community Hospital Transitional Care Unit	28 Pa. Code § 211.12(b) and (c)	nursing services	10/01/11	denied
Millcreek Manor	28 Pa. Code § 211.12(b) and (c)	nursing services	10/01/11	denied

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact the Division of Acute and Ambulatory Care or the Division of Nursing Care Facilities at the previously referenced address, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-1128. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.18(e) (relating to management):

Millcreek Community Hospital Transitional Care Unit  
5515 Peach Street  
Erie, PA 16509-2603  
FAC ID 57010201

Millcreek Manor  
5515 Peach Street  
Erie, PA 16509-2603  
FAC ID 131102

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.20(d) and (f) (relating to resident bedrooms):

Chatham Acres  
315 East London Grove Road  
West Grove, PA 19390  
FAC ID 032102

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-1129. Filed for public inspection June 15, 2012, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Proposed Special Regulation Designations and Redesignations

The Fish and Boat Commission (Commission) has approved guidelines with regard to encouraging public participation on possible changes to the designation of streams, stream sections or lakes for special regulation programs. Under 58 Pa. Code Chapter 65 (relating to special fishing regulations), the Commission designates certain streams, stream sections and lakes as being subject to special fishing regulations. These designations are effective after Commission approval when they are posted at the site and a notice is published in the *Pennsylvania Bulletin*. Under the Commission's guidelines, a notice concerning the proposed designation or redesignation of a stream, stream section or lake under special regulations ordinarily will be published in the *Pennsylvania Bulletin* before the matter is reviewed by the Commissioners.

At the next Commission meeting on July 16 and 17, 2012, the Commission will consider taking the following actions with respect to waters subject to special fishing regulations under 58 Pa. Code Chapter 65, effective on January 1, 2013:

#### *58 Pa. Code § 65.6. Delayed Harvest Artificial Lures Only Areas*

The Commission currently regulates and manages Laurel Hill Creek, Section 3, Somerset County, as a Delayed Harvest Artificial Lures Only Area under 58 Pa. Code § 65.6. The section limits extend from the Laurel Hill State Park Boundary at the Boy Scouts of America Camp downstream to the T-364 Bridge upstream of Laurel Hill Lake for a distance of 2.2 miles. The Commission will consider extending this section 0.1 mile upstream for a new section length of 2.3 miles. The new section limits will extend from 200 yards downstream of the T-364 Countryman Bridge downstream to the T-364 Bridge upstream of Laurel Hill Lake.

#### *58 Pa. Code § 65.19. Approved Trout Waters Open to Year-Round Fishing*

The Commission will consider adding West Branch Susquehanna River, Section 03, Clearfield County, to its

Approved Trout Waters Open to Year-Round Fishing Program managed under 58 Pa. Code § 65.19. The section limits will extend from the SR 1001 Bridge near Hyde downstream to the first railroad bridge downstream of Moose Creek. Currently, this water is managed under the Commonwealth's inland waters regulations in 58 Pa. Code § 61.1 (relating to Commonwealth inland waters).

At this time, the Commission is soliciting public input concerning the previously listed designation and redesignation. Persons with comments, objections or suggestions concerning the designation and redesignation are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000,

Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 12-1130. Filed for public inspection June 15, 2012, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
57-281	Pennsylvania Public Utility Commission Liquid Fuels Pipeline Regulations	5/31/12	7/19/12
47-16	Milk Marketing Board Transactions Between Dealers and Producers	6/4/12	7/19/12

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 12-1131. Filed for public inspection June 15, 2012, 9:00 a.m.]

## INSURANCE DEPARTMENT

### UPMC Health Plan; HMO Conversion Product Rate Filing

UPMC Health Plan requests approval to increase the HMO Conversion Product rates. The requested rate increase is 23.7% over January 1, 2006, rates. This rate increase includes addition of prescription drug coverage which is not offered currently on the conversion product and benefit changes such as adding or increasing co-pay for inpatient hospitals, PCP, specialist, ER, urgent care, advanced imaging, therapies and outpatient mental health.

The proposed rate increase would affect approximately 443 subscribers and would produce additional revenue of about \$570,000 annually. The requested effective date of the change is August 1, 2012.

Unless formal administrative action is taken prior to August 30, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [rmathur@pa.gov](mailto:rmathur@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-1132. Filed for public inspection June 15, 2012, 9:00 a.m.]

### UPMC Health Plan; PPO Conversion Product Rate Filing

UPMC Health Plan requests approval to increase the PPO Conversion Product rates. The requested rate increase is 3.2% over January 1, 2006, rates. This rate increase includes addition of prescription drug coverage which is not offered currently on the conversion product and benefit changes such as increases to the deductible and out-of-pocket maximum and increasing co-pay for PCP, specialist, ER, urgent care, therapies and outpatient mental health.

The proposed rate increase would affect approximately 914 subscribers and would produce additional revenue of about \$120,000 annually. The requested effective date of the change is August 1, 2012.

Unless formal administrative action is taken prior to August 30, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [rmathur@pa.gov](mailto:rmathur@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-1133. Filed for public inspection June 15, 2012, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Executive Board*

Resolution No. CB-12-004, Dated April 27, 2012. Collective Bargaining Agreement between the Commonwealth and PSSU for rank and file unit (F1 and F4).

Resolution No. CB-12-005, Dated May 14, 2012. 2011-2015 Collective Bargaining Agreement between the Commonwealth and SEIU Healthcare Pennsylvania, CTW, CLC.

#### *Governor's Office*

Management Directive No. 205.40—Commonwealth Branding, Amended May 15, 2012.

Management Directive No. 325.11—Evaluating Agency Internal Controls and Risk through Self Assessment, Amended May 17, 2012.

Administrative Circular No. 12-06—Approval of 2012-2013 Advancement Accounts and Completion of Form STD-133, Request for Approval of Advancement Account, Dated April 13, 2012.

Administrative Circular No. 12-07—Closing Instruction No. 4, Fiscal Year 2011-2012; Pending Lapse/Lapse Transactions and Reporting Deadlines, Dated May 11, 2012.

Administrative Circular No. 12-08—Closing Instruction No. 5, Fiscal Year 2011-2012; Year-End Processing Deadlines, Dated May 11, 2012.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 12-1134. Filed for public inspection June 15, 2012, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Default Service Program

**P-2012-2307827. Citizens' Electric Company of Lewisburg Pa.** Petition of Citizens' Electric Company of Lewisburg Pa for approval of its default service program.

Formal protests, petitions to intervene and answers 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 petitioner and a copy provided to the Administrative Law Judge, on or before July 2, 2012. The documents filed in support of the petition 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 petitioner's business address.

*Applicant:* Citizens' Electric Company of Lewisburg Pa, 1775 Industrial Boulevard, P. O. Box 551, Lewisburg, PA 17837-0551

*Through and By Counsel:* Adeolu A. Bakare, Esquire, Pamela C. Polacek, Esquire, McNees Wallace & Nurick, LLC, 100 Pine Street, P. O. Box 1166, Harrisburg, PA 17108-1166, (717) 232-8000, fax (717) 260-1730, [abakare@mwn.com](mailto:abakare@mwn.com), [ppolacek@mwn.com](mailto:ppolacek@mwn.com)

#### Notice

An initial prehearing conference on the previously-captioned case will be held as follows:

*Date:* Friday, July 13, 2012

*Time:* 10 a.m.

*Location:* Hearing Room 3  
Plaza Level  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

*Presiding:* Administrative Law Judge David A. Salapa

P. O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 787-1399  
Fax: (717) 787-0481

Persons with a disability who wish to attend the hearing should contact the Pennsylvania Public Utility Commission (Commission) to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit a request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling

office at the Commission at least 10 business days prior to the hearing to submit a request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1135. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Default Service Program

**P-2012-2307931. Wellsboro Electric Company.** Petition of Wellsboro Electric Company for approval of its default service program.

Formal protests, petitions to intervene and answers 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 petitioner and a copy provided to the Administrative Law Judge, on or before July 2, 2012. The documents filed in support of the petition 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 petitioner's business address.

*Applicant:* Wellsboro Electric Company, 33 Austin Street, P. O. Box 138, Wellsboro, PA 16901

*Through and By Counsel:* Adeolu A. Bakare, Esquire, Pamela C. Polacek, Esquire, McNees Wallace & Nurick, LLC, 100 Pine Street, P. O. Box 1166, Harrisburg, PA 17108-1166, (717) 232-8000, fax (717) 260-1730, abakare@mwn.com, ppolacek@mwn.com

### Notice

An initial prehearing conference on the previously-captioned case will be held as follows:

*Date:* Friday, July 13, 2012  
*Time:* 10 a.m.  
*Location:* Hearing Room 3  
Plaza Level  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
*Presiding:* Administrative Law Judge David A. Salapa  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 787-1399  
Fax: (717) 787-0481

Persons with a disability who wish to attend the hearing should contact the Pennsylvania Public Utility Commission (Commission) to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit a request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit a request.

- Scheduling Office: (717) 787-1399

- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1136. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by July 2, 2012. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.***

**A-2012-2292931. Randall S. Challenger** (246 West Broad Street, Elizabethville, Dauphin County, PA 17023)—for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Dauphin and Northumberland, to points in Pennsylvania, and return.

**A-2012-2293269. Corrected—Violet Phillips** (108 Lilly Road, Honey Brook, PA 19344), for the right to begin to transport as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Chester and Lancaster Counties to points in Pennsylvania, and return.

**A-2012-2294868. John D. Hebert, t/a J. D. Hebert Transportation** (149 Lisa Circle, York, York County, PA 17406)—for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Berks, Chester, Cumberland, Dauphin, Juniata, Lancaster, Lebanon, Perry and York, to points in Pennsylvania, and return.

**A-2012-2294882. Stephen L. Lower** (162 East Market Street, Berrysburg, Dauphin County, PA 17005)—for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Dauphin, Northumberland and Schuylkill, to points in Pennsylvania, and return.

**A-2012-2297319. The Amish Village Corp.** (P. O. Box 115, Strasburg, Lancaster County, PA 17579)—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in Lancaster County.

**A-2012-2298253. Patricia A. Overly** (46 Concord Drive, Leola, Lancaster County, PA 17540)—persons, in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster, to points in Pennsylvania, and return.

**A-2012-2299249. Ronald L. Pfahler** (3029 Lincoln Highway East, Paradise, PA 17562), for the right to begin to transport as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1137. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Wastewater Service

**A-2012-2299333. Pennsylvania American Water Company—Wastewater.** Application of Pennsylvania American Water Company—Wastewater for approval of: 1) the transfer by sale of substantially all of Koppel Borough's assets, properties and rights related to its wastewater system to Pennsylvania American Water Company; and 2) the right of Pennsylvania American Water Company to begin to supply wastewater service to the public in all of Koppel Borough, Beaver County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before July 2, 2012. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Pennsylvania American Water Company

*Through and By Counsel:* Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1138. Filed for public inspection June 15, 2012, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Motor Carrier Medallion Transfer Application for Service in the City of Philadelphia

Permanent or temporary authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant. The company has applied to transfer the rights held by Ida Cab Company (CPC No. 1000036-

01, Medallion P-0067 and P-0193) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**A-12-05-05. Beg Taxi, Inc.**, 3749 Sipler Lane, Huntingdon Valley, PA 19006 registered with the Commonwealth on April 12, 2012.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by July 1, 2012. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-1139. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Motor Carrier Medallion Transfer Application for Service in the City of Philadelphia

Permanent or temporary authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant. The company has applied to transfer the rights held by Jay Sukhmani, Inc. (CPC No. 1025615-01, Medallion P-0768) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**A-12-05-02. Gary Taxi, Inc.**, 2301 Church Street, Philadelphia, PA 19124 registered with the Commonwealth on April 2, 2012.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by July 2, 2012. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-1140. Filed for public inspection June 15, 2012, 9:00 a.m.]

### Motor Carrier Medallion Transfer Application for Service in the City of Philadelphia

Permanent or temporary authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following

named applicant. The company has applied to transfer the rights held by Rizvi Enterprises, Inc. (CPC No. 1000208-01, Medallion P-0385) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**A-12-05-06. Mahaffey Taxi, LLC**, 2351 South Swanson Street, Philadelphia, PA 19148 registered with the Commonwealth on March 14, 2012.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by July 1, 2012. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-1141. Filed for public inspection June 15, 2012, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 12-038.7, On-Call Rail Track Maintenance & Quarterly Inspections of Various PRPA Facilities, until 2 p.m. on Thursday, July 12, 2012. Information (including mandatory prebid information) concerning this project can be obtained from the PRPA web site [www.philaport.com](http://www.philaport.com) under Procurement, or call the Engineering Department at (215) 426-2600.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-1142. Filed for public inspection June 15, 2012, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved by rule the following list of projects during April 1, 2012, through April 30, 2012.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, [rcairo@srbc.net](mailto:rcairo@srbc.net). 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 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. SWEPI, LP, Pad ID: Shedd 514, ABR-201204001, Rutland Township, Tioga County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: April 11, 2012.

2. Chief Oil & Gas, LLC, Pad ID: Leh Drilling Pad No. 1, ABR-201204002, Burlington Township, Bradford County, PA; Consumptive Use of Up to 2.000 mgd; Approval Date: April 11, 2012.

3. Chief Oil & Gas, LLC, Pad ID: Yanavitch Drilling Pad No. 1, ABR-201204003, Stevens Township, Bradford County, PA; Consumptive Use of Up to 2.000 mgd; Approval Date: April 11, 2012.

4. Chief Oil & Gas, LLC, Pad ID: D & J Farms Drilling Pad No. 1, ABR-201204004, Sheshequin Township, Bradford County, PA; Consumptive Use of Up to 2.000 mgd; Approval Date: April 11, 2012.

5. EXCO Resources (PA), Inc., Pad ID: Murray Unit Pad, ABR-201204005, Penn Township, Lycoming County, PA; Consumptive Use of Up to 8.000 mgd; Approval Date: April 11, 2012.

6. Chesapeake Appalachia, LLC, Pad ID: Maurice, ABR-201204006, Herrick Township, Bradford County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: April 18, 2012.

7. SWEPI, LP, Pad ID: Owlett 843R, ABR-201204007, Middlebury Township, Tioga County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: April 23, 2012.

8. SWEPI, LP, Pad ID: Hepler 235, ABR-201204008, Sullivan Township, Tioga County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: April 23, 2012.

9. Chesapeake Appalachia, LLC, Pad ID: Manning, ABR-201204009, Cherry Township, Sullivan County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: April 23, 2012.

10. EQT Production Co., Pad ID: Phoenix N (ANT6), ABR-201204010, Duncan Township, Tioga County, PA; Consumptive Use of Up to 3.000 mgd; Approval Date: April 27, 2012.

11. Chesapeake Appalachia, LLC, Pad ID: Simplex, ABR-201204011, Standing Stone Township, Bradford County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: April 27, 2012.

12. Southwestern Energy Production Company, Pad ID: Claytor Pad, ABR-201204012, New Milford and Great Bend Townships, Susquehanna County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: April 27, 2012.

13. Southwestern Energy Production Company, Pad ID: Charles Pad, ABR-201204013, Jackson Township, Susquehanna County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: April 27, 2012.

14. Chesapeake Appalachia, LLC, Pad ID: Freed, ABR-201204014, Albany Township, Bradford County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: April 30, 2012.

15. Chesapeake Appalachia, LLC, Pad ID: Reilly, ABR-201204015, Colley Township, Sullivan County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: April 30, 2012.

16. Southwestern Energy Production Company, Pad ID: Conigliaro Pad, ABR-201204016, New Milford Township,

Susquehanna County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: April 30, 2012.

17. Southwestern Energy Production Company, Pad ID: Estabrooks Pad, ABR-201204017, Harford Township, Susquehanna County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: April 30, 2012.

18. Southwestern Energy Production Company, Pad ID: Conklin South Pad, ABR-201204018, New Milford Township, Susquehanna County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: April 30, 2012.

19. Southwestern Energy Production Company, Pad ID: Glover Pad, ABR-201204019, Thompson Township, Susquehanna County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: April 30, 2012.

20. Southwestern Energy Production Company, Pad ID: Gaylord Pad, ABR-201204020, Jackson Township, Susquehanna County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: April 30, 2012.

21. Southwestern Energy Production Company, Pad ID: Page Pad, ABR-201204021, Jackson Township, Susquehanna County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: April 30, 2012.

22. Southwestern Energy Production Company, Pad ID: Seamans Pad, ABR-201204022, Harford Township, Susquehanna County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: April 30, 2012.

23. Southwestern Energy Production Company, Pad ID: Walker Pad, ABR-201204023, Jackson Township, Susquehanna County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: April 30, 2012.

24. Southwestern Energy Production Company, Pad ID: Warner Pad, ABR-201204024 New Milford Township, Susquehanna County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: April 30, 2012.

25. Southwestern Energy Production Company, Pad ID: Preston-Perkins Pad, ABR-201204025, Stevens Township, Bradford County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: April 30, 2012.

*Authority:* Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: May 30, 2012.

PAUL O. SWARTZ,  
*Executive Director*

[Pa.B. Doc. No. 12-1143. Filed for public inspection June 15, 2012, 9:00 a.m.]